

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-SEVENTH CONGRESS, FIRST SESSION.

VOLUME XIII.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1882.

CONGRESSIONAL RECORD

THE PROCEEDINGS

OF THE SENATE AND HOUSE OF REPRESENTATIVES

IN SENATE, FEBRUARY 1, 1901

VOLUME XIII, PART VII.

CONGRESSIONAL RECORD AND APPENDIX,

FORTY-SEVENTH CONGRESS, FIRST SESSION.

THE UNIVERSITY OF CHICAGO
LIBRARY

1000

1000

1000

1000

1000

1000

1000

1000

their first consideration in the Committee of the Whole House on the state of the Union.

Mr. ATKINS. Is this a joint resolution or a bill?

The SPEAKER. It is a joint resolution.

Mr. ATKINS. It involves another point of order, that the law does not allow additional compensation to employes.

Mr. SPRINGER. That is not a point of order.

The SPEAKER. It would if it were a general appropriation bill under clause 3 of Rule XXI.

Mr. ATKINS. It makes an appropriation of \$10,000.

The SPEAKER. It is not a general appropriation bill, and therefore clause 3, Rule XXI, can have no application to it.

Mr. VAN HORN. Mr. Speaker, there is no proposition reported from the Committee on Printing which does not involve an expenditure of public money. The only difference between this and others is that here the amount to be appropriated is expressed, while in other cases it is not expressed. I do not see, therefore, that any point of order can lie against it that would not lie against every other proposition reported from the Committee on Printing.

The SPEAKER. The Chair does not think the point of order is insisted upon. The Chair is in some doubt about it.

Mr. SINGLETON, of Mississippi. Mr. Speaker—

The SPEAKER. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. SINGLETON, of Mississippi. Yes, sir; for a moment. The difference between the resolution as reported to the House in the pending proposition and an ordinary resolution ordering documents to be printed is this, that whenever an order is made to print documents no specific sum is appropriated for that purpose. The cost of printing comes out of the general appropriation bill for public printing, and therefore it is not subject to the point of order. But the gentleman in presenting the present proposition has not thought proper to leave this in the same condition, but comes forward and asks that these documents shall be printed, and in addition thereto asks for an appropriation of \$10,000 to be used for that purpose.

Now, there is no reason, in my judgment, why this should not go to the Committee of the Whole on the state of the Union to be considered by them, as any other bill would be required to go there being subject to the same point of order. It is not, as I have said, like the ordinary orders made for printing, where the expense is provided out of the general appropriation bill for the printing establishment. That is just the difference between the two propositions; and if the gentleman had simply stated that this index should be printed without naming \$10,000 to be appropriated for that purpose it would not have been liable to this objection. But when he names the sum to be appropriated the objection clearly lies against it under the rule.

The SPEAKER. The Chair is not aware that this question has ever been specifically decided. It is very true, as stated by the gentleman from Missouri, that all these reports from the Committee on Printing for public documents involve necessarily an appropriation of money, and the rule would apply as well to one as to the other.

The third paragraph of Rule XXIII provides that—

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a committee of the whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

This paragraph is very specific, but the practice has been, as the Chair thinks, to hold that as the Committee on Printing has the right to report at any time there follows with it the right of present consideration in the House.

Mr. ROBINSON, of Massachusetts. Would it be an interruption to the Chair to make a brief suggestion?

The SPEAKER. Not at all.

Mr. ROBINSON, of Massachusetts. As I recollect the practice, and perhaps it may accord with the recollection of the Chair, the Committee on Printing report upon such matters as relate to printing for the two Houses.

The SPEAKER. The Chair has already and before it proceeded to announce a decision stated that the effect of this Senate bill is to authorize, if it should become a law, printing for the use of the two Houses, although it is not very specific in its terms. With that in view, the Chair holds it to be a privileged report under the rule. The Chair calls attention to decisions which have been made under this very proposition and is inclined to hold that the report is in order for present consideration, and for the present, with some doubts about its correctness, so holds.

Mr. SPRINGER. I move the previous question on the bill.

Mr. HOLMAN. Mr. Speaker, I appeal from that decision inasmuch as this printing is becoming a terrible drain upon the Treasury. Under the ruling of the Chair there is absolutely no limit against bringing such subjects before the House for consideration at any time.

Mr. VAN VOORHIS. I move to lay the appeal from the decision of the Chair on the table.

The House divided; and there were—ayes 61, noes 11.

So the appeal was laid on the table.

Mr. SPRINGER. I now move the previous question upon the bill. The previous question was ordered.

The SPEAKER. The question is now upon the third reading of the Senate bill.

Mr. HOLMAN. Upon that I demand a division.

The House divided; and there were—ayes 50, noes 19.

Mr. HOLMAN. No quorum has voted.

The SPEAKER appointed Mr. HOLMAN and Mr. SPRINGER as tellers.

The House again divided; and the tellers reported—ayes 105, noes 43.

So the bill was ordered to be read a third time.

The question recurred upon the passage of the bill.

Mr. HOLMAN. On that I demand a division.

The House divided; and there were—ayes 71, noes 60.

Mr. HOLMAN. No quorum has voted.

A MEMBER. Let us have the yeas and nays at once.

The SPEAKER. A point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HOLMAN and Mr. SPRINGER were appointed tellers.

Mr. HOLMAN. Does the Chair hold that a call for the yeas and nays waives the question of a quorum?

The SPEAKER. The Chair has so held. If the yeas and nays are not ordered the Chair holds it is too late to make the point then that no quorum has voted.

Mr. HOLMAN. But suppose one member raises the question of no quorum and another gentleman calls for the yeas and nays?

The SPEAKER. If the gentleman does not insist on his point that no quorum had voted, it would be considered as waived. But the gentleman cannot be cut off from his right if he insists on the point of no quorum by any number of members demanding the yeas and nays.

The vote by tellers was proceeded with. Before a sufficient number of votes were reported to make a quorum,

Mr. HISCOCK said: I understand it is agreed that for the time being the pending matter may be postponed that a conference report may be presented.

The SPEAKER. The Chair does not know that that can be done while the House is dividing.

Mr. McLANE. I suggest it may be done by unanimous consent.

Mr. SPRINGER. If the gentleman from Indiana [Mr. HOLMAN] will withdraw his point that no quorum has voted we will go right on with the public business. Otherwise we must remain here till we have a quorum.

The SPEAKER. Members are requested to vote on one side or the other.

Mr. SPRINGER. There is a quorum in and about the Capitol.

The SPEAKER. There is a quorum present.

Mr. PAGE. I ask unanimous consent that this may be laid aside temporarily that a conference report may be presented.

The SPEAKER. It is for the gentleman in charge of the measure to say whether he will agree to that or not. A quorum, the Chair thinks, is present, and members are requested to vote promptly.

Mr. McLANE. I move, by unanimous consent, that this matter be postponed.

Mr. SPRINGER. I object.

The SPEAKER. If the gentleman from Illinois [Mr. SPRINGER] agrees to it, the pending matter can be laid over.

Mr. McLANE. The gentleman from Illinois will agree to that.

The SPEAKER. The Chair understands the gentleman from Illinois to object.

Mr. HOLMAN. I presume we can report at any time there is no quorum.

The SPEAKER. The point being made that no quorum has voted, the tellers are required to continue in their places.

Mr. HOLMAN. But they may report to the Chair there is no quorum.

Mr. SPRINGER. I do not so report.

The SPEAKER. The vote as returned to the Chair at this time stands thus: ayes 96, noes 35; lacking 15 of a quorum.

Mr. SPRINGER. If unanimous consent is given that the conference report may come in and that the tellers shall then resume their places and the vote be continued, I shall not object.

Mr. TURNER, of Kentucky. I object. Let us have the regular order.

Mr. PAGE. Is it in order to move a call of the House?

The SPEAKER. It is.

Mr. PAGE. I move that there be a call of the House.

Mr. SPRINGER. Oh, no; I hope the gentleman will not insist on that motion.

Mr. TURNER, of Kentucky. I withdraw the objection.

The count was resumed, and the tellers reported—ayes 106, noes 41. So the bill was passed.

Mr. SPRINGER. I move to reconsider the vote by which the bill has been passed, and also move that the motion to reconsider be laid on the table.

Mr. ATKINS. I object.

Mr. SPRINGER. Then I withdraw the motion to reconsider.

Mr. ATKINS. I move to reconsider.

Mr. SPRINGER. The gentleman has no right to make that motion. He voted the other way.

RIVER AND HARBOR BILL.

Mr. PAGE. I rise to make a privileged report. I submit a report of the committee of conference on the river and harbor appropriation bill. I ask the Clerk to read the statement accompanying the report.

The Clerk read the statement, as follows:

The managers on the part of the House of the conference on the river and harbor appropriation bill submit the following statement in explanation of the report agreed upon by the committee.

The effect of the action recommended by the committee on the Senate amendments will be as follows:

Amendment No. 17: The appropriation for the survey of the Chesapeake and Delaware Canal is reduced from \$20,000 to \$10,000, and a proviso added "that nothing herein shall be construed to commit the Government to proceed with the construction of the said improvement;" also providing for a survey between City Island and New Rochelle Harbor, New York, including channel around Glen Island.

By amendment No. 41 the appropriation for the Potomac River, at Washington, is reduced from \$500,000 to \$400,000.

By amendment No. 98 the amount appropriated for the survey for the Hennepin Canal is reduced from \$100,000 to \$30,000, and the following proviso is added: "That nothing herein contained shall be construed to commit the Government to proceed with the construction of the said improvement."

By amendments Nos. 99, 100, 101, 102, 103, 104, and 105, the amount appropriated for the Mississippi River is reduced from \$5,000,000 to \$4,123,000, as provided by the House. The amendments providing for a lock at Bayou Plaquemine and for the expenditure of \$35,000 for Alton Harbor are agreed to, and the work is to be prosecuted under the direction of the Mississippi River commission instead of the Secretary of War, as provided by the Senate. This action will reduce the aggregate of the bill from \$19,800,875 to \$18,743,875.

All of which is respectfully submitted.

H. F. PAGE,
AMOS TOWNSEND,
R. M. McLANE,

Managers on the part of the House.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 99, 102, 103, 104, and 105.

That the House recede from its disagreement to the amendments of the Senate numbered 100, 101, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In line 141, strike out "twenty" and insert "ten;" also, after the word "constructed," in line 153, insert the following: "Provided, That nothing herein shall be construed to commit the Government to proceed with the construction of the said improvement. The Secretary of War is hereby directed at his discretion to cause an examination or survey, or both, and estimates of the cost of improvement proper to be made between City Island and New Rochelle Harbor, New York, and including the channel around Glen Island. The expense of such survey to be paid out of the amount appropriated in this act for examinations and surveys;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In line 481 strike out "five" and insert "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: Strike out all after the word "therefore," in line 1168, and to including the word "Chicago," in line 1171, also, in line 1172, strike out "one hundred" and insert "thirty;" also after the word "appropriated," in line 1174, insert the following: "Provided, That nothing herein shall be construed to commit the Government to proceed with the construction of the said improvement;" and the Senate agree to the same.

H. F. PAGE,
AMOS TOWNSEND,
R. M. McLANE,
Managers on the part of the House.

S. J. R. McMILLAN,
JOHN P. JONES,
M. W. RANSOM,
Managers on the part of the Senate.

Mr. PAGE. I desire briefly to state to the House the effects of this conference report on the river and harbor bill.

The first amendment, that numbered 17, relates to the Chesapeake and Delaware Canal. The House conferees receded from the disagreement on that amendment with an amendment striking out "\$20,000" and inserting "\$10,000," and with a proviso that the Government shall not be committed in any manner to make these improvements.

Mr. COX, of New York. That does not amount to anything.

Mr. PAGE. The gentleman from New York says it does not amount to anything. It only amounts to an expression of the House.

The House conferees receded from the disagreement to the item known as the Hennepin Canal with an amendment striking out "\$100,000" and inserting "\$30,000," and striking out of the bill also from the word "therefor," in line 1108, which reads:

And for the purpose of securing the early construction of an ample water-way for all purposes of commerce between the Mississippi River at or near Rock Island and the lake at Chicago.

Those words were stricken out and a proviso inserted, which provides the same as the other, that nothing in this act shall be construed as committing the Government to the completion or the beginning of this work.

Amendment No. 41 relates to the improvement of the Potomac flats. The House conferees have receded from their disagreement to that amendment with an amendment reducing the amount from \$500,000 to \$400,000.

The amendments beginning with amendment No. 98 and running through all the paragraphs relating to the appropriations for the Mississippi River were considered by the committee of conference. The Senate receded from the amendment No. 99, increasing the appropri-

ation by \$877,000. The House receded from its disagreement to amendment No. 100, providing for a lock at the mouth of Bayou Plaquemine, Louisiana; and also the amendment No. 101, limiting the amount to be expended on Alton Harbor. Those amendments do not increase the appropriations at all. The amendments numbered 102, 103, 104 and 105, were merely verbal amendments.

As the bill passed the House it contained appropriations to the amount of \$17,367,875; as it passed the Senate the total had been increased to \$20,147,575, the Senate having added to the bill \$2,779,700.

The first conference reduced the amount by \$346,700; the second conference reduced it by \$1,057,000; making a total reduction from the amount of the bill as passed by the Senate of \$1,403,700. As the bill now stands, if the report of the committee of conference shall be agreed to, the aggregate appropriations will be \$18,743,875, the amount added by the Senate being \$1,376,000 instead of \$2,779,700 as before the conference was appointed. The House conferees felt compelled, from the representations made by the Senate conferees and by the very general desire on the part of certain members of this House, to yield the point of difference so far as the surveys of the Chesapeake Canal and the Hennepin Canal are concerned. A very small amount of money is appropriated for those surveys, only \$40,000 in all, and the Government is not committed to carry on those improvements. They are undoubtedly works of great national importance, and should a future Congress decide to make appropriations for the purpose of carrying on those works it would undoubtedly have the right to do so. In this report we disclaim any intention of committing the Government in any regard upon those works.

Mr. COX, of New York. One question in that connection.

Mr. PAGE. Certainly.

Mr. COX, of New York. How is it that you can avoid committing Congress if you provide for the survey of the Hennepin Canal? I know that you mean well, but how can you avoid committing Congress to these great works which may run for years and involve millions of expenditure?

Mr. PAGE. I will answer the gentleman by saying that the making a survey or a report on the location of any canal or railroad does not necessarily carry with it any obligation on the part of the Government to go on with those works.

Mr. CARLISLE. Is it not an assertion of the right and power of Congress to engage in such a work?

Mr. PAGE. I am not prepared to say yes or no to that proposition. Suffice it to say that a large portion of the people of this country desire this information simply as to the feasibility of building these canals. The survey and the location of the routes, leaving it to future Congresses to determine whether it will make appropriations to carry on the works or not, is all that is here provided.

Mr. BLOUNT. Are not these surveys generally followed by appropriations for the construction of the works?

Mr. PAGE. That depends absolutely on the will of Congress.

Mr. BLOUNT. I am asking a question as to our experience in the past.

Mr. PAGE. Very often the works are not undertaken after the surveys are made. It was believed by one of my colleagues on the conference committee, who is the chairman of the Committee on Railways and Canals, [Mr. TOWNSEND, of Ohio,] that a survey and report, instead of encouraging an appropriation by Congress, might give such information as would prevent any appropriation being made. That is something that your conferees have no power to control. We simply report for these surveys in order that the people may have this information. We propose to appropriate \$40,000 or so much thereof as may be necessary to obtain this information for the people.

Mr. REED. Before the gentleman passes from that point I would like to ask him if the words "and locate" are still in the bill?

Mr. PAGE. They are. The House conferees were very anxious that those words should be stricken out. But if the gentleman from Maine [Mr. REED] will carefully look at the bill he will come to the same conclusion that we did, that those words practically amount to nothing. To locate means to survey, and to survey means to locate. When a canal is surveyed it is located. The provision in the bill determines where the survey is to begin and where it shall end; the terminal points of the survey are designated in the provision itself.

Mr. REED. The reason I asked the question was because it seemed to me that the words "and locate" would commit us to go further than the gentleman from California says he intends. It looks to me as if it meant more than survey.

Mr. PAGE. The provision contains these words:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, &c.

The House conferees for a long time disagreed with the Senate conferees with reference to retaining the words "and locate." I made the motion to strike out those words, and upon that motion the discussion arose. I am convinced now, however, that the words "and locate" have no practical effect in the item.

Mr. BLOUNT. Then why did the Senate conferees insist so strongly upon their being retained, if there is nothing in them?

Mr. PAGE. My friend from Georgia [Mr. BLOUNT] has been on a great many conference committees and he knows how hard it is to get the Senate conferees or any conferees, whether of the House or of the Senate, to yield an amendment, although it practically may cut no figure in the bill.

Mr. BLOUNT. I found in my association with the Senate conferees that they generally knew what they were doing, and when they were giving us nothing they knew it.

Mr. PAGE. I do not consider that the words "and locate" have any significance in connection with this matter, because to survey a route is to locate it. What is the object of having a survey unless it is to designate the most practicable route on which the canal can be built?

Mr. DE MOTTE. What reason did the Senate conferees give for insisting on retaining those words?

Mr. PAGE. Practically none. The friends of this item for the Hennepin Canal insisted that it should be retained; but while disagreeing with us as to striking out, they agreed that practically the words "and locate" had no significance at all; and this is the more apparent when it is considered that the proviso itself designates the points where the surveys shall begin and end.

In reference to the amendment for improving the Potomac flats, I desire to say that the conferees on the part of the House believed this was not a proper item for a river and harbor bill; that this proposed appropriation did not apply in any manner to the improvement of navigation or to assist commerce in any particular. But the Senate had with great unanimity put the amendment upon the bill, there being, I believe, only six or seven negative votes in that body; and we found there was a determination on the part of the Senate conferees to retain it. While most of the House conferees believed that as a work intended to benefit the sanitary condition of the national capital an appropriation for this purpose might well be made, the great point with us, on which we differed from the Senate conferees, was that it ought not to be made in a river and harbor bill.

Mr. BOWMAN. I would like to ask the gentleman a question. While the bill reported for this purpose by the Committee on the District of Columbia provided a somewhat elaborate scheme for assessment of taxes for betterments or improvements, so that property enhanced in value by this work might contribute to its expense, is it not the fact that in this bill the improvement is to be made at the sole expense of the Government, without any provision at all for the collection of taxation from the parties benefited?

Mr. PAGE. The gentleman is correct. This bill provides that the money shall be paid out of the Treasury of the United States.

Mr. BOWMAN. And abandons the idea of assessing taxes for betterments?

Mr. PAGE. We did not abandon anything in that respect, for we did not consider the House bill to which the gentleman refers. We found before us this amendment which had been added to the river and harbor bill by the Senate, and while we believed it was not a proper item to go into such a bill we were compelled to yield in order to reach some agreement with the Senate.

Mr. BOWMAN. But if the money is thus appropriated under this bill do we not in point of fact abandon the idea of collecting taxation from property-owners on account of betterments?

Mr. PAGE. So far as this appropriation of \$400,000 is concerned, it is an appropriation directly out of the Treasury of the United States to reclaim what are known as the Potomac flats. That is all the explanation there is about it. The gentleman from Massachusetts understands it as well as I do. We did not take into consideration any question as to whether tax-payers or property-owners of Washington were to pay one-half or any proportion of the expense.

Mr. BOWMAN. But is not that an important question? Suppose after the Government goes to work, and at its own expense improves these flats, it should be found that some private party owns the flats, has full legal title to them in their improved condition, after the whole value has been put upon them by the Government?

Mr. PAGE. I will say to the gentleman from Massachusetts that I would not be deterred from voting for a river and harbor bill to improve the harbors in his State because it incidentally benefited private property.

Mr. BOWMAN. This does so directly, not indirectly.

Mr. PAGE. Well, even if the improvement directly benefited private property along the line of the river or harbor where the improvement was made, I would not be deterred from voting for the bill.

Mr. ATKINS. Is it the purpose of this appropriation for the reclamation of the Potomac flats, as they are called, to improve the navigation of the Potomac River?

Mr. PAGE. The amendment so states; but I will say to the gentleman from Tennessee that whatever may be said about the improvement of the navigation or commerce of the river, I believe this is adopted absolutely and unqualifiedly as a sanitary measure to protect the health and the lives of the citizens of the capital of the nation. It is possible—indeed I have no doubt—the work may go beyond that; but in my judgment—and I intend to be perfectly frank—the improvement of the health of the city is the greatest benefit that will be derived from this appropriation.

Mr. BRIGGS. The gentleman talks about the sanitary condition

of this city. I wish to know whether statistics do not show that there are half a dozen or a dozen cities in this Union where the rate of mortality is greater than here, and where malarial diseases are more prevalent?

Mr. PAGE. That may be true.

Mr. UPDEGRAFF, of Ohio. It is not true.

Mr. PAGE. I do not know whether it is true or not, and I do not care. This is a great city—the capital of the nation—and it is under the jurisdiction of the Congress of the United States. It is shown here are flats which breed malarial diseases. It is believed by the people generally throughout the country, and I believe by a majority of the members of the House and the Senate, that it is the duty of Congress to appropriate to fill up these flats. The only point of difference, and the only question I had individually about voting for this appropriation was that it was put on a river and harbor bill, where I do not think it belongs.

Mr. BOWMAN. Then you think it subject to a point of order?

Mr. PAGE. Not in a conference report. If it came as an original proposition I would think it was subject to the point of order.

I wish to say now, Mr. Speaker, that the House made an appropriation of \$4,123,000 for the improvement of the Mississippi River from Cairo to the head of the passes. That was the whole sum asked for in the original estimates and reports of the Mississippi commission. The Senate on a supplementary report called for something like a million or more, and it added a million, about, to the House bill. It added in exact figures some \$877,000. The committee of conference on the part of the House believed the amount of money appropriated by the House bill was ample for the purpose of improving that stretch of river, and all the money which could be profitably used during the fiscal year. I say that the committee of conference of both Houses have not restricted anything they have heretofore done or said in reference to the improvement of this great river; but they do not believe it is necessary at this time to make this additional appropriation and load this bill down, already large, with an additional appropriation of \$877,000, because the money cannot be expended, in my judgment, during this fiscal year. While we would not have refrained if it were necessary to continue these improvements, or all the money which could be profitably used, and even more, so the commission should not be hampered in any manner in going on with this great improvement, yet we did believe this amount was wholly unnecessary and the Senate conferees, two of them, came to that conclusion.

Mr. DUNN. Does the gentleman say the sum proposed by the original House bill, in the opinion of the committee, is ample to do the work?

Mr. PAGE. No; but only what can be used from now to the expiration of the fiscal year. The gentlemen understand it is late in the season, and before this appropriation bill passes we will be in the month of August. I understand owing to the high water in the Mississippi River it is impossible to go on now even if this money were available. They will have but a short time to use the \$4,123,000 in addition to half a million coming over from last year. We think it is ample for the purpose of improving that river during the fiscal year.

Mr. ROBERTSON. On what estimates was the \$4,123,000 appropriated?

Mr. PAGE. The estimates of the commission.

Mr. ROBERTSON. For what?

Mr. PAGE. The river below Cairo to the head of the passes.

Mr. ROBERTSON. Estimates of the commission for work on channel improvement?

Mr. PAGE. For the general improvement. I know what the gentleman is getting at, and I will say in that connection there were estimates for the improvement of the harbors which would come under the plan proposed by the Mississippi River commission. The committee saw proper to put the whole amount for the navigation of the river, as well as for the harbors which had been estimated for in addition—

Mr. ROBERTSON. What I wish to get at is this: Does that \$4,123,000 cover the estimates of the commission for channel improvement as well as for the improvement of the different harbors, New Orleans, Natchez, Memphis, &c., and the rectification of the Atchafalaya and the Red? Does the gentleman know what the estimates were?

Mr. PAGE. Yes; \$500,000 to \$600,000.

Mr. ROBERTSON. Five hundred thousand dollars for the rectification of the Red and the Atchafalaya alone and \$600,000 for the improvement of the harbors, which would make \$1,100,000.

Mr. PAGE. I do not think there was that much.

Mr. ROBERTSON. Certainly \$500,000.

Mr. PAGE. You are thinking of the final work, but not what is to be used this year.

Mr. ROBERTSON. They can use the whole of it if they choose.

Mr. PAGE. Oh, no; the estimates are based on what they can use during the fiscal year.

Mr. ROBERTSON. I mean what amount of that \$4,123,000 which was estimated for by the Mississippi River commission for the improvement of the channel of the river has been diverted to these particular works?

Mr. PAGE. None of it has been diverted. It simply provides that

out of that sum the improvements of these harbors may be continued, under the direction of the Mississippi River commission.

Mr. ROBERTSON. And the rectification of the mouth of the Atchafalaya?

Mr. PAGE. Yes, sir.

Mr. ROBERTSON. Now, what I want to get at is this: What amount of this \$4,123,000 will remain for the improvement of the river when these amounts to which the gentleman refers are deducted from it?

Mr. PAGE. With the amount coming over as unexpended balances it will be about what the total is now; that is, about \$4,123,000.

Mr. ROBERTSON. The amount estimated for by the commission. But in addition, as I understand it, the committee have determined to use a portion of this item for the improvement of the harbors, as well as for the rectification of the mouth of the Atchafalaya and the Red Rivers, so that amount must be deducted from the total amount of this appropriation of \$4,123,000 estimated for by the commission for general improvements. Now, that portion so diverted is taken from this total, and consequently there is not that amount left for the improvement of the channel.

Mr. PAGE. No; the \$4,123,000 includes the Atchafalaya and Red Rivers and the harbors which the gentleman has mentioned.

Mr. ROBERTSON. The improvement of course will be taken out, then, of this total appropriation of \$4,123,000 estimated for by the commission?

Mr. PAGE. Exactly.

Mr. ROBERTSON. So the Mississippi River does not get, then, the total amount of the estimates made by the commission?

Mr. PAGE. Whatever amount is used for the rectification of these rivers and the improvement of the harbors will of course be deducted; but the gentleman will remember that in addition to this appropriation there is about a half million dollars unexpended from last year which will be added to the total appropriation.

Mr. ROBERTSON. That is exactly what I wanted to get at. I want to know, if possible, what the amount will be, and how nearly it will approximate to the estimates of the commission for the improvement of the channel, after these amounts are taken from it.

Mr. PAGE. That is exactly as I have stated. But, let me say, I do not believe that there is a member of this House who does not think that this money is ample for all purposes of improving that stretch of river during the next fiscal year. There was no difference on the part of the Senate or the House conferees as to that; and there is no disposition on the part of the House or Senate, I believe, to cut down or cripple the scheme of improvement in any respect whatever. We believe that the money here appropriated, with what remains on hand, is more than ample for the purpose, and certainly more than can be expended during the next fiscal year.

If the whole amount of this money, the \$4,123,000 here appropriated, added to the half million which comes over from last year, is used, it will be used almost exclusively in labor, and will make an army of 50,000 men employed on that improvement for the next six months.

Mr. ELLIS. Will the gentleman now permit me to ask him a question?

Mr. PAGE. Yes, sir.

Mr. ELLIS. Excluding the amount that will be necessary for the harbor improvements and for the rectification of the mouth of the Atchafalaya and Red Rivers, how much of the total appropriation will be available for the channel improvement of the river?

Mr. PAGE. I do not understand the gentleman's question.

Mr. HERR. I heard the question. There will be just about \$4,123,000. The half million dollars coming over from the appropriation of last year will be just about enough to make the improvements at Natchez, Vicksburgh, and the other works outside of the main channel.

Mr. ELLIS. The gentleman, I think, does not understand my question. The total amount appropriated by this bill, as estimated for by the commission, is \$4,123,000.

Mr. HERR. Yes, sir.

Mr. ELLIS. Now, I ask, excluding the amount—

Mr. HERR. But before the gentleman proceeds let me again call his attention to the fact that there is \$500,000 unexpended which comes over from last year that will be used for this work.

Mr. PAGE. That has already been stated half a dozen times.

Mr. HERR. And that means that this amount will be about sufficient for these outside works, leaving the original amount of \$4,123,000 to be used as originally contemplated by the commission; and if gentlemen will notice the reports they will see it is stated that no more than that amount could be used this year.

Mr. PAGE. There is also about \$150,000, I think, that comes over as an unexpended part of the appropriation for the rectification of the mouth of the Atchafalaya River, and provision is made here that it may also be used.

Mr. ELLIS. Only about \$119,000. Now, with the present appropriation of \$4,123,000, excluding what will be expended for the harbors and the rectification of these rivers, how much will remain for channel improvements?

Mr. PAGE. Well, I should say something in the vicinity of \$4,000,000. This, of course, adds to the total appropriation the

amount, \$500,000, coming over from last year and the \$119,000, or whatever may be the exact amount, that comes over as the unexpended appropriation for the improvement of the mouth of the Atchafalaya River.

Mr. ROBERTSON. But that is for a specific work?

Mr. PAGE. But we transfer it here, as I have said, for this purpose.

Mr. BAYNE. I desire to ask the gentleman from California a question in view of the fact that so much has been said as to whether or not the recommendation of the commission has been fairly complied with by the Committee on Commerce; and my question is whether or not there has ever been presented to the Committee on Commerce a complaint on the part of a practical navigator of the Mississippi River that there should be an appropriation made for the improvement of its navigation?

Mr. PAGE. Yes, sir; there have been a great many before our committee.

Mr. BAYNE. Practical navigators?

Mr. HERR. Certainly; a number of them.

Mr. PAGE. But I do not care about that. These are all side matters.

The House conferees yielded to amendment 100, which provides for a lock at the mouth of the Bayou Plaquemine, Louisiana, but without increasing the appropriation at all. They also yielded to amendment 101, which reads "on which a sum not exceeding \$35,000 shall be expended." That applies to Alton Harbor. The conferees on the part of the House yielded to that.

The other amendments are merely verbal amendments, and amount to nothing practically.

In conclusion I desire to say this bill is a large one. It carries with it some \$18,700,000. More than one-third of this amount is appropriated to the Mississippi and the Missouri Rivers. I believe one-half or nearly one-half of the whole amount carried in this bill of \$18,700,000 has been appropriated to the Mississippi River and its navigable tributaries. We have done the best we could in the preparation of this bill. We have reflected as near as it was possible for a conference committee to do the will of the House in making our report which we have submitted. I hope the House will concur in the conference report and that the bill will be passed so that it may go to the President.

Mr. COX, of New York, rose.

Mr. PAGE. I have no disposition to cut off debate for a reasonable length of time, but I wish to call the previous question as soon as the debate is over.

Mr. BLOUNT. I hope the gentleman from California will yield to me.

Mr. PAGE. I yield to the gentleman from Georgia.

Mr. COX, of New York. I thought the gentleman was yielding to me.

Mr. PAGE. I am willing to yield to both gentlemen.

Mr. COX, of New York. I only expect to speak for two minutes. When this bill came first from the Committee on Commerce it proposed, I think, about \$17,000,000. That was a large leap from the appropriations of last Congress of some \$11,000,000. I am not disposed to find fault with my friend from California, because he has in some sense resisted the exactions of the Senate. The Senate claimed twenty millions. The gentleman's bill now, after the conference, is about \$18,700,000. Well, that shows considerable virtue. That shows some virtue at least, although—

Mr. PAGE. Thank you.

Mr. COX, of New York. It is not worth thanks when I get through. I was saying that shows some virtue at least, although I think the gentleman might have resisted the attack of members who desired local appropriations causing him to raise his bill from eleven millions to seventeen. Nevertheless there is some virtue in it. And my friend smiles at least an honest smile. He did not smile that way when the bill was up in the House before.

I beg to say all this matter about cutting canals through States ought to have been resisted in its entirety. There is no power given under Heaven among men, certainly not by our organic law, and certainly not by the interpretation of that law as our fathers made it, that ever allowed Congress to give money for the purpose of cutting canals through States.

Mr. DAVIS, of Illinois. May I ask the gentleman from New York a question?

Mr. COX, of New York. Certainly.

Mr. DAVIS, of Illinois. By what authority, then, has the Government for the last fifty years made surveys of canals, aided in the construction of canals, bought stock in canal companies, and purchased canals outright?

Mr. COX, of New York. I think the most comprehensive answer to that question is this: that we have violated our Constitution in many respects.

Mr. BUCKNER. The gentleman from Illinois alludes to the purchase of the Portland Canal and the building of the Keokuk Canal. That was in the interest of the improvement of the river.

Mr. COX, of New York. I do not know how that was, and I do not propose to argue it. I am standing on the old ways of the fathers. With the permission of the gentleman from Kentucky, [Mr. CAR-

LISLE,] who has the volume before him, I will read the discussion that took place in the constitutional convention, reported in the Madison papers, volume 3, page 1576.

Dr. Franklin moved to add, after the words "post-roads," article 1, section 8, a power "to provide for cutting canals where deemed necessary."

Mr. Wilson seconded the motion.

Mr. Sherman—

Roger Sherman—

Mr. Sherman objected. The expense in such cases will fall on the United States and the benefit accrue to the places where the canals may be cut.

Mr. WILSON. Instead of being an expense to the United States they may be made a source of revenue.

The same old argumentation, the same thing which our friend here urges. But how was it when it came to a vote? The vote was taken—

The motion being so modified as to admit a distinct question, specifying and limited to the case of canals.

Who voted for it?

Pennsylvania, Virginia, Georgia; ayes 3.

Who voted against it?

New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, South Carolina; noes 8.

And it was defeated. It never had its status in the Constitution.

Mr. McLANE. Will the gentleman give the date of that debate?

Mr. COX, of New York. Seventeen hundred and eighty-seven.

Mr. McLANE. At what time in the convention? You will find it was before the article on commerce was adopted.

Mr. COX, of New York. It was on the 14th of September of that year.

Mr. McLANE. Now I ask the gentleman to give me the book.

Mr. COX, of New York. My friend from Maryland [Mr. McLANE]

was on the committee of conference, and he always has taken the Federal view, having some pleasant antecedents in that respect.

I maintain here to-day that there is no power under the Constitution by which we can cut these canals in States, or provide for them by any little arrangement as to their survey in advance and not committing Congress in the future. Gentlemen must recollect that no such provision is possible, because all laws are revocable. We must remember the practices of the past, that when surveys are made then appropriations generally follow.

Mr. DAVIS, of Illinois. Not always; not half the time.

Mr. COX, of New York. I said "generally;" I know there are exceptional people in Congress.

Mr. DAVIS, of Illinois. I make this statement, that not in one case out of ten where surveys have been made for canals have appropriations followed.

Mr. COX, of New York. That was because—

Mr. DAVIS, of Illinois. It was because it was ascertained that they were not practicable. That is the reason for this survey; to ascertain whether it is practicable and proper and right.

Mr. COX, of New York. If you have no power to make the improvement, as I am arguing, you have no power to make the preliminary survey. You know that when you once get your finger into the machine you will soon get in your hand, and then your arm, and then your whole body. Next year a million will be appropriated for the canal and before you get through ten or twenty millions will be appropriated.

Mr. DAVIS, of Illinois. What is the difference in principle between making an appropriation of a million for the Hennepin Canal and two millions for the canal that connects Harlem River with the Hudson?

Mr. COX, of New York. Everybody knows what the Harlem River is.

Mr. DAVIS, of Illinois. And everybody out West knows what the Hennepin Canal will be.

Mr. COX, of New York. I never voted for Harlem, Hell Gate, or Hennepin. Therefore I stand here, through the instrumentality of my constituents and in accordance with their instructions, to oppose every measure that looks to breaking down the old order of things in this country. If the gentleman has not that relation to politics, I wish he had; I wish other members had more independent relations. I have been schooled in these politics.

I beg gentlemen now to pause before they begin a system which before ten years roll around will place a burden of \$100,000,000 a year upon our people for improving every kind of stream and river and harbor in the country.

I know this, and I say it boldly, I say it here to-day, conscious as I am when I think of what the result will be, that your President, following the example of General Grant in his very best estate and day, will place his veto on this bill.

It may be true that we have a large surplus in the Treasury, running up to hundreds of millions; it will be \$231,000,000 before the year is through. And it is urged that because we have that surplus we must pay out these largesses irrespective of the localities to be aggrandized by them.

I hope that the House will pause; and if we cannot stop this bill now that we will at least call a halt and have a new conference. And if we cannot stop it there, then let Arthur, as our President, place his veto on it, so that we may have some original veto.

Mr. PAGE. How much time have I left?

The SPEAKER. The gentleman has ten minutes left.

Mr. PAGE. Only ten minutes of my hour?

Mr. BLOUNT. I ask the gentleman to yield to me.

Mr. PAGE. I have promised some of my time to another gentleman; but I will yield five minutes to the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. I regret very much that so little time is given to me on a matter of such great importance. I shall therefore confine myself to the single proposition in reference to the improvement of the Potomac flats.

I am very glad that the gentleman in charge of this conference report has, with a frankness that does not often characterize such occasions, stated to the House that the commerce of the Potomac River is very insignificant and that the money here proposed to be given for the improvement of the Potomac flats was in no sense to promote the commerce of the country; that the real point was the improvement of the Potomac flats.

A great deal has been said about the unhealthiness of Washington City, caused by these flats. The press has been laden with such statements and they have been sent broadcast throughout the land. An attempt has been made to build up public opinion all over the country so as to compel us to do what I regard as a great iniquity.

Mr. MILLS. To whom do those Potomac flats belong?

Mr. BLOUNT. I do not know; I cannot tell the gentleman. I want to call the attention of the House to something else than mere vague reports, vague conjectures, in regard to the death of General Garfield, the death of Mr. Hartridge, or the death of this or that member of Congress who may have passed away. I want to call the attention of members to some other things than statements of newspaper correspondents who may have social relations here of a peculiar character.

I hold in my hand the American Almanac, by Mr. Spofford, in which is printed a table containing the rates of mortality in American cities, showing the number of deaths per annum per thousand inhabitants. In 1880 the death-rate in the city of Washington was 22.9 per thousand. At the city of Baltimore, nearby, the death-rate was 24.7 per thousand; yet we never heard of the terrible unhealthiness of Baltimore. The next city in the list is Boston, with a death-rate of 23.5 per thousand. The next is Brooklyn, with a death-rate of 20 per thousand; then Charleston, South Carolina, with 31 per thousand. Then comes Jacksonville, Florida, a great health resort, with a death-rate of 28.4 per thousand; then Memphis, Tennessee, with 31, and Mobile, Alabama, with 24 per thousand. So I might go on and enumerate the death-rate of different cities. It is demonstrable from this information in Mr. Spofford's almanac, authority which we all accept, that this very city of Washington is one of the healthiest cities in this country, and a fraud is perpetrated upon the House when by false reports as to the health of this city the effort is made to have large appropriations voted here perhaps in the interest of private parties.

It is by no means settled—it is a question in the minds of many members of this House—to whom the property that is to be improved belongs. The very amendment which we are asked to agree to contains this provision:

And it is hereby made the duty of the Attorney-General to examine all claims of title to the premises to be improved under this appropriation and see that the rights of the Government in all respects are secured and protected.

It thus appears that there is a dispute as to the title; the Government may not have the title. The provision reads further:

And if he deems it necessary he is authorized to cause a suit or suits in law or in equity to be instituted, in the name of the United States, in the supreme court of the District of Columbia, against any and all claimants of title under any patent which in his opinion was by mistake or was improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvement.

It is thus suggested in this very amendment which it is now proposed to adopt, that there are persons claiming title to this very property which is to be improved. You propose that the whole expenditure shall be made out of the Treasury. [Here the hammer fell.]

Mr. PAGE. I will now yield to the gentleman from Ohio, [Mr. TOWNSEND.]

Mr. MILLS. I would like some gentleman who understands the facts of the case to state something about the ownership of this land.

Mr. PAGE. Instead of calling the previous question within my hour, as there may be some gentlemen who wish to discuss this question further, I suggest that by unanimous consent the debate be allowed to run until four o'clock and that the previous question shall then be considered as ordered.

The SPEAKER. The gentleman from California [Mr. PAGE] asks that the time for debate on this question be extended until four o'clock, at which time the previous question shall be considered ordered.

Mr. CARLISLE. That is a very short time for the consideration of so important a question as this, unless there will be an hour for debate after the ordering of the previous question.

Mr. PAGE. I understand there will not be. I am perfectly willing to let the debate run until half past four o'clock.

Mr. BLOUNT. I hope that the gentleman from California will allow—and I have no doubt that he will—liberal time for debate on this matter.

Mr. PAGE. I have not the slightest objection in the world if by unanimous consent the previous question be considered as ordered at half past four o'clock.

A-MEMBER. Say five o'clock.

Mr. MILLS. I have no objection to that proposition, so far as I am concerned; but I hope the gentleman from California, [Mr. PAGE,] the chairman of the Committee on Commerce, will give the House some information as to the title to this property.

Mr. PAGE. I cannot in the confusion hear one word the gentleman says.

Mr. MILLS. Then I am very unfortunate.

Mr. PAGE. I ask unanimous consent that the debate on this question may run until half past four o'clock, at which time the previous question shall be considered as ordered.

Mr. MILLS. I repeat I will not make objection if the gentleman from California will enlighten the House as to the ownership of this property.

Mr. PAGE. I understand it belongs to the United States.

Mr. MILLS. Do you know it?

Mr. PAGE. I do not know it positively; I know it as well as I can know anything of that kind. But, Mr. Speaker, I desire the House to settle this question as to the extension of the debate by unanimous consent.

Mr. SINGLETON, of Illinois. I wish to know how this time is to be disposed of.

Mr. PAGE. Anybody who gets the floor can occupy the time. I do not want any more.

The SPEAKER. The time will be divided equally so far as the Chair can control it. The gentleman from California asks unanimous consent that the previous question be considered as ordered at half past four o'clock, and the intervening time be occupied in debate. Is there objection?

Mr. PAGE. I suggest that the debate proceed under the five-minute rule, the time being equally divided between the friends and the opponents of the bill.

The SPEAKER. Is there objection?

Mr. BROWNE. There is.

Mr. PAGE. Then at the expiration of my hour, or as soon as the gentleman from Ohio [Mr. TOWNSEND] is through, I shall move the previous question. How much time have I?

The SPEAKER. Five minutes.

Mr. PAGE. I yield four minutes to the gentleman from Ohio, [Mr. TOWNSEND.]

Mr. TOWNSEND, of Ohio. Mr. Speaker, in the few minutes remaining I can make only a brief statement in reference to this conference report. As to the Potomac flats, I understand from the facts brought to our knowledge that this appropriation is intended to inaugurate a work for the permanent improvement of the navigation of the Potomac River by establishing dock lines from the Long Bridge to Georgetown, and reclaiming about seven hundred acres of land which now lie waste, covered in large part by water.

That belongs to the Government of the United States when it is reclaimed, and it is intended to be used for the purposes of a park and public grounds, and increase by that quantity the Government property in that vicinity, leaving the object to which it might be devoted for the future necessities of the Government to determine.

In that seven hundred acres there are some forty acres which some man in this city has a claim to, or thinks he has. That is the only portion of the seven hundred acres in reference to which there is any question about the title. And it is provided in the clause making the appropriation that the Attorney-General shall look into the title and see that it is vested in the United States before any improvement can be made of these forty acres.

Mr. BLOUNT. Does the gentleman from Ohio say it is proposed to reclaim these seven hundred acres to be used as a park?

Mr. TOWNSEND, of Ohio. It is proposed to reclaim seven hundred acres by establishing dock-lines in the Potomac River necessary for the permanent improvement of its navigation, and when thus reclaimed that property will belong to the Government of the United States. In that event those grounds might be used for the purposes of a park, but they will belong to the Government to do with as the Government may please. To devote them to the purposes of a park would be a natural thing to do, provided, however, an object more necessary was not presented.

Mr. BOWMAN. Will the gentleman point out the clause in this conference report which provides that the title shall be in the Government of the United States before any improvement shall take place?

Mr. TOWNSEND, of Ohio. The gentleman from Massachusetts is a good lawyer and can find it for himself. My time is very limited and much less than I shall need. He will find it in the clause of the bill making appropriation for this work. The Attorney-General is instructed in reference to that duty.

Mr. COX, of New York. Why not bring this matter of the improvement of the Potomac River in a separate bill. I wanted to vote for that.

Mr. TOWNSEND, of Ohio. I would myself prefer that, but there was no opportunity to get action on it in the House. Now, appropriations for the improvement of the navigation of the Potomac River have been made every year since I have been a member on

this floor. The appropriations heretofore made have been small, for temporary improvement, and have thus been absolutely thrown away. This scheme contemplates a comprehensive system of improvement. The waters of the river are to be confined within a narrower channel; the dock lines will be high enough to prevent overflow; and the work, though expensive, when once done will be permanent and require no further appropriation for its maintenance. So much for the navigation phase of this appropriation. Of the sanitary results and the value to the Government of the reclaimed land, I will say nothing in this connection.

Mr. HAZELTON. Would the gentleman vote for it in a separate bill?

Mr. TOWNSEND, of Ohio. I would.

Mr. HAZELTON. Why not allow \$500,000?

Mr. TOWNSEND, of Ohio. The conference committee had to come to some compromise and the appropriation of \$400,000 was what we agreed to.

Mr. HAZELTON. If it was right on a separate bill, why not on this?

Mr. TOWNSEND, of Ohio. As I have said, it was the best agreement we could come to in the committee of conference. It was a Senate amendment.

I wish now, Mr. Speaker, to say a few words in reference to the survey for the Delaware and Chesapeake Canal and the survey for the Hennepin Canal. It is very well known that I have been utterly opposed to the construction of canals by the General Government. The canal is a thing of the past. I believe their construction has been abandoned for thirty or forty years by every one desirous of making profitable investments of money, whether States, private corporations, or individuals. I have in every way tried to prevent action in reference to these schemes. I stand to-day in that position. The use of canals as a means of transportation in the march of progress is only one station behind wagon roads and broad-tread wagons. The enterprise and improvements of the age have compelled them to give place to the systems of railroads which private capital has spread all over the country, affording better, more rapid, and in most cases cheaper means of transportation. Why should this Government now commence digging canals, when corporations and States years ago found them unprofitable, and cannot operate them without a loss?

But, sir, a great many citizens of the United States, as well as a large number of members of the House and Senate, wish to have an investigation instituted as to this Hennepin Canal and the canal between the Chesapeake and Delaware. It was said we have not now sufficient reliable information or data upon which to base intelligent action. After the defeat of the appropriation in the Senate for these canals a clause was introduced appropriating money to make a survey. That came before the committee of conference. I was opposed to appropriating the sum of \$1,000,000, or indeed anything at all, but conference means concession on the part of the conferees, and we had on our side to make some concession. I found that \$30,000 was ample for the Hennepin Canal and \$10,000 for the Chesapeake and Delaware, and I also found that the word "locate" in the connection in which it is used did not mean the location of a route for a canal or any other improvement to be afterward carried on as a permanent work.

The SPEAKER. The gentleman's time has expired.

Mr. TOWNSEND, of Ohio. I ask unanimous consent for two minutes to conclude my remarks.

There was no objection, and it was so ordered.

Mr. TOWNSEND, of Ohio. I desired in the first place, Mr. Speaker, to have the word "locate" eliminated, but was unsuccessful. I was informed by the United States chief engineer that the word "locate" was used in the sense of merely locating a route for a canal so they could make their estimate of the cost with some degree of accuracy. In order to do that they had to locate it somewhere, and when located they could then make their estimate of the cost of the canal, but not until a route had first been selected. But to avoid any misconception we adopted an amendment to the clause, "provided that nothing herein shall be construed to in any way commit the Government to proceed with the construction of said improvement." This, I think, should be satisfactory to the most captious.

Now, the Senate and the House will be benefited by this information. In my judgment it will be developed that this scheme will cost an immense amount of money—not five millions, but more than twenty-five millions. It will be reliable information, on which every gentleman will base his vote. In that view it is valuable.

It will be found further on examination that the clause authorizing these surveys also provides for reports to be made to Congress as to the cost of maintaining and operating the work, which in my judgment will be so large as to frighten every prudent man from voting for it. It also contemplates reports as to the advantages which may accrue from the work. All of this information, coming from reliable sources, being prepared by the corps of Government engineers, will be worth a great deal more than \$30,000 to this country by way of preventing the commencement of these most expensive and in my judgment unnecessary improvements. Then, with that information before it, if Congress sees proper to inaugurate the work, let it go on and do it.

This Hennepin Canal scheme will be recognized by the old mem-

bers as a project that has been clamoring for recognition around this Capitol very often during the past six years, and came very nearly being successful, its advocates never knowing whether it would cost four or twenty-four millions, or whether it would be any positive benefit when constructed; or whether it would be like nearly all the other canals in the country, pay a loss to its owners without any compensatory results. But as I am informed at this time I should never consent to it myself. I submit, Mr. Speaker, that this survey will, after all, be a good thing. The information to be derived will be worth what it costs, and future Congresses can of course act advisedly and intelligently.

The SPEAKER. The gentleman's time has expired.

Mr. PAGE. I now demand the previous question.

The House divided; and there were—ayes 91, noes 40.

Mr. ROBINSON, of New York. No quorum.

The SPEAKER. Does the Chair understand the gentleman as insisting upon the point? [Cries of "Oh, no; withdraw it!"]

Mr. ROBINSON, of New York. At the instance of gentlemen around me, I will withdraw it.

So the previous question was ordered.

Mr. KASSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KASSON. I wish to ask if it is in order, as in case of reports from other committees, to move to recommit this report with instructions? The rule provides that it is in order at a certain stage of our legislative proceedings to give instructions to a conference committee. Now, I desire in some parliamentary form, either by instructions to the committee of conference, or otherwise, to secure the incorporation of a proviso at the end of the bill in the following form:

Provided, That the Secretary of War, with the approval of the President, may limit any expenditure provided by this act to any less sum than that authorized therefor during the current fiscal year, in any case where in their opinion the public interest does not require the entire expenditure.

If it be in order by any motion to get that provision before the conference committee for its instruction, I desire to make that motion.

Mr. KENNA. That cannot be in order.

The SPEAKER. The Chair thinks it would not be in order.

Mr. COX, of New York. It is the law now any way.

Mr. KASSON. I think not.

Mr. PAGE. I wish to say to the gentleman from Iowa that President Grant did order the Secretary of War to withhold the appropriations made for rivers and harbors by the Forty-fifth Congress, without any other authority than that which is now upon the statute-books; that is under the general law that all moneys so appropriated must be expended under the direction of the Secretary of War.

The SPEAKER. The Chair thinks it would not be in order to recommit the report to the conference committee. It is never in order to instruct the conference committee to do that which it could not do under the reference made of the matter to the committee in the first instance.

Mr. KASSON. I think, Mr. Speaker, that under the rule as given in this digest there is no such limitation. I will not, however, dissent from the Speaker's ruling. [Cries of "Regular order!"]

The SPEAKER. The Chair has already ruled that it would not be in order to recommit with instructions to the conference committee.

Mr. PAGE. Am I entitled to any time after the previous question is ordered?

The SPEAKER. The Chair thinks not.

Mr. PAGE. Then I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CARLISLE. Upon that I demand the yeas and nays.

Mr. REAGAN. There is a matter of fact, Mr. Speaker, about which I wish to make a brief statement, with the consent of the House.

The SPEAKER. The Chair is unable to recognize the gentleman for that purpose at this time, as the previous question is operating.

Mr. TURNER, of Kentucky. Regular order.

Mr. PAGE. I ask unanimous consent that every member who desires to print remarks upon this bill may be permitted to do so.

There was no objection. [See Appendix.]

Mr. HOUSE. Mr. Speaker, can we have a separate vote upon the several essential points embodied in this conference report?

The SPEAKER. The conference report is not divisible; the question is on agreeing to it as a whole.

Mr. COX, of New York. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. REAGAN. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAGAN. Can we have a separate vote upon the different items of this report?

The SPEAKER. The Chair has already held that the conference report will have to be agreed to or rejected as a whole.

Mr. BLOUNT. I desire to ask a parliamentary question. If the report is not agreed to, it being a conference on the differences between the two Houses, then will not the natural and usual result be that there will be another conference upon these points of difference?

The SPEAKER. The Chair thinks he is not called upon to rule on that question at this time.

Mr. BLOUNT. But if the conference report is not agreed to I

simply desire to know if the natural and usual course would not be another conference as to the points of differences between the two Houses?

Mr. HAZELTON. Of course.

The SPEAKER. The Chair, as it has already stated, will rule upon that point when it arises.

Mr. BLOUNT. But I am asking for information. The Chair has already answered a parliamentary inquiry, and I ask another.

The SPEAKER. The only question now before the House is on the adoption of the conference report.

The Clerk will call the roll.

The question was taken; and there were—yeas 82, nays 97, not voting 110; as follows:

YEAS—82.

| | | | |
|------------------|--------------------|------------------|--------------------|
| Aldrich, | Errett, | Lord, | Shallenberger, |
| Barbour, | Evins, | Lynch, | Sherwin, |
| Bayne, | Farwell, Sewell S. | Manning, | Singleton, Otho R. |
| Blanchard, | Forney, | Martin, | Smalls, |
| Buck, | Frost, | McClure, | Smith, Dietrich C. |
| Buckner, | Fulkerson, | McCoid, | Smith, J. Hyatt |
| Butterworth, | Garrison, | McLane, | Spooner, |
| Candler, | George, | Moore, | Stone, |
| Cannon, | Gunter, | Muldrow, | Thomas, |
| Carpenter, | Harris, Benj. W. | Oates, | Townsend, Amos |
| Caswell, | Hazelton, | Page, | Urner, |
| Chace, | Henderson, | Parker, | Valentine, |
| Chapman, | Hoblitzell, | Payson, | Van Aernam, |
| Covington, | Horr, | Peirce, | Van Horn, |
| Cravens, | Houk, | Pound, | Wait, |
| Cullen, | Jones, George W. | Rice, Theron M. | Ward, |
| Darrall, | Jones, James K. | Rice, William W. | Washburn, |
| Davis, George R. | Kelley, | Rich, | Webber, |
| De Motte, | Kenna, | Robertson, | Williams, Thomas. |
| Dunn, | King, | Robeson, | |
| Ellis, | Lewis, | Russell, | |

NAYS—97.

| | | | |
|--------------------|------------------|-------------------|-------------------|
| Anderson, | Fisher, | McMillin, | Spaulding, |
| Armfield, | Flower, | Miller, | Speer, |
| Atherton, | Godshalk, | Mills, | Springer, |
| Atkins, | Hammond, N. J. | Morey, | Steele, |
| Belmont, | Hardenbergh, | Morrison, | Stockslager, |
| Berry, | Hardy, | Morse, | Strait, |
| Blackburn, | Harris, Henry S. | Moulton, | Thompson, P. B. |
| Briggs, | Hastline, | Mutchler, | Townshend, R. W. |
| Browne, | Haskell, | Norcross, | Tucker, |
| Buchanan, | Hatch, | Pelle, | Turner, Henry G. |
| Burrows, Julius C. | Hewitt, Abram S. | Prescott, | Turner, Oscar |
| Cabell, | Hiscock, | Ranney, | Tyler, |
| Caldwell, | Holman, | Ray, | Updegraff, J. T. |
| Campbell, | Hone, | Reagan, | Updegraff, Thomas |
| Carliale, | Hutchins, | Reed, | Upson, |
| Clements, | Jacobs, | Rice, John B. | Van Voorhis, |
| Colerick, | Jadwin, | Ritchie, | Wadsworth, |
| Cox, Samuel S. | Kasson, | Robinson, Geo. D. | Walker, |
| Cox, William R. | Ketcham, | Robinson, Jas. S. | Warner, |
| Culbertson, | Klotz, | Robinson, Wm. E. | Wellborn, |
| Cutts, | Knott, | Rosecrans, | Whitthorne, |
| Davis, | Leedom, | Scoville, | Willits, |
| Dibrell, | Le Fevre, | Simonton, | |
| Dingley, | Matson, | Skinner, | |
| Ermentrout, | McKinley, | Smith, A. Herr | |

NOT VOTING—110.

| | | | |
|------------------|-------------------|----------------|---------------------|
| Aiken, | Davidson, | Humphrey, | Richardson, D. P. |
| Barr, | Davis, Lowndes H. | Jones, Phineas | Richardson, Jno. S. |
| Beach, | Deering, | Jorgensen, | Ross, |
| Belford, | Deuster, | Joyce, | Ryan, |
| Beltzhoover, | Dezendorf, | Lacey, | Scales, |
| Bingham, | Dowd, | Latham, | Scranton, |
| Bisbee, | Dugro, | Lindsey, | Shackelford, |
| Black, | Dunnell, | Lowe, | Shultz, |
| Bland, | Dwight, | Mackey, | Singleton, Jas. W. |
| Bliss, | Farwell, Chas. B. | Marsh, | Sparks, |
| Blount, | Ford, | Mason, | Stephens, |
| Bowman, | Geddes, | McCook, | Talbot, |
| Bragg, | Gibson, | McKenzie, | Taylor, |
| Brewer, | Grout, | Miles, | Thompson, W. G. |
| Brumm, | Guenther, | Money, | Vance, |
| Burrows, Jos. H. | Hall, | Mosgrove, | Watson, |
| Calkins, | Hammond, John | Murch, | West, |
| Camp, | Harmer, | Neal, | White, |
| Cassidy, | Heilman, | Nolan, | Williams, Chas. G. |
| Clardy, | Hepburn, | O'Neill, | Willis, |
| Clark, | Herbert, | Orth, | Wilson, |
| Cobb, | Herndon, | Pacheco, | Wise, George D. |
| Converse, | Hewitt, G. W. | Paul, | Wise, Morgan R. |
| Cook, | Hill, | Pettibone, | Wood, Benjamin |
| Cornell, | Hoge, | Phelps, | Wood, Walter A. |
| Crapo, | Hooker, | Phister, | Young, |
| Crowley, | Hubbell, | Randall, | |
| Curtin, | Hubbs, | | |

So the report of the committee of conference was not agreed to.

The following additional pairs were announced:

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. WILLIAMS, of Wisconsin, with Mr. BLOUNT.

Mr. CORNELL with Mr. LATHAM.

Mr. WEST with Mr. GIBSON.

Mr. COBB with Mr. CALKINS.

Mr. HOOKER. I am paired with the gentleman from California, Mr. PACHECO, and withdraw my vote.

Mr. BLOUNT. I am paired with the gentleman from Wisconsin, Mr. WILLIAMS, and withdraw my vote.

Mr. THOMAS. I am paired with Mr. CURTIN, of Pennsylvania. I am in favor of the bill, and would have voted for it if an opportunity had offered.

Mr. SINGLETON, of Illinois. I am paired with Mr. MILES, of Connecticut. If he were present, I should vote "no."

Mr. VAN HORN. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The result of the vote was then announced as above stated.

Mr. STRAIT. I move to reconsider the vote by which the report of the committee of conference was not agreed to.

Mr. COX, of New York. And I move to lay the motion to reconsider on the table.

Mr. PAGE. Upon that motion I call for the yeas and nays.

Mr. KENNA. And pending that I move that the House do now adjourn.

Mr. COX, of New York. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX, of New York. What will be the consequence of this vote? Will there be a new conference?

Mr. SPRINGER. Not unless the House orders it.

The SPEAKER. The House, the Chair thinks, might take such action as possibly might produce a new conference. The gentleman from Minnesota moves to reconsider the vote by which the report of the committee of conference was not agreed to—

Mr. COX, of New York. Who made that motion?

The SPEAKER. The gentleman from New York moves to lay the motion to reconsider on the table.

Mr. COX, of New York. I rise to a point of order.

The SPEAKER. Will the gentleman allow the Chair to state the question, after which the gentleman will be heard? The gentleman from Minnesota moves to reconsider the vote by which the conference report was disagreed to, and the gentleman from New York moves to lay that motion on the table. Thereupon the gentleman from West Virginia [Mr. KENNA] moves that the House adjourn.

Mr. COX, of New York. I rise to a point of order. The gentleman from Minnesota did not vote on the prevailing side.

Mr. WASHBURN. He did. It was my colleague [Mr. STRAIT] who made the motion to reconsider, and not I.

Mr. COX, of New York. I beg pardon.

Mr. KENNA. I insist on my motion, except for a conference report which the gentleman from New York [Mr. HISCOCK] desires to present.

The SPEAKER. The question must be on the pending motion, except by unanimous consent. The gentleman from West Virginia moves that the House do now adjourn.

The question being taken there were—ayes 84; noes 53.

Mr. BLOUNT. I call for the yeas and nays.

On ordering the yeas and nays, the affirmative being counted, there were ayes 27.

The SPEAKER. The Chair thinks the number is not sufficient.

Mr. TOWNSHEND, of Illinois. Count the other side.

The negative vote being counted, there were noes 97. So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 76, not voting 118; as follows:

YEAS—95.

| | | | |
|------------------|--------------------|------------------|--------------------|
| Aldrich, | Errett, | Lewis, | Rosecrans, |
| Barbour, | Evlus, | Lynch, | Rose, |
| Bayne, | Farwell, Sewell S. | Manning, | Seaville, |
| Blanchard, | Forney, | Martin, | Sherwin, |
| Bliss, | Frost, | McClure, | Simonton, |
| Buckner, | Fulkerson, | McCoid, | Singleton, Jas. W. |
| Candler, | Garrison, | McLane, | Singleton, Otho R. |
| Cannon, | George, | Morey, | Skinner, |
| Carpenter, | Gunter, | Morrison, | Smith, Dietrich C. |
| Caswell, | Harris, Benj. W. | Morse, | Springer, |
| Chace, | Harris, Henry S. | Muldrov, | Stone, |
| Chapman, | Hatch, | Oates, | Strait, |
| Covington, | Henderson, | Page, | Townsend, Amos |
| Cox, William R. | Hoblitzell, | Parker, | Updegraff, Thomas |
| Cravens, | Hooker, | Payson, | Unger, |
| Cullen, | Horr, | Peirce, | Van Horn, |
| Cutts, | Houk, | Pound, | Wadsworth, |
| Darrall, | House, | Reagan, | Wait, |
| Davis, George R. | Jones, George W. | Reed, | Ward, |
| Dawes, | Kasson, | Rice, Theron M. | Washburn, |
| Deering, | Kenna, | Rich, | Webber, |
| De Motte, | Ketcham, | Robeson, | Williams, Thomas |
| Dunn, | King, | Robinson, Wm. E. | Willits, |
| Ellis, | | | |

NAYS—76.

| | | | |
|--------------------|------------------|-------------------|------------------|
| Anderson, | Ermentrout, | Lord, | Smith, J. Hyatt |
| Armfield, | Fisher, | Matson, | Spaulding, |
| Atherton, | Flower, | McKinley, | Spooner, |
| Berry, | Godshalk, | McMillin, | Steele, |
| Blackburn, | Hammond, N. J. | Miller, | Stockslager, |
| Briggs, | Hardenbergh, | Mills, | Thompson, P. B. |
| Browne, | Hardy, | Moore, | Townshend, R. W. |
| Buchanan, | Hastine, | Moulton, | Tucker, |
| Burrows, Julius C. | Haskell, | Murch, | Turner, Henry G. |
| Butterworth, | Hewitt, Abram S. | Norcross, | Turner, Oscar |
| Caldwell, | Hill, | Peelle, | Updegraff, J. T. |
| Campbell, | Hiscock, | Prescott, | Upson, |
| Carlisle, | Holman, | Ranney, | Valentine, |
| Cassidy, | Hutchins, | Ritchie, | Van Aernam, |
| Clements, | Jacobs, | Robinson, Geo. D. | Walker, |
| Colebrick, | Jadwin, | Robinson, Jas. S. | Warner, |
| Cox, Samuel S. | Klotz, | Shallenberger, | Wellborn, |
| Dibrell, | Knott, | Smalls, | Whitthorne, |
| Dingley, | Leedom, | Smith, A. Herr | Wilson. |

NOT VOTING—118.

| | | | |
|------------------|-------------------|-------------------|---------------------|
| Atken, | Curtin, | Joyce, | Richardson, Jno. S. |
| Atkins, | Davidson, | Kelley, | Robertson, |
| Barr, | Davis, Lowndes H. | Lacey, | Russell, |
| Beach, | Deuster, | Ladd, | Ryan, |
| Belford, | Dezendorf, | Latham, | Scales, |
| Belmont, | Dowd, | Le Fevre, | Scranton, |
| Beltzhoover, | Dugro, | Lindsey, | Shackelford, |
| Bingham, | Dunnell, | Lowe, | Shultz, |
| Bisbee, | Dwight, | Mackey, | Sparks, |
| Black, | Farwell, Chas. B. | Marsh, | Speer, |
| Bland, | Ford, | Mason, | Stephens, |
| Blount, | Geddes, | McCook, | Talbot, |
| Bowman, | Gibson, | McKenzie, | Taylor, |
| Bragg, | Grout, | Miles, | Thomas, |
| Brewer, | Guenther, | Money, | Thompson, Wm. G. |
| Brumm, | Hall, | Mosgrove, | Tyler, |
| Buck, | Hammond, John | Mutchler, | Vance, |
| Burrows, Jos. H. | Harmer, | Nolan, | Van Voorhis, |
| Cabell, | Hazelton, | O'Neill, | Watson, |
| Calkins, | Heilman, | Orth, | West, |
| Camp, | Hepburn, | Pacheco, | White, |
| Clardy, | Herbert, | Paul, | Williams, Chas. G. |
| Clark, | Herndon, | Pettibone, | Willis, |
| Cobb, | Hewitt, G. W. | Phelps, | Wise, George D. |
| Converse, | Hoge, | Phister, | Wise, Morgan B. |
| Cook, | Hubbell, | Randall, | Wood, Benjamin |
| Cornell, | Hubbs, | Ray, | Wood, Walter A. |
| Crapo, | Humphrey, | Rice, John B. | Young, |
| Crowley, | Jones, Phineas | Rice, William W. | |
| Culbertson, | Jorgensen, | Richardson, D. P. | |

So the motion of Mr. KENNA was agreed to.

The following additional pairs were announced:

Mr. LE FEVRE with Mr. RYAN.

Mr. KELLEY with Mr. ATKINS.

The result of the vote was then announced as above stated; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ALDRICH: The petition of the Chicago Vessel-Owners' Association, remonstrating against the passage of the bill (H. R. No. 4260) to regulate lake and marine shipping—to the Committee on Commerce.

By Mr. CANDLER: The petition of Mr. G. Adams and others, for the appointment of a select committee to consider the question of American shipping—to the same committee.

By Mr. S. S. FARWELL: The petition of 219 citizens of the second Congressional district of Iowa, for the confirmation of the call for a peace congress to be held in Washington, District Columbia, November 22, 1882—to the Committee on Foreign Affairs.

By Mr. HERNDON: The petition of citizens of Mobile, Alabama, for the appointment of a select committee to consider the subject of reviving the shipping of the United States—to the Committee on Commerce.

By Mr. A. S. HEWITT: The petitions of merchants of New York, for the appointment of a select committee to consider the shipping interests of the United States—severally to the same committee.

By Mr. JADWIN: The petition of Mary Morrison, for relief—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, July 26, 1882.

The Senate met at eleven o'clock, a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceeding was read and approved.

HOUSE BILLS REFERRED.

The following joint resolutions received yesterday from the House of Representatives were severally read twice by their title, and referred to the Committee on Printing:

A joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library;

A joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department;

A joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department; and

A joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws.

PRINTING OF AGRICULTURAL REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for the year 1881, 214,000 copies for the use of members of the House of Representatives, 50,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

PETITIONS AND MEMORIALS.

Mr. GEORGE. I present a telegram from the State board of health of Mississippi, asking Congress to be liberal in its appropriation sustaining the National Board of Health. I desire to have the telegram read.

The telegram was read, as follows:

JACKSON, MISSISSIPPI, July 24, 1882.

Senators LAMAR and GEORGE and Representatives MULBROW, MANNING, MONEY, SINGLETON, HOOKER, and LYNCH, (care of J. Z. GEORGE,) Washington, D. C.:

The State board of health at a special session held here this day have unanimously agreed that the National Board of Health can and will perform vital and important sanitary services that can be rendered by no other body, and would respectfully urge you, in view of the important interest involved, to do all in your power to obtain such an appropriation from Congress as may enable that board to fully discharge its responsible duties in accordance with the plans foreshadowed in its annual report.

F. W. DANCY, President.

C. A. RICA.

W. F. HYER.

J. W. BENNETT.

W. D. HILL.

B. F. KITTRELL.

J. W. BLANKS.

E. P. SALE.

WIRT JOHNSON, Secretary.

Mr. HARRIS. I wish to say, in connection with the telegram just read, that I have received, but have not deemed it necessary to present to the Senate, similar communications, written or telegraphed, from almost every board of health and sanitary association throughout the entire South and West, all concurring in recommending that the necessary appropriations to sustain the National Board of Health be made.

Mr. CAMERON, of Wisconsin. I will ask the Senator from Tennessee if he has received a similar communication from the State board of health of Louisiana?

Mr. HARRIS. That is the remarkable exception and almost the only one. I was quite sure my friend from Wisconsin would treasure that.

Mr. VOORHEES. I wish to say that I have received from Indiana evidence to my mind of a strong public sentiment in favor of the proposition of the Senator from Tennessee in regard to the Board of Health. I have received information from the most intelligent physicians of that State urging that Congress should not neglect to make the proper and necessary appropriations in behalf of that great benevolence. I desired to add this to what the Senator from Tennessee said, and to assure him that, so far as I am concerned, I shall most cordially co-operate with him to make the Board of Health what it ought to be, a live, active, efficient agency in this matter.

The PRESIDENT *pro tempore*. The telegram will be referred to the Select Committee to investigate and report the best means of preventing the introduction and spread of Epidemic Diseases.

Mr. GEORGE. I wish to withdraw it for the purpose of sending it to my colleagues in the House.

Mr. McDILL. I present a petition sent to me signed by all the leading members of the bar of the city of Boonesborough, Iowa. That place is located on the Des Moines River, and the gentlemen who sign the petition are all men of high character and high standing in that section. The petition relates to a bill now on the Calendar in regard to the title of settlers on the Des Moines River lands. The petition is very short, and I ask that it be read. In the condition of business at this time I do not feel that I can probably obtain the consent of the Senate to take up the bill for consideration at this session, but I give notice that I shall at an early period next session ask for the consideration of the bill, as it affects the rights of many hundred worthy citizens of the State of Iowa. I ask that the petition be read, and that it lie on the table.

The petition was read, and ordered to lie on the table, as follows:

BOONESBOROUGH, IOWA, February 6, 1882.

To the honorable Senators and Representatives in Congress:

We, the undersigned, respectfully represent that we are members of the Boone County bar; that we are acquainted with the so-called Des Moines River land; that in our judgment the Des Moines Navigation and Railroad Company never had any equitable right to any lands above the Racoon Forks of said river.

We therefore ask that you at your earliest convenience pass an act that will give to the bona fide settlers on said lands their homes, and bring quiet and peace to the Des Moines Valley.

Mr. COCKRELL presented the petition of Fannie A. Edwards, formerly Fannie A. Pendleton, widow of the late Captain Nelson W. Edwards, of Company H, Fifteenth Iowa Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

PROTECTION OF IMMIGRANTS.

Mr. CONGER. The Committee on Commerce, to whom was referred the bill (H. R. No. 6722) to regulate the carriage of passengers by sea, have instructed me to report it without amendment and ask for its immediate consideration. I desire to say that this bill has been prepared and passed in the House so amended as to obviate the objections and oversights of the former bill, which the President vetoed.

Mr. HOAR. That should go over, that we may see it.

Mr. CONGER. I hope it may not go over. A similar bill was passed by the Senate, but it had in it, by an oversight, a misdescription of the decks of vessels and consequently a wrong definition of

the spaces where passengers might be allotted in the ships. The President returned that bill with his objections to it on that account, but all objections are obviated by this bill, which has passed the House. Every day's delay in the passage of such a bill as that will fix on the immigrants coming to this country untold disasters and wrongs. I believe the sentiment of all our people, both of American and foreign birth, has demanded with a unanimity almost unparalleled the passage of some law to guard against this infernal middle passage and the evils and wrongs which have accumulated upon those who come to make this country their home. I hope my friend will not object to the consideration of the bill now.

Mr. HAWLEY. I suggest that the Senator take the bill and specify the actual changes.

Mr. HOAR. I have great confidence in the judgment of the honorable Senator from Michigan; but his statement of the importance of this bill, in which I concur, makes it seem to me to be my duty at least to have an opportunity of examining it. He will have as good a chance of getting it up to-morrow morning as he has now. Let it lie over the usual one day. To-morrow there will be no objection undoubtedly.

The PRESIDENT *pro tempore*. The bill goes over under the rule.

Mr. CONGER. If the bill is to go over I will withdraw it and report it again to-morrow.

Mr. HOAR. I let the former bill go through with great hesitation without making some suggestions about it, growing out of my respect for the committee that reported it and the same considerations which the Senator has now suggested. It turned out that when it went through it encountered the veto of the President for reasons the force of which everybody concedes. I think it is the duty of the Senate not to take any bill of this kind on mere authority. My objection is not to delay the passage of the bill; it will be a law just as soon, in the course of events, if it is considered to-morrow as to-day.

Mr. CONGER. I perhaps ought to say that the only thing which led to what might be wrong in that bill in two or three or four particulars arose from the fact that the words "uppermost deck" were used instead of "main deck." Ten years ago that would have been the proper designation in a bill of the deck affected, but in modern ship-building the change in the arrangement of vessels and the addition of another deck, which has received this name, made it necessary to change that term to "main deck." It was not understood except by ship-builders and therefore escaped attention, because it was in the old law in this way; but the modern mode of naming decks made the change, and the President thought it his duty, as it undoubtedly was, to return the bill with his objections so that that correction might be made.

The PRESIDENT *pro tempore*. Does the Senator from Michigan wish to withdraw the report?

Mr. CONGER. I do not care to do so. I shall call up the bill in the morning, and I hope the Senator from Massachusetts will give it his examination between now and to-morrow.

FISH AND FISHERIES INVESTIGATION.

Mr. LAPHAM. Senate bill No. 1823, which was referred to the Committee on Foreign Relations, has reference to the preservation of the fish and fisheries on the Atlantic coast. The committee have investigated the subject to some extent, and have ascertained that quite a large amount of capital is now invested in the manufacture of oils from menhaden and other fish that are taken along the coast within two miles of the shore by vessels with purse-nets. There are certain conflicting interests which require an investigation into the facts preparatory to proper legislation. The committee addressed a communication to Professor Baird, and he recommends that the investigation be had. The committee have instructed me to report the following resolutions, and I ask for their present consideration.

The resolutions were considered by unanimous consent, and agreed to, as follows:

Resolved, That five members of the Committee on Foreign Relations of the Senate be designated by the chairman of said committee as a sub-committee to act in conjunction with the Commission of Fish and Fisheries to examine into the subject of the protection to be given by law to the fish and fisheries of the Atlantic coast, as proposed in the bill (S. No. 1823) for the protection of fish and fisheries on the Atlantic coast.

Resolved, That said committee have power to send for persons and papers in regard to the beforementioned inquiries, and that it have leave to sit during the recess of the Senate.

Resolved, That the expenses incurred in the execution of the foregoing resolutions be paid on the certificate of the chairman of said sub-committee out of the appropriation for the contingent expenses of the Senate.

ADDITIONAL LIBRARY ACCOMMODATIONS.

Mr. VOORHEES. I had supposed that before this session concluded I would have the honor and privilege of bringing the attention of this body to the bill to provide additional accommodations for the Library of Congress, but in pursuance of a policy which the committee on that subject thought best we left the matter to be acted upon first by the House. The House having postponed that subject until the 12th day of next December, it is important, in order that we should be ready to act, as I hope we shall at the opening of the next session of Congress upon this important subject, that the resolution which I have in my hand be considered and adopted. I am authorized by the committee to report a resolution and to ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Select Committee on Additional Accommodations for the Library of Congress is hereby continued and authorized to sit during the coming recess of Congress, and that the necessary expenses shall be paid from the appropriation for special and select committees.

Mr. VAN WYCK. Had that better not go over until to-morrow? I did not fully understand the import of the resolution from the reading.

Mr. VOORHEES. I can explain it to the Senator in a single moment. A great deal of work has been done by experts employed by the Government. That is in the committee-room and necessary to be taken care of. Also, it is deemed important for the committee to meet and consider this subject shortly prior to the convening of the next session of Congress in order to have prompt action. There is nothing in the matter of any moment except to preserve the work which has already been done and which is the accumulation of the last ten years of labor. I hope there will be no objection to the resolution.

Mr. VAN WYCK. Will there be any benefit to any one except the compensation which the clerk will draw during the recess?

Mr. VOORHEES. I do not know that it will be that to him.

Mr. VAN WYCK. I think the resolution had better go over until to-morrow.

Mr. VOORHEES. If the Senator insists upon the resolution going over until to-morrow, of course he has the right to do so.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over.

Mr. VOORHEES subsequently said: The Senator from Nebraska [Mr. VAN WYCK] withdraws his objection to my request.

Mr. VAN WYCK. At the suggestion of the Senator from Indiana I withdraw my objection to the resolution.

Mr. VOORHEES. I hope the resolution which I reported from the Committee on Accommodations for the Library may be acted upon. The Senator from Nebraska very kindly withdraws his objection.

Mr. VAN WYCK. On the suggestion that it will probably have a tendency to keep the Senator from Indiana out of the Indiana canvass, I withdraw the objection. [Laughter.]

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

TENTH CENSUS.

Mr. ANTHONY. I ask unanimous consent to proceed to the consideration of the bill (S. No. 2151) to provide for the publication of the Tenth Census, and if that bill is taken up I will give way to morning business.

Mr. HAWLEY. I should be glad to have the call of reports of committees now.

Mr. ANTHONY. I will give way to morning business if that is taken up.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves to take up the bill for printing the Tenth Census, saying that he will give way to morning business after he gets it up. Is there objection?

Mr. DAVIS, of West Virginia. Yesterday morning the same thing occurred, and debate ran on for an hour or two, and then the bill had to be laid aside. The Senator from Maine [Mr. HALE] gave notice that he would call up the naval appropriation bill this morning. I hope the business of the morning hour will be proceeded with and that we shall then take up that bill.

Mr. ANTHONY. It is very important that the census bill should be passed.

Mr. DAVIS, of West Virginia. Then let it come up after the morning business is over. I object until the morning business is concluded.

Mr. ANTHONY. If the Senator from West Virginia objects, I have nothing to say.

Mr. HOAR. May I be indulged with reference to the matter which is passing away, simply for a moment? I desire to inquire of the Senator from Rhode Island if I understood him correctly that he waived his present request to take up the census bill?

Mr. ANTHONY. It is objected to, and I cannot have it taken up now. I do not waive it.

Mr. HOAR. I ask unanimous consent that the amendment which I offered to that bill may be printed as modified. I modified it after it was printed. There have been several modifications.

The PRESIDENT *pro tempore*. If there be no objection, that order will be made. Reports of standing and select committees are in order.

REPORTS OF COMMITTEES.

Mr. SEWELL. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. No. 2113) to correct the record of William S. Johnson, to report it adversely. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1267) to correct the Army record of certain officers named therein, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1103) granting a pension to Margaret Kearns, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 261) granting a pension to Phebe W. Ross, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Claims, to whom was referred the joint resolution (H. R. No. 145) to pay Frank L. Donnelly, as page to the Forty-fifth Congress, to report it without amendment, and to submit a report in writing thereon.

Mr. ALLISON. I think that matter has already been provided for in the deficiency bill.

Mr. CAMERON, of Wisconsin. Let the joint resolution go on the Calendar.

Mr. ALLISON. I have no objection to its going on the Calendar. I merely wanted to call attention to it.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar, and the report will be printed under the rule.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. No. 1722) for the relief of E. Remington & Sons, reported it with amendments; and submitted a report thereon, which was ordered to be printed.

Mr. CHILCOTT. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 703) granting an increase of pension to Mary E. Ryan, to report it adversely, and I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. MILLER, of California. I am directed by the Committee on Naval Affairs to report an amendment to the sundry civil bill to pay the expenses of the removal to this country of the bodies of Captain De Long and his companions. I ask that the amendment be referred to the Committee on Appropriations.

Mr. ALLISON. I ask that it may be referred to the Committee on Appropriations without printing.

The PRESIDENT *pro tempore*. It will be referred without printing.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 2014) authorizing compensation to members of Company B, Fourteenth Infantry, United States Army, for certain private property destroyed by fire, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. CONGER. I am instructed by the Committee on Commerce to report with a favorable recommendation an amendment to the sundry civil appropriation bill, and I move its reference to the Committee on Appropriations.

The motion was agreed to.

BILLS INTRODUCED.

Mr. FRYE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2165) permitting the use of domestic materials in the construction of steam and sail vessels for foreign account; which was read twice by its title.

Mr. FRYE. I desire to call the attention of the chairman of the Committee on Finance to the bill and to the sections which I desire corrected. Sections 3019 and 3020 of the Revised Statutes are as follows:

SEC. 3019. There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury. Ten per cent. on the amount of all drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

SEC. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stocks or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases when the imported material exceeds one-half of the value of the material used.

Section 3020 of the statutes has been extended by name to several other manufactures since the time it became a law.

In relation to a ship built for the foreign market, if there is a single plank of domestic manufacture put into that ship the builder cannot recover one cent of drawback under the ruling of the Secretary of the Treasury, which ruling is entirely correct.

The bill which I have introduced provides that where domestic and imported articles enter into the construction of a ship built for the foreign market the builder shall receive drawbacks of the amount of duty less 10 per cent., precisely as he would if he was making a mowing machine.

The building of ships for the foreign market is increasing wonderfully. I call the attention of the Senator from Delaware, [Mr. BAYARD,] who is a member of the Finance Committee, to the fact that the State of Delaware to-day is building more ships for the foreign market probably than all the rest of the States in the Union; that one single concern there has built one hundred steamships at least for the South American rivers, as they prefer our steamships there, and that the only difficulty about building comes from the statute which pre-

vents any drawback being allowed for imported materials that go into a vessel unless all the materials making up the vessel are imported.

Mr. BAYARD. I think also there is an error in that statute. In 1870 Congress agreed to allow certain components of ships to be withdrawn free from duty. That undoubtedly they intended. It was expressly so stated by the honorable Senator's predecessor, Mr. Hamlin, and I know that I co-operated with him on the floor to obtain such a law. It was expressly intended to encourage American ship-building, but the Department put upon it such a construction that where the ship was built in this country by American mechanics with American money but for foreign account the drawback would not apply. It was virtually a defeat of one of the large objects for which the law was framed, not simply that we were to have the profit to our ship-building but it was to keep up the skill, which cannot be improvised in a year or a day.

Mr. FRYE. I will say to the Senator that I was the father of that bill in the House, and was greatly disappointed that it did not do what it was expected to. I hope the Senator will now as a member of the Finance Committee have the attention of that committee called very early to this bill.

Mr. BAYARD. I have in my desk an amendment which I propose to offer to the pending tariff bill extending the provisions of sections 2513 and 2514 to ships built in the United States for foreign account. That, I think, is the thing that is needed.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Finance.

Mr. SEWELL asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2166) for the relief of Rebecca Burdall; which was read twice by its title, and referred to the Committee on Claims.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That D. J. Powers have leave to withdraw from the files of the Senate the papers relating to his claim, no adverse report having been made thereon.

METHYLATED ALCOHOL.

Mr. BAYARD submitted the following resolution, which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to ascertain and report to the Senate at the first day of the next session under what regulations methylated alcohol is prepared and sold, duty free, in Great Britain, and whether a system based upon similar regulations cannot be adopted in the United States in order to supply manufacturing chemists and others with methylated alcohol free of tax.

Mr. BAYARD. I ask that the resolution be passed at once. It is a mere matter of inquiry. I believe that article will open up to our people new branches of trade and I think it will be a great relief to the manufacturing chemists of the country.

The system which prevails in England of adding about 10 per cent. of what they call wood alcohol, or alcohol distilled from pyro-ligneous acid, completely destroys the use of the alcohol as a beverage, and yet leaves it with all its faculties for use in manufacturing. That has been the law in England for many years, and I should be glad to know whether it can become, under proper regulations, the law in this country. I think it would be of great advantage to our business and manufacturing interests.

Mr. MORRILL. There can be no objection to the resolution, but I believe the Senator will find that alcohol which has been methylated is so injured that it can be used only in a very few cases, and that it changes the odor of it and makes it offensive.

Mr. BAYARD. Does the Senator object to the Secretary making the inquiry and giving us the information?

Mr. MORRILL. Not at all; I am in favor of it.

Mr. BAYARD. I hope the resolution will be agreed to.

The resolution was agreed to.

TARIFF COMMISSION.

Mr. VAN WYCK. I offer a resolution, and ask for its immediate consideration, as I presume it will provoke no opposition and no discussion.

The resolution was read, as follows:

Whereas the tariff commission, from its headquarters at Long Branch, on two occasions has impudently appealed to the public for information and no response been made thereto;

Whereas, after inviting into its presence manufacturers, importers, and traders, it is now wrestling with the serious question whether the gentlemen so invited can relate their experiences and explain their theories except first having an oath duly administered to tell the truth, evidently with the laudable desire to protect itself from imposition; Therefore,

Resolved, That the Attorney-General (as soon as in his judgment he can prudently withdraw his personal attention from star-route prosecutions, and shall have fully satisfied the President and his Cabinet that members of Congress are not officers of the Government, and as to the legality of political assessments) be directed to proceed to Long Branch to aid the said commission in determining the above important question, and other problems of equally grave import as they shall arise from time to time, and that he shall advise what to him may seem proper to protect the said commission from imposition by men wise in matters of trade and revenue, either by stringent oaths or pains and penalties.

Mr. LOGAN. I object to that.

Mr. VAN WYCK. I am surprised at the Senator.

Mr. LOGAN. I object to it.

Mr. VAN WYCK. I shall call up the resolution at the first opportunity. I think if the commission cannot proceed with the tariff we certainly ought to make the way for them.

Mr. LOGAN. I object to debate.

The PRESIDENT *pro tempore*. Objection is made.

Mr. VAN WYCK. I ask that the resolution lie over, and I shall call it up at the first opportunity.

The PRESIDENT *pro tempore*. The resolution will be printed, and it goes over.

AMERICAN SHIPPING.

Mr. CALL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That a special committee of the Senate, to be composed of seven Senators, be appointed by the President of the Senate to consider the subject of the measures expedient to be adopted for the revival of American shipping, with authority to sit during the recess and to report at the next session of Congress.

JOHN W. HUMPHREY.

Mr. ALLISON. I ask unanimous consent to take up the bill (H. R. No. 327) for the relief of John W. Humphrey. It will not take more than a single moment; and it is the first request of the kind I have made at this session.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officer of the Treasury to pay to John W. Humphrey, of Iowa, \$1,260, for board and transportation of recruits for the Army in the year 1862.

Mr. ALLISON. This is a unanimous report of the Committee on Claims, and the bill has passed the House.

Mr. COCKRELL. I wish only to say that it is a remarkable instance of paying for recruiting service in 1862, when over \$55,000,000 were appropriated and placed in the hands of the United States officers all over the country to pay those expenses.

Mr. ALLISON. It is a most remarkable case.

Mr. COCKRELL. The proper officers of the Government have had jurisdiction and the right to pass upon those claims ever since.

Mr. ALLISON. It is a very remarkable case, and if the Senator will listen to the report he will see how remarkable it is and why it has not been done before. It is a case of which I have personal knowledge. Does the Senator ask for the reading of the report?

Mr. COCKRELL. No, I do not ask for that.

Mr. ALLISON. I know personally that it is a just claim.

Mr. SAULSBURY. The report had better be read. Some of us do not know anything about the case.

Mr. LOGAN. How much is the amount?

Mr. ALLISON. One thousand two hundred and sixty dollars.

The bill was reported to the Senate without amendment.

Mr. SAULSBURY. I called for the reading of the report before the question was put. I do not know anything about the case.

The PRESIDENT *pro tempore*. The report will be read.

The Acting Secretary read the following report, submitted by Mr. CAMERON, of Wisconsin, on the 17th of June:

The Committee on Claims, to whom was referred the bill (H. R. No. 327) for the relief of John W. Humphrey, have examined the same, and report thereon as follows:

This bill passed the House of Representatives on the 20th day of March, 1882. It was reported favorably from the Committee on War Claims, by Mr. UPDEGRAFF, of Iowa. The following is a copy of said report, namely:

"The Committee on War Claims, to whom was referred the bill (H. R. No. 327) for the relief of John W. Humphrey, report as follows:

"This claim is for—

| | |
|--|----------|
| Use of teams from October 1, 1861, to January 2, 1862,..... | \$149 00 |
| Board of 42 recruits to January 2, 1862, in Fillmore County, Minnesota, Howard and Winneshiek Counties, Iowa, and on the way to the city of Dubuque..... | 715 00 |
| Six teams transporting said recruits from New Oregon, (New Cresco,) Calmar, and Monoma to Dubuque—162 miles..... | 396 00 |
| | 1,260 00 |

"Which amount the claimant avers he paid in cash as above from his private purse. By the affidavit of claimant and of two other witnesses it appears that the services were rendered, and forty-one recruits turned over to Captain Washington, recruiting officer of the regular Army at Dubuque; that bills were presented to Captain Washington, and that he declared himself at that time short of funds, agreed that the account was correct, that \$1,260 was due, and that he would pay the amount as soon as he could draw funds from the War Department.

These statements are more or less strongly corroborated by Hon. Aaron Kimball, State senator, now residing at Cresco; Captain J. Simpson, now internal-revenue collector at Dubuque; Hon. J. H. Brown, late representative from Harvard County in general assembly, Iowa, and by other prominent men in the portion of Iowa wherein the services were rendered.

"The claim was examined and believed to be correct by Hon. T. W. Burdick, late Representative in Congress from third Iowa district, and who resides near and has known claimant well for a great number of years.

"On application for information to Hon. WILLIAM B. ALLISON, United States Senator, he states, under date of February 21, 1882, that about the time of the rendition of the service he was aid on the staff of Governor Kirkwood, attending to the collection of recruits for the volunteer forces at Dubuque. That the claimant had from time to time brought him many recruits and thus became acquainted with Captain Washington, who also employed claimant in the same capacity for the regular Army. That at the time the forty-one recruits mentioned in the bill were brought to Dubuque, Captain Washington was short of money and that the claimant consulted him. (Colonel Allison,) and that he advised claimant to receipt the bills, leave them with the captain, and await the arrival of funds. That claimant did so. That Captain Washington was suddenly ordered to the front, and in a few weeks after was killed in battle. That his papers, including these receipted bills, have never been found. Colonel Allison became a member of Congress in 1862 or 1863, and since that time has been almost continually a member of one House or the other. He states that during this period the claimant has from time to time repeatedly applied to him to aid in collecting this claim. That he has repeatedly endeavored to secure its payment through the Departments, but without success.

"Senator ALLISON has believed, and it seems correctly, that the Court of Claims never had power to adjudicate it; and it seems no other tribunal had. In the ab-

sence of returns from Captain Washington it was thought impossible for any accounting or auditing officer to adjust and settle the claim. The claimant says that for many years he had a hope that in some way Captain Washington's papers and accounts would turn up, but they have not.

"Your committee believe the claim sufficiently sustained, and report the bill back to the House with the recommendation that it pass."

Your committee adopt said report, and recommend that the bill do pass.

Mr. SAULSBURY. From the reading of that report I cannot vote for the bill. It may be all right, but there is not sufficient evidence in the report to satisfy me that the claim ought to be paid. There were a great many persons in the early part of the war getting up recruits, and it seems to me that these charges are of a character which would justify paying any man who went out to get up recruits for the Army, actuated perhaps by patriotic motives, and then not remembering his patriotism he comes in presenting a bill to be indemnified. I cannot, with my understanding of the case, after the lapse of twenty years, vote for the bill.

Mr. COCKRELL. I do not want to delay the bill or throw any obstacle in the way of it. We have had a great many of these claims presented to Congress for payment to individuals of sums alleged to have been paid out in feeding soldiers and passing them through the country, and in transporting and recruiting them. I have had some experience upon the Committee on Military Affairs in the investigation of some of these claims. There was one that was proved infinitely better than this claim is, and it was reported favorably at one time from the Military Committee. When it was referred to the Treasury Department, where all these accounts are kept, and which Department had perfect authority, the fullest authority, to adjudicate and pass upon and pay all these claims, and had at one time as much as \$55,000,000 appropriated which they could pay out and did pay out—when this particular claim to which I allude, which had been reported favorably by the Committee on Military Affairs, was referred to the Secretary of the Treasury it was found there that they had receipts of the man for the recruiting service. This case has never been referred to the Secretary of the Treasury for information. The vouchers for half this service may be on file in the Treasury Department. I simply desire to say that I do not vote for the bill, and do not consider it any precedent hereafter when I come to consider any other case.

Mr. ALLISON. I have but a word to say with regard to this case. It is my fortune to know personally about it. Captain Washington was a recruiting officer at Dubuque, Iowa, for the regular Army. These recruits were produced by this old man, and vouchers were made out and adjudicated by Captain Washington, who was the regular Army officer who had authority to do just that thing, and these papers were left in his hands, he having no funds at the time. Within two days after that he was ordered to his regiment, which was in the service in Mississippi or Tennessee, and within thirty days was killed, and every paper he had was destroyed and lost, and his accounts remain unsettled to this day. No trace of the papers has been found anywhere, so that this poor old man had no method of bringing his claim before the War Department, the evidence all having been destroyed in the hands of Captain Washington. I know this matter personally.

Mr. MAXEY. The claimant is deprived of Captain Washington's testimony by reason of his death?

Mr. ALLISON. Yes; but that is not all. There is no mode of producing the papers, because they were destroyed when Captain Washington was killed in the service.

The bill was ordered to a third reading, read the third time, and passed.

RAILWAY MAIL SERVICE.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service.

The amendments were, in line 3, to strike out the words "the 1st day of July, 1882," and insert "the passage of this act;" and at the end of the bill to add:

SEC. 2. That the sums appropriated in the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," approved May 4, 1882, for the compensation of railway post-office clerks, route agents, mail-route messengers, and local agents be consolidated into one fund and applied for the compensation of the clerks embraced in the five classes under the title "railway postal clerks," provided in this act.

Mr. FERRY. This bill was laid before the Senate a few days since, and the Senator from Iowa [Mr. ALLISON] and the Senator from Kansas [Mr. INGALLS] took exception to it at the time, not understanding the bearing of the House amendments. I understand the Senator from Iowa is satisfied now that the amendments are correct and the Senator from Kansas, who is now absent from his seat, [Mr. INGALLS,] has expressed the same thing. The effect is simply to conform the existing appropriations to the present law.

The bill passed in the Senate before the 30th of June, and it is necessary now, as the Post-Office appropriation act passed prior to this bill, that it should provide for the appropriation, and as the different employes in the railway mail service are now classified under five classes, and all named postal clerks, the present amendment of the House conforms to that, and the Senate should concur.

Mr. MAXEY. I drew the bill and inserted the 1st day of July, the beginning of the current fiscal year, because I suppose the bill would

pass promptly through both Houses. It did pass the Senate on the 10th of February, and I supposed it would pass both Houses before the passage of the Post-Office appropriation bill. It did not, however, pass the House until the 22d of July, and hence the expression "1st of July" has to be stricken out and "from and after the passage of the act" inserted.

The other amendment is simply to make the appropriation available to carry out the bill which passed the Senate before the Post-Office appropriation bill.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments of the House of Representatives.

The amendments were concurred in.

TARIFF COMMISSION.

Mr. BLAIR. Mr. President—

Mr. LOGAN. Allow me to ask a question. At the time the resolution of the Senator from Nebraska [Mr. VAN WYCK] was offered, in reference to the Attorney General's Office, &c., I objected to its consideration. I desire to extend that objection, if it is not too late, to the reception of the resolution, for the reason that it is of a character that ought not to be received by the Senate. Is it too late?

The PRESIDENT *pro tempore*. It is too late now.

Mr. VAN WYCK. For what reason, sir?

Mr. BLAIR. I do not like to yield the floor for debate. I suppose the objection can be entered to the reception of the resolution.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

LABOR STRIKES.

Mr. BLAIR. I ask unanimous consent to take up the resolution reported by the Committee on Education and Labor in reference to the investigation of the causes of labor strikes and the relations of capital and labor, to be found on page 3 of the Calendar; and I wish to say that I am a little afraid my friend from Maine, [Mr. HALE,] who I see is on his feet, is half disposed to raise some sort of objection. This question was debated before reference to the committee, and I have no idea it will consume any length of time now. The Senate was in considerable haste at the time the report was made and did not consider it.

I have in private conference with those who have charge of the business of the Senate which has the right of way, solicited them to permit the resolution to be brought up. The session is wearing away and I think that the resolution will occasion no debate, and it ought to be disposed of. I ask unanimous consent that it be taken up for that purpose at this time.

Mr. HALE. I must object.

Mr. BLAIR. Then I move to lay aside the pending and all other orders for the purpose of proceeding with this resolution.

Mr. HALE. I hope that will not be done, because I wish to make that motion in order to take up the naval appropriation bill. If this is voted down I wish to make that motion.

Mr. HOAR. What is the pending order?

The PRESIDENT *pro tempore*. The pending order is the consideration of the Calendar under the Anthony rule.

Mr. HOAR. I do not understand that any Senator gets any advantage in regard to taking up his matter under the usages of the Senate by being the person who moves to lay aside the pending order. That motion is to be made by itself, I suppose. The entire Senate may concur in that. Then the question will be between the two measures.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves to lay aside the pending order, which is proceedings under the Anthony rule, with a view to taking up a certain resolution.

Mr. HALE. I have no objection to laying aside the pending order.

The PRESIDENT *pro tempore*. Is there objection to laying aside the pending order, which is proceedings under the Anthony rule? The Chair hears none; and it is laid aside. Now the Senator from New Hampshire moves to take up the resolution indicated by him.

Mr. HALE. Is it in order to substitute for that the naval appropriation bill?

The PRESIDENT *pro tempore*. That is not in order.

Mr. HALE. Then if this motion is voted down, I give notice that I shall make that motion next.

Mr. BLAIR. I wish to say that that will be likely to lead to considerable debate as between the Senator who has just taken his seat and the Senator who has charge of the revenue bill. This measure to which I ask the attention of the Senate can probably be disposed of in five minutes. I see the mover of the resolution [Mr. MORGAN] which was referred to our committee, and if I am incorrect in my effort to give to the Senate the impression that this will take little time, I should be glad to be corrected by him. If any Senator thinks this likely to provoke much discussion, I will not press the motion on the Senate now; but I do think it can be disposed of in ten minutes.

Mr. HALE. If we are to consider the appropriation bill we must vote down everything else.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire to proceed to the consideration of the resolution stated by him.

Mr. BLAIR. It is a resolution for an investigation into the causes of strikes. It is a small matter which has been waiting long.

The motion was not agreed to.

ORDER OF BUSINESS.

Mr. HALE. I move now to take up the naval appropriation bill. The PRESIDENT *pro tempore*. Is there objection?

Mr. MORRILL. Before that motion is put I desire to say a word. I rise for the purpose of saying something now lest the motion made by the Senator from Maine shall prevail, and I may never have any other opportunity to say what I desire to say now, but I trust that if the motion does prevail it will not be by votes on this side of the Chamber.

Mr. President, it is right to refer to something as to the character of the revenue bill. I regret myself that it did not come here at an earlier day, but there was no delay on the part of the Committee on Finance after the bill was received from the House in reporting it, and in asking the earliest possible action on the part of the Senate. It was such a bill as ought to have received, and might have received, consideration and final action in one day. The first part of the bill proposed to repeal the stamp taxes and leave nothing of the internal revenue but the tax on circulation of banks and upon whisky, tobacco, and ale or beer.

I think the other side of the Chamber were certainly committed by the action of their associates of the other House last year in favor of this bill. They were also committed, so far as the leader on this question, the Senator from Kentucky, [Mr. BECK,] or the caucus, I do not know which, is concerned, as he had introduced a bill in the Senate which was referred to the Committee on Finance last year for essentially the same purpose.

Mr. President, after the bill had been reported to the Senate we found from our own side and the other side of the Chamber that the only fault found with the bill was that it did not go quite far enough, and therefore it was concluded to report a reduction upon sugar and upon Bessemer steel. All we asked was a vote of the Senate, a vote for or against the amendments, or for the bill or against it. But there arose immediately a disposition on the part of Senators on the other side of the Chamber to procrastinate the consideration of this bill by interminable amendments and by protracted debate, and it was a debate that was not exactly pertinent. When the repeal of the stamp tax upon matches was proposed, a large share of the time was consumed in discussing the propriety of the repeal of the tax upon deposits of banks, and upon bank capital, and so on; and yesterday when a proposition was before us for consideration proposing a reduction of the duties upon sugar 25 per cent., we had thrust in here the consideration of chloroform and baby-jumpers.

Mr. President, the Senator from Kentucky has stated that he will not consent to an extension of time for appropriations necessary for carrying on the Government beyond the 31st day of the present month; that he will not consent to any evening session, will not consent to any five minutes' limitation of debate; and, whether in the spirit of bravado or not, he has intimated that he is ready to stay here until next December. I desire to say in reply to the suggestion of the Senator about December that I think Washington is a very pleasant place to stay, the climate this summer has been very congenial, and so far as I am concerned I am ready to stay until this bill is completed, whether it is December or January; and I think when it comes to a question of endurance there is not a man on this side of the Chamber who has not greater powers in that direction than I have myself.

But, Mr. President, I desire to call attention to something of the character of the amendments proposed. There are between thirty-five and forty of them. I do not propose to go through the whole lot, but I desire to call the attention of the Senate and of the country to the character of the amendments proposed by Senators on the other side of the Chamber.

The Senator from Kentucky [Mr. BECK] has an amendment proposing to reduce the duty upon Bessemer steel from \$28 to \$14. The Senator from North Carolina [Mr. VANCE] proposes to take the duty off from camphor, which is now only 5 cents per pound; and chloroform, which is \$1 per pound, and yet it sells for 65 cents per pound. The duty is \$1, and the article sells for 65 cents, showing conclusively that the consumer here is not taxed in proportion to the duty, but that chloroform can be obtained for two-thirds of the amount of the duties levied upon it.

Then the Senator proposes to reduce the duty one-half upon Hoffmann's anodyne and spirits of nitric ether, and upon hops. I desire to know whether the western part of the country would like to have the duty on hops repealed, and allow the hops from the Canadian Dominion to come in here with any greater privileges than they now enjoy? Then he proposes to reduce the duty upon opium, which now stands at \$1 per pound, amounting to about 25 per cent. *ad valorem*—an article that is consumed largely by the Chinese, and an article that is very dangerous to have an increase of its consumption in any part of the country, because it induces habits that are more destructive to life and health than even alcoholic liquors.

Then the Senator from Alabama [Mr. MORGAN] proposes to apply this amendment to banking associations, that the repeal of the tax upon deposits, &c., "shall not apply to any banking association that does not file in the Treasury Department a release of all interest on bonds deposited to secure circulation during the entire period of time the same shall so remain on deposit."

The Senator from Mississippi [Mr. GEORGE] proposes to reduce the duties upon a great many articles of iron-ware, like wrought-iron

nuts, iron bars, rails for railroads, boiler-iron, railway bars, &c., to seven-sixteenths of 1 cent per pound, or less than half a cent per pound.

The Senator from Kentucky [Mr. BECK] proposes his radical amendment in relation to ships, that when they are in whole or in part built in any foreign country they may be brought here and registered. Then the Senator from Kentucky has eleven pages of amendment on distilled spirits. I have not read it all through; I do not know whether he proposes to reduce the tax to 50 cents or 60 cents, as he has often suggested, but he certainly proposes to bring up all the questions in relation to the bonded warehouses, or for extending the time that whisky may remain in bond, for five years instead of three, and a great many other propositions.

The Senator from North Carolina [Mr. VANCE] proposes to reduce the duties one-half upon "all vessels of cast-iron, stoves and stove-plates, cast-iron butts and hinges, and on hollow-ware, glazed or tinned;" and to reduce the duties "on dress and piece silks, and all fabrics of which silk is the component material of chief value," to 35 per cent. *ad valorem*, "as they were before raw silk was made dutiable." The Senator, I suppose, does not understand that raw silk is not dutiable, but is free, and has been since 1861.

There are various other amendments here. The Senator from North Carolina proposes to reduce the duties upon all manufactures of wool, knit goods, worsted yarns, &c., to 50 per cent. of the present rates. He does not propose to reduce the duty on the raw material.

The amendment of Senator BECK, offered yesterday by the Senator from Tennessee, [Mr. HARRIS,] I discussed yesterday as one of the most objectionable in the whole bill, and I only need to print it as offered:

That all taxes and customs duties imposed by laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883, and to a discount of an additional 10 per cent. after the 1st day of January, 1884.

No manufacturing establishment could keep in active operation during the impendency of such reductions upon the whole range of the tariff.

Mr. President, it is obvious that these amendments, under the conditions that are imposed by the leader of the Democracy on the other side, are to be debated without limit. The Senator from Kentucky himself says that they must be considered in the ordinary way and with the utmost freedom, and without any limitation of debate. We have already placed in the bill a reduction of 4 cents per pound of the tax upon tobacco. We have also granted a rebate upon tobacco. We have got a provision in the bill by which this rebate shall extend not only to manufacturers but to dealers. We have also made a provision by which farmers, planters, and lumbermen may become dealers without a license so far as to sell to and furnish those in their service with tobacco in any form.

I have a letter received this morning from Commissioner Raum, who states that the number of accounts that would have to be settled would be over 400,000 in number, and he conceives it almost impossible that that duty devolved upon him and his department can be properly executed. He also gives an estimate of the amount that would have to be refunded amounting to over \$2,000,000. I will preserve the letter for insertion in the RECORD:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, July 25, 1882.

SIR: In compliance with your verbal request of this date for such information and suggestions as might be of interest in regard to the amendment of the fourth section of the internal-revenue bill, which provides for the payment of a drawback or rebate to manufacturers and dealers in tobacco and cigars, I would respectfully state that there are over 400,000 manufacturers of tobacco and cigars and dealers in those articles who would, under the provisions of this law, be authorized to present claims for drawback.

From the best information I can obtain I am of opinion that there is now in the hands of dealers at least a sixty days' supply of manufactured tobacco, cigars, and cigarettes, and that claims for drawback would probably be presented as follows:

| | |
|---|-------------|
| Upon 27,000,000 pounds tobacco, at 4 cents per pound..... | \$1,080,000 |
| Upon 445,000,000 of cigars, at \$2 per thousand..... | 890,000 |
| Upon 94,500,000 cigarettes, at \$1 per thousand..... | 94,500 |
| Total..... | 2,064,500 |

It is obvious, from the number of claims that would probably be made, that it would be utterly impossible for the inventories of tax-paid tobacco in the hands of claimants to be verified by the officers of the Government on the day the law reducing the tax goes into effect, so that it would be necessary to accept other proof than the certificate of an officer of the validity of a claim. In view of this fact, I would respectfully submit whether such a provision of law will not necessarily operate as a great temptation to fraud.

Your attention is called to the fact that during the past fiscal year this office acted upon two hundred and thirty-seven refunding claims, and 2,530 abatement claims, and that three persons are employed upon that work. If the provision authorizing a rebate of taxes becomes a law, it would be necessary to make temporarily quite an addition to the working force of the refunding section of this office.

Very respectfully,

GREEN B. RAUM, Commissioner.

Hon. JUSTIN S. MORRILL, United States Senate.

We have also refused the provision for any further test than that of color in relation to sugar, by which we shall undoubtedly, as is shown wherever we have had any experience on the subject, lose at the rate of not less than \$2,000,000 a year.

Mr. President, under these circumstances I ask the Senate to continue the consideration of the revenue bill until the end. I have

endeavored to discharge my duty without taking up much of the time of the Senate, and I shall not take up much time hereafter, but I deemed it essential that the subject should be presented as it now stands before the Senate, and to say that in a body where we are about equally divided it may be possible for the opposition to defeat a bill of this kind in the way that has been attempted. Even any minority is capable of making a very great obstruction to the bill, but where a legislative body is equally divided, or nearly so, it is within their power to accomplish their purpose if they so determine.

Mr. BECK. Mr. President, I do not quite understand the object or purpose of the speech of the Senator from Vermont. It may be a funeral oration; I do not know. However, so far as it seems to reflect on any action taken by me, I desire to say to the Senator, to the Senate, and to the country, that I am now and have been willing from the beginning of the session to consider fairly and legitimately all questions connected with taxation. I believe our internal-revenue laws need revision; I believe our tariff is in great need of revision; I have missed no opportunity to press the importance of these questions upon the Committee on Finance and upon the Senate; perhaps I have the misfortune to press these matters "out of season as well as in season."

When this little bill came from the House it was so insignificant that I confess I had a contempt for it. I endeavored in the Committee to amend it by offering most of the amendments which the Senator has now read, legitimate amendments, proposing a reduction of the tobacco tax and giving other privileges to the producers of the country. I was voted down in committee, of course, by the majority led by the Senator from Vermont, and his little bill was brought before the Senate on the 6th day of July, confining itself simply to bank taxation, matches, and proprietary medicines. That bill was denounced by all intelligent men of all parties in the country as a thing utterly unworthy of the American Congress, and coming here too from the House of Representatives after they had passed a resolution to adjourn on the 10th of July, which was lying on our table when their bill came.

The Republican caucus saw what a miserable abortion it was; it met and ordered that committee to take that bill off the Calendar and add to it a reduction of the duty on sugar and on other things, and the chairman of the committee came in next morning after the caucus gave its order and took the bill back to his committee and reported it the next minute in accordance with the caucus order. Then his bill for the first time assumed decent proportions and was of course open to fair amendments. On the amendment that I offered for the reduction of the tobacco tax to 12 cents a pound the Senate agreed with me. I offered another amendment to give the producers of tobacco in the remote parts of the country the right to sell to the extent of \$100 the product they were raising. That raised a great hue and cry from the manufacturers, but it will save hundreds and thousands of people from persecution in the courts of the United States and will not injure the revenue one dollar, and it never did from 1864 to 1872, when these gentlemen saw fit to deny the producers that right, a right that they have, as I contend, to sell the products they raise on their own farms and gardens. The Senate agreed with me in that.

When we came to the tariff provisions I offered an amendment to reduce the duty on Bessemer steel from \$28 to \$14 a ton, and it ought to be reduced. There are 110,000 miles of railroad in this country, the cost of which is paid by the producers and travelers of the country, and I have a right to have their transportation cheapened as against the exactions of monopoly. Dare he say in this presence that my amendment is wrong? He dare not say it to the Senate.

I have offered amendments seeking to reduce all tariff taxation down to an average of 50 per cent. ad valorem. Is not that a legitimate amendment? Who will venture to say that 50 per cent. bonus to any manufacturer is not as much as he can decently ask? A business that cannot live when it takes 50 per cent. out of the pockets of the consumers of the products of the country ought not to live at all, and the 52,000,000 people in this country ought not to pay more than 50 per cent. on what their goods are worth or what they can buy them for elsewhere, even to enrich a few men in the neighborhood of the Senator from Vermont.

I submitted another amendment, which is now pending, offered by the Senator from Tennessee, [Mr. HARRIS,] substantially to take off 10 per cent. on the 1st day of January, 1883, and another 10 per cent. a year from then. Is not that a legitimate amendment? These gentlemen themselves had taken off 10 per cent. in 1872, because the internal-revenue taxes had been removed; it was restored in 1875 under the false pretense of needing the increase in order to protect the sinking fund. Now, these distinguished gentlemen seek to remove the tax they imposed in 1875 on sugar and leave the 10 per cent. imposed in 1875 still standing on all the other classes of goods. My amendment seeks to relieve the country from this taxation and substantially to repeal the act of 1875, as well in regard to cottons and woolsens and other things as on sugars.

The only other amendment I offered is one to give every man engaged in the commerce of the country a right to buy his ships just as he can buy his wagons, or as these gentlemen buy their cotton and woolen machinery, in any part of the world. I only seek to open our markets so that our people can trade on fair terms with all the world. That is all I have done.

The Senator from Vermont complains because I say I will not allow debate to be choked off. I repeat, notwithstanding his fling, I will not consent to a five-minute rule in debate upon a great question like my 50 per cent. proposition ad valorem on all the goods imported into the country, or upon the question whether men shall have a right to buy their ships where they please. Because I will not, in short, get down on my knees and cringe in obedience to the orders of the Finance Committee, who seem to cling to their own little contemptible bill, which was only made respectable when altered under the orders of the Republican caucus, and even now continue to insist that only one thing, sugar, of all on the tariff list, shall be considered, unless it be to double the tax on cotton-ties, and I am to be cut off from the right to debate these propositions, and from the right to offer amendments, because forsooth the Senator from Vermont considers himself and his committee as the masters of the Senate, and that anybody who dares to vote for anything the Senator does not want is in contempt of court.

I do propose to vote with him for the bill when properly amended. Let him call it up whenever the appropriation bills are passed; let amendments be offered; have them fairly discussed before the Senate, and if the Senate votes me down I shall acquiesce; and if the Senate vote him down, as I think they will, indeed as I think he knows they will, because they have, he cannot make a pretense of abandoning his bill now under coercion or by factious delay, and preaching a funeral sermon over it for fear we shall beat him, and then say we would not give him fair play. He shall have fair play if it takes until December to give it to him.

There is no bravado about any remark made by me, no taunt about it. I want to get away from here as much as anybody, yet I am willing to stay as long as anybody. I will not consume any more time than I think necessary, and I will consume all the time I think necessary to make the country understand the meaning and importance of the amendments I offer.

Mr. VOORHEES. Mr. President, I had intended before this debate closed to say some things which I will not now say, as I feel that this bill is in its dying throes. But before it passes to its doom I desire, in all candor and kindness, to make a few observations.

The Senator from Vermont yesterday made a suggestion as if he thought the members of the Committee on Finance on this side of the Chamber had in some way deserted the committee on matters that had been agreed to or acquiesced in by them in the committee. I think the Senator will do me the justice to bear witness that from the first moment this bill came under consideration in the committee I pointed out the very difficulties which have assailed it at every step since. I pointed out the fact, first, that it came here at a late and unseasonable hour to commence so great a work as the revision of taxation; second, I pointed out that it was partial in its provisions, that it was not general, it was special, and proposed to treat of a few points belonging to a large field of legislation. I insisted in committee that it would open a wide range of subjects, a wide range of amendments, a wide range of discussion, just as has taken place, and I then predicted that if it was held before the Senate until it was completed and passed we should be here until the middle of August. I hope this last calamity is about to pass from us.

Now, Mr. President, a single word upon some points proposed in connection with this bill. I have not thought it necessary to stand here and declaim at length in behalf of tariff reform, for I have understood the necessity of that to be conceded by everybody. I have understood it to be conceded that this tariff, enacted twenty years ago, in the midst of the war, did not apply harmoniously and properly to the interests of the country at this time. I understand that to be conceded by its distinguished author himself, the Senator from Vermont, that there is an urgent and imperative necessity for reform; that the country and its interests have grown away, far away, from the conditions which justified or seemed to justify this legislation at the time it took place.

While not claiming to be as intelligent in regard to the details of tariff legislation as many other Senators, yet I have not the slightest doubt that there are enormous inequalities and injustices covered up and protected by the present tariff legislation. It needs the hand of reform applied liberally and vigorously. I have no doubt of that. And when that work of reform takes place, so far as I am concerned, I want it to be well understood and to embrace every interest.

Why, sir, the tariff question is more one of business than of politics. There is more of business in it than of party politics. The question is how to harmonize this system of taxation, touching one thing here and another there, so as to make an entire system of justice. I must say with perfect frankness and with regret, for there is no Senator whose sagacity I respect more highly than that of the Senator from Tennessee, [Mr. HARRIS,] that I cannot vote for his amendment offered yesterday, though indorsed to-day by the Senator from Kentucky, [Mr. BECK.] An indiscriminate reduction of 10 per cent. at one time, to be followed by an indiscriminate reduction of 10 per cent. at another, applied to everything alike, is not the kind of reform that I look forward to.

I do not know, nor do my associates on this side of the Chamber or on the other side, whether 10 per cent. reduction next January would affect justly and equally all the interests in my State or in yours. The duties on some articles ought to be reduced more than that, and there are articles manufactured in Indiana that ought to

bear no reduction at all. There are over one thousand dutiable articles in our tariff list, nearly eleven hundred enumerated. I do not think it is wise, intelligent legislation to make a horizontal scale over all articles. You cannot treat everything alike. Those articles that need more reduction than 10 per cent. ought to have that reduction; those that ought to have less should be treated accordingly, and those that ought to have none ought to be let alone. Anybody can see at a glance that the only way to reach an intelligent treatment of this subject is to take up the whole question in detail and determine what is right as to one article by its relation to another. The failure to do this is the fault of the bill before the Senate.

I am going to deal in no acrimonious remarks about this bill now; I have said all I desire to say in that line of remark; but I do regard it, speaking with perfect respect for the distinguished chairman of the Committee on Finance and for the Senator from Ohio, as a mistake to take up a few articles and propose to deal with them and let the whole field of reform lie uncultivated. I say to the Senate here that when the time comes and the conditions are ripe and the subject is in a shape to be considered item by item in a business way in detail, I shall vote most probably for the repeal of every item of internal-revenue taxation except that which is laid upon spirituous liquors and tobacco. With all my supposed hostility to the banks I will go that far.

I have no hostility to banks; I think injustice was done to the banks by singling them out and putting them in the foreground and asking for more relief in their behalf than for all other interests embraced in this bill; but when the whole field of tariff reform comes before this body, as far as my judgment is formed now, I shall vote for the repeal of all internal-revenue taxation with the exception of that which rests in some moderate amounts upon spirituous liquors and tobacco. These articles can well bear a tax; they are not necessities of life, nor do I think they are luxuries. They are those things which men can take or let alone; and if they please to use them they can pay the taxes; if they choose to let them alone that is their right. I think they are sources of revenue that we can well afford to draw something from, thus relieving us of the necessity of raising so much revenue from tariff taxation as might work an injustice to many important interests. But, Mr. President, as long as our national debt and our expenses are as they are, as long as we have to raise over \$200,000,000 by tariff taxation, I, for one, am ready for no wild experiments upon this, that, or the other edge or corner of this great subject; I want the whole range of the interests affected before me, so that we can consider them fairly and properly in their relations to each other.

So far as the political aspects of this question are concerned, they do not trouble me in the least; so far as its effect on me personally is concerned, I am indifferent; and so far as any assaults that may be or have been made, they pass me as the idle wind. I am willing to be judged by the people who sent me here as to my conduct and my motives, and if upon the record which I make I am to retire from public life I shall do so cheerfully and contentedly. On the contrary, however, I will say to you, Mr. President, and to the Senate, that the common-sense, the conservative thought of this country of both parties, in my opinion, is that while we have to collect so large a revenue the tariff will continue to be the principal method, and that the necessary, incidental, and ever-continuing feature of protection connected therewith should be so adjusted as to do the people of all sections and parties the most good possible. That is all, Mr. President, that I desire to say.

Mr. FRYE. Mr. President, as the naval bill may take the place of the internal-revenue bill, I believe, in justice to myself and in justice to a majority of the Senate who voted against the legalizing of the polariscope yesterday, that I should make good the assertion I made yesterday in reply to the Senator from Ohio, that I could show that his figures and claims for the polariscope were delusive. The Senator from Ohio yesterday in the latter part of the day used this language:

In 1878 we paid from the Treasury of the United States in the way of drawback on sugars exported \$2,330,083; in 1879 we paid from the Treasury as drawback on sugars \$3,336,297. In the latter part of June, 1879, the Treasury order took effect, which the Supreme Court has set aside. That order was to apply the polariscope test to sugars imported, so as to levy the duty on the saccharine strength. The next year, under the effect of that order, the drawbacks fell off to \$913,660, and so the Government saved over \$2,000,000, not on articles consumed in this country but on articles exported, brought in simply for refining and exported, for the drawback only applies to those. Last year, that order being still in force, the amount of drawback was only \$758,048, showing that the effect of the order was to save to the Treasury of the United States in drawbacks to refiners over \$2,000,000 a year.

In other words, the polariscope alone in the drawbacks paid by the United States Government on the exportations of sugar under the law, saved the United States over \$2,000,000 in 1880, and more in 1881. Now, Mr. President, if the exportations were the same in 1880 that they were in 1879 and in 1878, if they were the same in 1881 that they were in 1878 and 1879, then I admit that the statement of the Senator would not be delusive, but it would be true that the \$2,000,000 had been saved by the polariscope.

But what are the facts? The facts are that the exportation of sugar in 1878 was about, in round numbers, \$5,000,000; in 1879, \$7,000,000 and a little over; in 1880, \$3,300,000; in 1881, two million six hundred and seventy-three thousand and odd dollars. So, if the polariscope did that, then the polariscope reduced the sugar ex-

portation of the United States from \$7,000,000 to two and a half million in round numbers. If the polariscope did that, the polariscope was working in direct opposition to the spirit of the law which provided the drawback for the very purpose of encouraging exportations.

But, Mr. President, I assert—and it is not in the power of man to contradict me in the assertion—that the polariscope did not do it, that the statements made by the Senator from Ohio are utterly delusive, and I say that he had the tables before him when he made the statement by which the delusion might have been shown. What is the fact? The polariscope order took effect in June, 1879. The Canadian tariff which I hold in my hand was assented to in May, 1879, and took effect at the same time that the order legalizing the polariscope did. Now, no man, not even the Senator from Ohio, will claim for a moment that even though the fraud extended over the two degrees of 7° and 10°, and no one claims that it ever went over 13°, that made a difference of more than one-half a cent a pound, because the difference between 7 and 13 is one-half cent, from 7 to 10 one-fourth of a cent, and from 10 to 13 one-fourth of a cent. Now, what is the Canadian tariff on this very sugar?

Sugar above No. 14 Dutch standard in color, one cent per pound and 35 per cent. ad valorem.

Sugar equal to No. 9 and not above No. 14 Dutch standard, three-fourths of a cent per pound and 30 per cent. ad valorem.

Sugar below No. 9 Dutch standard, half a cent per pound and 30 per cent. ad valorem.

I assert, and the Senator will not contradict it, that nine-tenths of all the exportations of refined sugar from the United States were to Canada. I assert that with our skilled workmen and our machinery we had stopped the refiners of Canada from working at all.

Mr. SHERMAN. Repeat the statement. How much do you say was imposed by Canada?

Mr. FRYE. I said nine-tenths of the importations of refined sugar went to Canada.

Mr. SHERMAN. Do you say that from the official documents?

Mr. FRYE. Only from a casual glance I had of the statement I saw in the Senator's hands yesterday when he made the statement that the polariscope saved \$2,000,000.

Mr. SHERMAN. I simply wanted to ascertain the statement of the Senator.

Mr. FRYE. What does the Senator say the proportion of Canada was?

Mr. SHERMAN. About two-fifths.

Mr. FRYE. That Canada took only two-fifths of all the foreign exportations of the United States of refined sugar?

Mr. SHERMAN. Of sugar. Here it is drawn from official statements; let me give the facts because there should be no controversy between the Senator and me about them. Here is the official statement. In 1879 the quantity of refined sugar imported was 116,862,583 pounds. All that went to the Dominion of Canada, including all the provinces, was 53,717,659 pounds, and to other countries than the Dominion of Canada there went 63,144,924 pounds. About two-fifths went to Canada.

Mr. FRYE. So that Canada got nearly one-half.

Mr. SHERMAN. Nearly one-half; but that is not nine-tenths. Now let me go a little further. In 1880, the next year, the exportation, after the polariscope order was adopted, fell to 29,000,000 pounds, of which only 731,000 pounds went to Canada, and 28,000,000 pounds and more to other countries. So that to other countries the falling off was considerably more than one-half.

Mr. FRYE. And how much was the falling off to Canada the next year?

Mr. SHERMAN. The great body of it no doubt was caused by the tax.

Mr. FRYE. Just exactly as I say. The only mistake is that the proportion that was exported to foreign countries that I gave was too large for Canada. It was—I will take the Senator's figures—nearly one-half to Canada; but nearly nine-tenths of the falling off of the exportations in 1880 and 1881 was in the exportations to Canada.

Mr. SHERMAN. The Senator is mistaken.

Mr. FRYE. The Senator has the figures there. How much?

Mr. HALE. I rise to a point of order. I do not wish to interrupt my colleague, but I may as well make the point of order upon him as he is my colleague.

Mr. FRYE. Let me just add one statement and then make the point of order.

Mr. HALE. I do not want this day consumed by a tariff discussion when I believe the Senate wants to go on to the consideration of the naval appropriation bill.

The PRESIDENT *pro tempore*. In the opinion of the Chair the Senator from Vermont was out of order, and so have been all the other Senators who have spoken since him; but the Chair did not raise the point of order himself, and nobody else did. The Senator from Vermont discussed the general question and so did the Senator from Kentucky and the Senator from Indiana. The Senator's colleague is of course out of order, but the Chair had no intention of applying the rule to him.

Mr. MORGAN. I hope I shall be allowed to make one observation about this matter. The Senator from Vermont has made an appeal—

The PRESIDENT *pro tempore*. Debate on the merits is not in order on a motion to take up.

Mr. MORGAN. The Senator from Vermont has made an attack on this side of the Chamber, and also on some individuals on this side of the Chamber for having offered amendments here which he considers to be irrelevant, if not frivolous, and with having sought to embarrass the action of the Senate and protract the session in this way. Now, I hope no point of order will be made on us until we have had some opportunity to explain our intentions, motives, and purpose in bringing forward the proposed amendments.

The PRESIDENT *pro tempore*. The Chair will not make any point himself.

Mr. MORGAN. I was speaking to the other side.

Mr. FRYE. I only want a minute more. I want to correct my figures. I said nearly one-half the exportations of sugar were to Canada. I said that nearly all the reduction of exportations was to Canada. I say that that was caused by the 1 per cent. a pound on sugar and 35 per cent. ad valorem imposed by the Canadian tariff and not by the polariscope, as the Senator said. I say that the Senator's statement when he had the statement in regard to exportations before him was delusive, and it was calculated to mislead the Senate when it was made here, claiming for the polariscope all the credit of those reductions, and that the United States Treasury was making \$2,000,000, when he knew that the exportations themselves had fallen down in proportion to what he calls the saving to the Treasury.

Mr. SHERMAN. I will occupy but a moment in reply. I have already corrected the error of the Senator in regard to the statement of fact, but he says that the falling off of the exportation to the Dominion of Canada was much larger than it was to other countries. So it was. No doubt it was caused partly by the changed tariff of Canada.

Mr. FRYE. Then why did not the Senator yesterday say so, instead of claiming the whole saving for the polariscope?

Mr. SHERMAN. I did not know anything about the Canadian tax until the Senator himself told me.

Mr. FRYE. That only shows how mistaken the Senator's figures may be.

Mr. SHERMAN. On the contrary, it only shows that I was not familiar with the Canadian tariff, as the Senator from Maine is; I did not recall the effect of that tax, but here is the argument still, that suddenly, by the application of the polariscope, this large exportation of sugar fell off not only to Canada but to other countries, and it fell off more than one-half to all the other countries. What is the argument derived from that? It is that we had been paying a bounty to the refiners, a large bounty in excess of the amount of tax they had paid, and as a matter of course this business of refining ran up to any extent, but the application of the polariscope largely increased the duties received. The Senator says it could not be so much, it only amounted to one-third of a cent. A mill a pound on the sugar imported into this country makes the enormous sum of \$1,700,000.

Mr. FRYE. I was talking about sugars exported, and so was the Senator.

Mr. SHERMAN. I was talking about both.

Mr. FRYE. No; the Senator's figures show it was the exportation alone.

Mr. SHERMAN. I was talking about the other too. This fraud in the importation of sugar, caused by the adulteration of sugar by making it black, applies to the whole importation of the country of 1,700,000,000 pounds. When I spoke of the drawback, I only spoke of the drawback on the amount exported, which was \$76,000,000 worth, and I stated it correctly; and, sir, the drawback that was paid out of the Treasury in solid money, in gold, in 1879, was over \$3,000,000 paid to refiners for refining foreign sugar exported to foreign countries, not alone to Canada, for only two-fifths of it went to Canada, and the rest to England, France, and other countries.

Indeed, under the operation of the frauds upon the importation, we were paying for sugar exported to France, and to England, and to other countries, so that there was an increased bounty paid by the Government, caused by this fraud as I call it still, this discoloration of sugar. We collected less on the importation than we paid out as drawback, caused a fraud on the Treasury, by about \$2,000,000. The amount fell off from \$3,365,000 to \$913,000, or about \$2,400,000, of which probably that which went to Canada, which fell off mainly on account of the duty levied by Canada, was perhaps a million dollars, so that at least \$1,400,000 of excess of drawback was paid on account of this importation of sugar.

Mr. HALE. I hope we may have a vote on my motion.

Mr. MAXEY. Mr. President, I do not expect to discuss at all the little bill with its numerous amendments except for a short time on two points. Upon these points I desire to place my views on record as concisely as I can put them.

I had intended to say something with respect to the merits, or, more accurately, the demerits, of this bill, but it is apparent to my mind that there is a breaking up of the camp preparatory to a retreat, and I simply propose now to place upon record some facts in respect to two amendments which are quite important to the people of the State I in part represent.

The bill itself, as it came from the House, affords, as I believe, no relief to the great army of overburdened tax-payers. It is a delusion

in those who think so, but I shall not now further refer to that, because, for the reason stated, I do not think it necessary.

One section of the bill proposes a reduction of the duty on Bessemer-steel rails from \$28 to \$20 per ton. That affects very largely the State of Texas, which, beginning in 1865 with 331 miles of railway, went up on the last day of December, 1881, to over 5,000 miles of completed and equipped railroad, and we have since increased that 700 miles up to the present time, and a large portion of these roads is laid with the Bessemer-steel rail. We are, therefore, directly and immediately and largely interested in that question, because the cheaper the roads are built the cheaper is transportation.

In reply to the strictures made by the Senator from Delaware [Mr. BAYARD] the other day upon the excessive tariff on Bessemer-steel rails the Senator from Massachusetts [Mr. HOAR] said that notwithstanding this tax of \$28 on Bessemer-steel rails they were imported. I want to address myself a moment to that, so far as the interest of my State is concerned, and I can explain it, I think, conclusively and satisfactorily to any one.

I have just stated the amazing increase in the mileage of railroads in Texas. You will find a very accurate statement prepared at my request under the auspices of the cotton exchange at Galveston, in the annual report of the Chief of Engineers, in volume 2, page 1331, from which it appears that for the year ending December 31, 1879, iron and steel rails and fastenings to the extent of \$340,000 were imported into the port of Galveston, and for the year ending December 31, 1880, there were imported \$3,776,916, an extraordinary increase of over 1,000 per cent., and you will find that the percentage of increase for the year 1880 over that of 1879 of importation of iron and steel rails is very much greater than the percentage of increase of importation of any other article.

Why was it? Was it because the importers believed that \$28 per ton was a just and reasonable tariff? Let us see the reason. There are some eight Bessemer-steel factories in the United States. Every one of those factories, as I am informed, was crowded with orders beyond what they could fill for months. The State of Texas gave to every company which completed and equipped a mile of railroad 10,240 acres of land per mile. The amount of land which belonged to the State and which went to these railroad companies was rapidly becoming absorbed in the building of the roads. Hence to secure the land those companies which could not get orders filled at the mills in this country found it to their interest to get rails by speedy importation from Liverpool.

Mr. HOAR. Mr. President, I rise to a parliamentary inquiry.

Mr. MAXEY. I hope the Senator will allow me to finish what I have to say.

Mr. HOAR. It is precisely with reference to that. If the Senator declines I shall raise the point of order.

Mr. MAXEY. A number of these railroads had their orders in the mills.

Mr. HOAR. I rise to a question of order. What has become of the point of order raised by the Senator from Maine? If the Senator from Texas, whom I would not interfere with—

Mr. MAXEY. If the Senator from Massachusetts wishes to cut off what I am saying after his own side have presented their views he can raise his point.

Mr. HOAR. If the Senator had permitted me to put my question to him I would not have raised the point. If the Senator is going into this question at any length it will be my duty to reply at length, and in exercising that duty I shall be subject to a point of order on the part of any Senator. Now, if the Senator merely desires to make a brief statement I do not wish to object, and I rose to inquire whether he was going into a lengthy discussion.

I am myself notified by a Senator who sits near me that when I come to reply he will make the point of order on me. Therefore if the Senator from Texas merely desires to make a brief statement I shall not interfere; but if he is going into the Bessemer-steel discussion I want to go into it too, and I want to go into it with unanimous consent that we both have the floor. I have the material if a reply becomes necessary. I wish to say to my friend from Texas that I mean no discourtesy to him.

Mr. MAXEY. I see that what I was stating has had some effect, and if the point of order is raised against me—

Mr. SAULSBURY. The Senator from Texas is replying to what has been said by the Senator from Massachusetts, and it is not right to cut him off in this way.

Mr. HOAR. When was it said? My colleague made some remarks when the bill was up before the Senate. The bill is not up now, and the Senator having it in charge has given notice or substantial notice of its abandonment. Now, the bill not being up, the Senator from Texas, out of order, makes a reply on a question which it will be my duty to discuss in response at length, if it is to be discussed at all.

I say again, that I would not for the world be guilty of any discourtesy to a Senator, for whom I have the most sincere respect, and I do not wish to interfere if he merely proposes to make a brief statement or correction; but if he is going into a full discussion of this matter, the bill not being up, every Senator will admit that it is just that I should also have the same opportunity, and that is all I stipulate for; but the Senator from Maine [Mr. HALE] notifies me that when I get up to reply he is going to make the point of order on me.

Mr. HALE. I insist upon the point of order now before the Chair

and his ruling upon it. I see plainly that unless I do that, no matter who is up, the whole day will be consumed in discussion of a bill which is not only not before the Senate but upon which there is no motion before the Senate. The motion simply is to take up the naval appropriation bill.

Mr. MAXEY. I wish to say to the Senator from Maine that I had occupied probably two minutes during the entire discussion on this bill before I rose this morning. I think I was not over two minutes presenting the point I did yesterday evening. I stated when I began just now that I was going to put on record but two points. I must say that I do not think it is quite fair to cut me off when I have the floor.

Mr. HALE. The Senator sees that I have been notified that a reply would be made to him.

The PRESIDENT *pro tempore*. The whole debate has been out of order, commencing with the Senator from Vermont. The Senator from Vermont was out of order, and every other Senator since the Senator from Vermont spoke of course has been out of order.

Mr. MAXEY. It happens that every other one has had the opportunity to speak and has been allowed by the other side to go on.

Mr. HALE. The Senator will bear in mind that I made the point of order on my colleague. I did not then renew it, but the Senator from Massachusetts renewed it upon the Senator from Texas, and then notified me that if it was not insisted upon he would consider himself bound to make a lengthy reply; and I was forced by the exigencies of the case, under a sense of decent management of the motion that I have made, to insist upon the point of order. I do not desire to interfere with anybody personally.

Mr. HOAR. Well, Mr. President, I hope, as the honorable Senator from Texas feels aggrieved, he will have unanimous consent to conclude his remarks, and I will find a proper time to make my reply hereafter if I do not get it this morning.

The PRESIDENT *pro tempore*. The point of order is withdrawn.

Mr. HOAR. I hope my friend from Texas will have unanimous consent to proceed.

The PRESIDENT *pro tempore*. The point of order being withdrawn the Senator from Texas can proceed.

Mr. MAXEY. I stated in the outset that I desired to occupy the attention of the Senate but a very few minutes, and I should have been through had not these interruptions occurred. The point I was making was, in my judgment, important. I have stated and placed on record that the amount of iron and steel rails and fastenings imported into the port of Galveston for the year ending December 31, 1879, was \$340,000, and that that was increased to \$3,776,916 for the year ending December 31, 1880, or over 1,000 per cent.

Now, what is the reason for it? The reason, in my judgment, is conclusive and unanswerable, so far at least as my State is concerned. The State had given 10,240 acres of land per mile to any company which would complete and equip a mile of railroad. There were but eight Bessemer-steel companies, constituting a syndicate, in the entire United States, and the orders in those mills were far beyond their power to rapidly fill. The company which had its order in first was served first. The lands of the State were becoming rapidly absorbed, and therefore it was the policy of those railroad companies which wanted to secure this land to import their steel rails from England and pay the difference between the imported ton and the ton manufactured here, whatever difference that might be, because they would make more money by securing these 10,240 acres of land per mile than the difference between the American steel and the British steel. That is the reason why they imported it there. And in my judgment the imperative necessity for steel rails to supply the immense railroad building within the last two years, far beyond the capacity of the eight Bessemer mills in this country, will account for the importation at all the ports.

Then I pass to the other point. This bill under review professes on its face to be a bill for relief and for the reduction of the taxes of the people, and it is a remarkable fact that the only people in all this country whose taxes are increased by this bill are the people whom I in part represent. You may look to the fifth section of the bill, and the increase which the people of the South pay on cotton-ties is 150 per cent. I will show that.

Hoops cut to lengths, splayed and punched, are worth per ton, free on board a vessel at Liverpool, £7 10s. 2d., equal to \$36.60—that is, all charges paid, ready to come to the United States. The present duty is 35 per cent. ad valorem, which is \$12.81 per ton. The amendment of the Finance Committee will make the duty 1½ cents per pound, or \$33.60 per ton. The duty is now 35 per cent. ad valorem. It is proposed to be increased to 1½ cents a pound. Let us see the effect of that.

The general average of the annual cotton crop made in the South is 6,000,000 bales. Of that 6,000,000 bales the State of Texas raised a little over one-fifth, or 1,260,000 bales last year. As I have said the average crop of the South is 6,000,000 bales. Now there are six ties to each bale, and the aggregate weight of these six ties is 11½ pounds to the bale, equal to 67,500,000 pounds of iron used in baling the 6,000,000 bales of cotton, or 30,134 tons at 2,240 pounds per ton. The present tax is \$12.81 per ton, equal to \$386,016.54. The proposed tax of 1½ cents a pound is equal to a tax on a ton of 2,240 pounds of \$33.60. The tax on 30,134 tons of iron at \$33.60 is \$1,012,502.40. The tax which we now pay is \$386,016.54. The increase therefore by this amendment on the

single item of cotton-ties to the people of the South is \$626,485.86, or over 150 per cent. increase, and this is called a bill for the relief of the people!

Mr. President, that six million bales of cotton is raised by the labor of the black man as well as the white man. When you increase the expense of that over \$626,000 you take out of the hard earnings of the black man as well as of the white man that much of the earnings of the sweat of his brow and put it in the pockets of the Pennsylvania ironmongers or some other iron manufacturers, and you call that just.

Those who pretend to be such friends to the laboring-man, and especially to the colored man, should bear in mind that a large portion of this cotton which I have gone over is not only produced by the colored man but belongs to him, raised either on his own land or on rented land, carried to market and sold by him, and the proceeds belong to him. And still with these struggling people trying to better their condition, more than 150 per cent. increase is made upon an article absolutely necessary to put in condition for market the products of their labor.

It was on these points and these only that I desired to make any remarks, and I am sure that gentlemen who think about it, and especially my Western Republican friends, who know all about agriculture and how hard it is to make money tilling the soil, will stand by these people and not agree to that amendment which does so heavily increase the tariff upon cotton-ties indispensable to baling cotton for market. No one industry adds more to the common wealth than cotton culture. Cotton is a necessity to millions of people. It is not just to put additional burdens on its producers, on the hard labor of men who raise it, and certainly is inequitable to tax cotton producers to build up workers in iron. We are perfectly willing to bear our just share of taxation. More than that is unjust, and this proposed increase is both unwise and unjust.

Mr. HALE. Now, Mr. President, I must insist, if any further debate is sought, upon the point of order being enforced. I do not know that any gentleman desires to discuss the question further.

Mr. MORGAN. I desire to show, if I can, why the bill the Senator is urging ought to be taken up. I suppose that is in order.

Mr. HALE. The naval appropriation bill?

Mr. MORGAN. Yes, sir.

Mr. HALE. Of course the Senator is a better judge of the necessity of debate upon that than I am; but I think the Senate is very ready to take it up.

Mr. MORGAN. That may be; but it ought to be taken up in order, and thoughtfully.

The PRESIDENT *pro tempore*. The Chair will not call any gentleman to order. After the Senator proceeds, if the point is made the Chair will have to pass upon it.

Mr. MORGAN. I have no discussion to make on the tariff this morning. I do not propose to consume the time of the Senate by any reference to the merits of any amendment that has been offered to that bill, or of the bill itself. I am not in the habit of departing from the line of propriety in the discussion of questions before the Senate, I believe. It does not suit the character of my mental training or my idea of justice to the public to do things of that kind.

The Senator from Vermont, I suppose, has yielded to the motion of the Senator from Maine—

Mr. MORRILL. I do not yield.

Mr. MORGAN. He does not. Then in his antagonism to the motion of the Senator from Maine he went far beyond the record, and I think he went beyond the bounds of good-fellowship and good-neighborhood in the assault that he thought proper to make on certain individuals on this side of the Chamber, and also upon the party that occupies the seats on this side. The Senator forgets that we have been now for twelve days engaged in a debate which he himself forced upon the attention of the Senate, and which he is now, according to the statements of several Senators, prepared to abandon. We have been invited into this discussion by the fact that the subject that was presented was one of very great public importance, and by the further fact that the field of discussion that was presented here has a great number of developments, each one of which is a matter of most intense interest to all the people of this country.

The bill came from the House of Representatives without anything upon it in reference to the tariff. It came back from the Committee on Finance, reported on the 6th day of July, without anything in it with reference to the tariff. Then some arrangement took place, some authentic action of the Republican party through its caucus seems to have taken place, and it became necessary that the Senator from Vermont, on the 12th day of July, should ask that the bill should be recommitted to that committee. It was so committed, and almost on the same instant of time it was reported back to the Senate with amendments that converted it into a bill to reform the tariff as well as the internal-revenue system of taxation.

Now, I wish to call attention to the fact that on the 28th of June Mr. BECK, of Kentucky, offered an amendment reducing the tariff on Bessemer steel alone. On the 28th day of June, and before this bill had been recommitted, the honorable Senator from Kansas, [Mr. PLUMB,] a Republican, and a distinguished one, offered an amendment to this bill repealing 25 per cent. of the duty on sugar, thus introducing the tariff topic into the bill. On the 1st of July Mr. JOHNSTON, of Virginia, offered an amendment touching the subject

of the reduction of the tax on manufactured tobacco. Mr. JONAS, of Louisiana, offered an amendment relating to sugar on the 1st of July. On the 8th of July, and before the Committee on Finance had reported the bill back in the form that it is now being considered, Mr. MORRILL, of Vermont, offered three amendments, one relating to the tax upon sugar, another relating to the tax upon steel rails, and the other to the tax on iron. So the Senator from Vermont upon his own motion introduced into the Senate these three amendments relating to the subject of the tariff, he having reported the bill to this body that originated in the House and which contained no allusions to the tariff before that time.

Mr. HALE. Mr. President, I must again call the attention of the Chair to my point of order and ask that the Senator from Alabama be held to the motion that is before the Senate, and that is to take up the naval appropriation bill. I have listened thus far to the Senator from Alabama to see if he is discussing anything excepting the tariff bill or the tax or revenue bill, whatever it is called, and the incidents of that discussion and the amendments offered upon that bill. I find nothing else thus far.

Mr. MORGAN. I am not discussing the tariff bill nor any amendment that has been offered.

Mr. HALE. May I ask the Senator what he is discussing?

Mr. MORGAN. I am not expressing my opinion upon that bill at all; I am discussing the fact that we have wasted enough time on this bill to have passed the naval appropriation three or four times over, and we should now proceed to the consideration of the naval appropriation bill.

Mr. HALE. So I think, and that is the motion.

Mr. MORGAN. The Senator may be a little inconvenienced by the facts I am bringing to his attention. As a party man, I am afraid he is.

Mr. HALE. Not in the least. I should have been very unhappy long ago if I could have been inconvenienced by the Senator.

The PRESIDENT *pro tempore*. The Senator from Alabama will confine himself to the discussion of the propriety of taking up the naval appropriation bill.

Mr. MORGAN. That is what I am doing, sir.

Mr. HALE. I hope the Chair will watch the Senator for awhile as I have been watching him.

Mr. MORGAN. The Senator cannot judge of the drift of my remarks at this moment.

Mr. HALE. I cannot.

Mr. MORGAN. Because I have not told all yet that I wish to express. I say, sir, that the responsibility of all this tariff legislation upon this bill is due to the Senator from Vermont himself, who offered these amendments before the day he reported the bill back to the Senate with the tariff amendments upon it.

Mr. HALE. How does that proposition bear upon the question before the Senate of taking up the naval appropriation bill?

Mr. MORGAN. It shows that that side of the House, with the acquiescence of the gentleman in charge of the naval appropriation bill, have been remarkably indulgent to the debate on this tariff question, and to all measures proposed in respect of it, and have not in good faith urged the naval appropriation bill, and I am very much afraid the Senator is not doing it now.

Mr. HALE. The sins of the Senator from Vermont or my sins in the past have nothing to do with this question.

Mr. MORGAN. I want my friends on this side of the Chamber, some of whom seem indisposed to do it, to vote to take up the naval appropriation bill.

Mr. HALE. I think they will if the Senator will let them alone.

Mr. MORGAN. The Senator is perhaps mistaken, because there are Senators on this side who want to hold him and his party to the record they have made, and to keep this bill before the Senate for discussion.

Mr. HALE. Let us settle right off now by a vote how many there are so disposed.

Mr. MORGAN. I desire—

Mr. HALE. I ask the Chair to read Rule 36.

Mr. MORGAN. I am discussing this bill in order, and I am showing that the effort that is now made and supported by a resort to questions of order and the like to get this naval appropriation bill in reach of the Senate have not been heretofore made in good faith, and I question the good faith with which they are made now; and I desire my friends on this side of the Chamber who have been assailed in the manner we have been this morning, not to allow themselves to be overcome by the censures which have been heaped upon us this morning by the Senator from Vermont and others, and will not become thereby so enraged that they will refuse to vote to take up the bill which the honorable Senator from Maine has in charge.

The PRESIDENT *pro tempore*. The Chair would not call the Senator to order, because all this debate, commencing with the Senator from Vermont, has been out of order; but it is the duty of the Chair when a Senator is called to order to request him to sit down, and then not proceed without leave of the Senate.

Mr. MORGAN. Will the Chair please inform me in what respect I am out of order?

The PRESIDENT *pro tempore*. The Senator is discussing the revenue bill, and the conduct of the Senator from Vermont in managing it, upon a motion to take up the naval appropriation bill.

Mr. MORGAN. I said I was trying to convince my friends on this side of the Chamber, some of whom told me they would not vote to take up this bill, that it was their duty to do it, notwithstanding the thrusts that have been made at us this morning.

Mr. BUTLER. I think the remarks of the Senator from Vermont were in the nature of a funeral oration over his bill. I therefore hope that my friend from Alabama will treat them with the respect due to such an occasion. They have put out the white flag and surrendered, and I think we had better allow them to do so.

Mr. MORRILL. Gentlemen will find it a very lively funeral. I shall call the attention of the Senate to this bill as long as I have power.

Mr. MORGAN. Does the Chair rule that I have no right to proceed in order?

The PRESIDENT *pro tempore*. The Senator has a right to proceed in order.

The thirty-sixth rule reads:

If any Senator, in speaking or otherwise, transgress the rules of the Senate, the Presiding Officer shall, or any Senator may, call him to order; and when a Senator shall be so called to order he shall sit down, and shall not proceed without leave of the Senate, which leave, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall then be in order and be determined without debate.

Mr. MORRILL. I hope there will be no objection to the Senator from Alabama going on.

Mr. HALE. In order.

The PRESIDENT *pro tempore*. The Chair will take that as the unanimous consent of the Senate.

Mr. HALE. Unanimous consent that the Senator proceed in order?

The PRESIDENT *pro tempore*. Of course.

Mr. MORGAN. Some Senators make themselves extremely officious at the expense of their dignity, Mr. President, when they attempt to take a gentleman off the floor who in good faith is trying to respond to some matters that have been said here this morning which, when published, will go to the public to misrepresent us. I claim no higher privilege than any other Senator; I do not often intrude upon the privileges of other gentlemen; but when I have a privilege here I think I should be permitted to exercise it without any Senator assuming to side-line me and say in what particular channel of thought I shall speak, what particular words I shall utter, or what particular arguments I shall adduce.

This naval appropriation bill would have been passed long ago, if it is ever to pass, and the Congress of the United States would have been ready to adjourn if the time of the Senate, which has grown so very precious at this last moment, had not been squandered and abused and frittered away in a mere effort to gain some political advantage through an experimental tinkering with the tariff. There was never any good faith in this tariff bill, as has been proved this morning; for when Senators themselves on that side of the Chamber offer amendments to it which are voted upon the bill they are made the pretext for a Senator to charge us on this side with having delayed this bill and consumed public time unnecessarily and unfairly, and the amendments which we have offered to this bill, which have reference to its merits, are germane to the subject-matter of it, to the wants and necessities of this country, are spoken of as amendments that were put in for the purpose of trifling with the country.

I was charged with having offered an amendment to the bill requiring the national banks of circulation to remit the interest upon the bonds pledged for the security of the circulation during the time that these bonds were so pledged, as a condition precedent to their receiving the benefit of this act exempting them from taxation. I proposed that amendment in the Senate and had it printed, and when the subject was under discussion to which that amendment was directed I stated that it was my purpose more to draw the attention of the banks of the country to the proposition than it was to attempt to offer it as an amendment upon this bill, and since that time I have not offered it as an amendment. I do not know now what I may do if the bill shall ever come wandering like a ghost back into the Senate after we this morning have laid it away in its burial clothes.

Another amendment which I had the honor to offer, which seemed to be a very inconsiderable thing in the estimation of some Senators, which did not even lead to a division of the Senate, was adopted, and that was the extent of my interference with the bill.

The honorable Senator from Maine [Mr. FRYE] yesterday made a very powerful argument against a proposition which it is understood was introduced into this bill at the suggestion of the late Secretary of the Treasury, a distinguished financier. His argument prevailed, Senators on that side and on this side voting his amendment upon the bill.

Now, if this bill is to be abandoned, who is responsible for it? The men that begot it and after that undertook to improve it by their own amendments. It will die at the hands of its own parents.

An amendment was put upon this bill reducing the tax upon tobacco from 16 to 12 cents, 4 cents relief. The Senator from Virginia [Mr. MAHONEY] who has recently found happy company and association on that side of the Chamber introduced an amendment to bring it down to 8 cents. I concurred with him. That amendment was voted down. Here then is another adventure against this bill as it came from the committee made by a Senator from that side, and

yet the responsibility of this entire matter and of all the delay in its discussion and of the failure of the bill is to be charged upon this side of the Senate, when the Senator from Vermont and the Senator from Kansas are the authors of the tariff amendments upon it.

Did those gentlemen suppose we intended to remain here and witness what they might do without being permitted to offer amendments to this bill *ad libitum*; that we should never present to the Senate anything for consideration which we thought was essential for the protection of the best interests of the people we represent? Is that the sort of arrogance which inspired the lords of the tariff to suppose that they could hold the Senate of the United States in absolute check and thralldom, and allow us to proceed just as far as they wished and no farther?

Why, sir, when the first bugle sounded for a charge upon this bill the ancient and venerable warrior-chief of the tariff hosts, the Senator from Vermont, was the man who sounded that note and led the columns. He led the charge for the reduction of the tax on sugar and for the reduction of the tariff on Bessemer steel, and for an increase of 100 per cent. in the tariff upon cotton-ties. He rode valiantly, sword in hand—

Mr. HALE. Now the Senator has come to a point—

Mr. MORGAN. I am about to come to one, and if the Senator will let me get his troops out of the field I will quit.

Mr. HALE. If the Senator will promise that, I will not make the point of order.

Mr. MORGAN. I was about to say that the Senator from Vermont and the Senator from Maine, now in hurry and panic fall back on their reserve, the tariff commission at Long Branch. Having given up the field of battle which they themselves so eagerly occupied, they can retire with their colors trailing in the dust and go to the country and apologize to it for having spent so long a time and wasted so much valuable ammunition in their effort to do nothing with the tariff bill.

Mr. BLAIR. Mr. President—

Mr. HALE. Let us have a vote on my motion.

Mr. BLAIR. I rise to speak on the motion. I rise to oppose it, and to give my reasons why the debate upon the revenue bill should not at this time be interrupted; some reasons why, in my judgment, it cannot at this time be interrupted without great detriment to the public interests.

I suppose, Mr. President, that no subject-matter could be brought to the attention of the Senate involving the public interest to a larger extent than the discussion of the tariff and its proposed modification, and a bill is now before the Senate involving that entire subject-matter. The debate upon it has proceeded without interruption for ten days, arguments *pro* and *con.*, bearing upon the various provisions in the original bill and in the several amendments which have been proposed, have been heard, but they have preponderated on the side of those who are opposed to the general policy of a protective tariff.

There is also pending in the Senate another very important bill relating to certain specific provisions of the tariff, which is known as the knit-goods bill, which ought to have been taken up in advance of this general discussion, because that bill has in view not a modification of the tariff, as it has been understood to be, and as it has been administered for the last fifteen years, but to re-enact into law, and make the law have upon the statute-book precisely that construction which has been given to it during all these years, and under the operation of which the industry itself has been brought into existence. That construction of the statutes has been repealed very recently by a decision of the Supreme Court, which operates precisely as though Congress itself had by legislation modified the tariff as it has been known to be or understood to be during these years, and this by a single item of legislation striking down one industry, when the fate of that industry could only be properly involved and properly considered in connection with a general bill touching the tariff in all regards, and regulating the tariff upon raw materials and upon all other concomitant interests.

During the progress of this debate, it has been allowed by those interested in the substitution of the naval appropriation bill for this bill, and who now seek to interrupt this discussion, to those opposed to the knit-goods bill to drag in its merits, and to indulge in sundry observations of fact as well as of argument, and I allude more specifically to those of fact which if believed by the Senate would bear very strongly upon the probability of their taking up that bill in any subsequent portion of the session, and dealing with it upon its merits. Therefore it is that I desire to be heard with reference to the interest involved in the knit-goods bill at this time, giving my reasons for objecting to an interruption of the debate by the injection of the naval appropriation bill at this time.

What is the allegation of those whose interests are involved in the bill to which I refer, and which bill is liable to be sacrificed and never brought again before the Senate during this session if these misstatements go uncorrected? It is that the decision of the Supreme Court repeals the law as it has been administered; and good faith requires of us as legislators that we deal with any great interest with reference to the law as it has been administered rather than as it may have been found to be by the recent decision of the court. It is alleged by those whose interests are wrapped up in the knit-goods industry that this recent ascertainment of the law by the decision absolutely ruins their industry. I have here testimony from

gentlemen of as high quality as exist in this land, Democratic gentlemen formidable to us of the Republican party in my own State, who did as much to make that State so largely as she was Democratic in years past as any who reside there, eminent men in all the walks of life, and men who lead this industry there, and who are to be sacrificed if this bill fails to pass during the present session, showing that their profits (which have been alleged on this floor to be from 47 to 50 per cent.) do not average more than 8 or 10 per cent.; that in many years they make nothing; that in other years, their most successful years, from 15 to 20 per cent. is all that is realized.

The recent change which has been made in the existing law, or in that construction upon which the whole country has acted, cuts off their profits at least 10 per cent. on the lowest estimate, and from 20 per cent. upward to 30, 40, and even 50 upon some branches of the industry. So, with a profit under the law as it has been administered averaging no more than 10 per cent., this new construction of the law coming in depriving them of at least 20 per cent. of their profits, it is obvious to any man that if this condition of things continues they can only proceed at a net loss of at least 10 per cent. for all time to come until the law be modified. So that this bill which is liable to be sacrificed by this interruption of the debate, this bill which involves the interests as has been so often stated here of from forty to fifty millions of capital and of those who are dependent upon it, is likely to be sacrificed, as it seems to me, if the Senator from Maine succeeds in obtaining favorable action upon his motion.

The Senator from Missouri [Mr. VEST] the other day produced some articles of manufacture in the line of hosiery from his own State, as I understood him, very good articles, indeed, but he produced them with some statements of fact with reference to his own State, the direct operation of which would be to induce the belief on the part of the Senate that this knit-goods industry comes here for help when it is already a bloated monopoly, and making wealth even under the existing operations of the law. He says his correspondents told him that they manufactured the goods which he produced for \$3 a dozen, and that they are sold at \$6 at retail, and he argues a net profit of 50 per cent. on that ground.

Now, sir, from the authority which I mentioned a short time ago, I have procured in response to a telegram which I sent immediately on listening to the statement, a list of the prices, of the sizes, of the material, and the cost and prices of the manufacturers, jobbers, and retailers in my own State. There are six styles of this manufacture which are produced by the particular firm of which I have spoken, a strong Democratic firm. This is the result:

Style A, stock used, all cotton; cost per dozen \$1.55; the manufacturer's price at which he sells is \$1.75; the jobber sells to the retailer at \$2, and the retailer sells at \$2.50 per dozen the stock which the Senator spoke of as being sold at the rate of \$6.

Style B, 20 per cent. wool and 80 per cent. cotton; cost of manufacture, \$1.80 per dozen; the manufacturer sells to the jobber at \$2; the jobber sells at \$2.37½ to the retailer, and the retailer sells that article at \$3 to the consumer.

Style C, 40 per cent. wool and 60 per cent. cotton; cost to the manufacturer, \$2.20; he sells it at \$2.42 to the jobber, and the jobber to the retailer at \$2.75, and the retailer to the consumer at \$3.25 per dozen.

Style D, 60 per cent. wool and 40 per cent. cotton; cost to manufacturer, \$2.65; the manufacturer sells at \$3, the jobber at \$3.37½, and the retailer to the consumer at \$3.87½.

Style E, 80 per cent. wool, 20 per cent. cotton; cost to manufacturer, \$3.10; he sells at \$3.50 to the jobber, the jobber sells at \$3.87½ to the retailer, and the retailer to the consumer at \$4.50.

Style F, all wool; cost, \$3.55 per dozen; the manufacturer sells at \$4, the jobber sells at \$4.50, and the retailer at \$5.25.

This cost price does not include the wear and tear of machinery, which is sometimes large and sometimes small, nor does it include invested capital. It does include salaries, labor, and supplies. [Mr. HALE rose.] I realize the uneasiness of the honorable Senator who wants to build a navy, who wants to introduce a bill to be destroyed, as I hope it will be; but it will have, I think, its immediate destruction, so that by to-morrow morning we may resume the discussion of the tariff question and proceed to protect the interests of those whose business fate is wrapped up in the disposition made of the knit-goods bill.

Mr. HALE. Now, Mr. President, let us have a vote.

Mr. SAUNDERS. I hope this will be a test vote—

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The motion is to proceed to the consideration of the naval appropriation bill.

Mr. SAUNDERS. I hope this will be a test question. If this revenue bill is to be laid aside now, let it be laid aside for the whole session.

Mr. HALE. Nothing of that kind is understood. The motion is not made in antagonism to the tax bill.

Mr. DAVIS, of West Virginia. I deprecate any such contest as that. The question is whether an appropriation bill which is to run the Government, which the Government is waiting for now, shall be taken up and passed. This bill does not go into effect for months.

Mr. SAUNDERS. There is no danger but what we shall pass the appropriation bills.

Mr. DAVIS, of West Virginia. There is great danger, for there are but four days more left under the resolution we have passed before the Government will again be at a standstill.

Mr. SAUNDERS. It can be extended easily.

The PRESIDENT *pro tempore*. There is nothing in the motion that precludes the Senate in any way from action on any bill.

Mr. HALE. The motion is not made in hostility to the revenue bill.

Mr. HARRIS. It is not a motion to indefinitely postpone, and that is the only one which could be made a test.

Mr. BLAIR. I object very strongly to the vote being taken with that view, because I learn that the importations of knit goods from abroad are pouring into this country with very great rapidity, and one firm at least in my own State has been obliged already to suspend; and this knit-goods bill must be brought forward at a later period of the session.

Mr. HALE. Let us have a vote.

The yeas and nays were taken.

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were present, I should vote "nay."

Mr. SEWELL, (when his name was called.) I announce my pair on this question with my colleague, [Mr. MCPHERSON.]

Mr. VAN WYCK, (when his name was called.) I desire to announce that I am paired during the day with the Senator from Oregon, [Mr. GROVER.]

The roll-call was concluded.

Mr. WALKER. My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

The result was announced—yeas 33, nays 26; as follows:

YEAS—33.

| | | | |
|-----------------|-------------------|------------|-----------|
| Bayard. | Gorman. | Kellogg. | Slater. |
| Beck. | Hale. | McDill. | Vance. |
| Brown. | Hampton. | Masey. | Vest. |
| Butler. | Harris. | Morgan. | Voorhees. |
| Call. | Hoar. | Pendleton. | Walker. |
| Coke. | Ingalls. | Plumb. | Williams. |
| Davis of W. Va. | Jackson. | Pugh. | |
| Farley. | Jonas. | Ransom. | |
| George. | Jones of Florida. | Saulsbury. | |

NAYS—26.

| | | | |
|--------------------|------------------|----------------|-----------|
| Aldrich. | Dawes. | Logan. | Rollins. |
| Allison. | Ferry. | McMillan. | Saunders. |
| Anthony. | Frye. | Mahone. | Sawyer. |
| Blair. | Harrison. | Miller of Cal. | Sherman. |
| Cameron of Pa. | Hawley. | Mitchell. | Windom. |
| Conger. | Jones of Nevada. | Morrill. | |
| Davis of Illinois. | Lapham. | Platt. | |

ABSENT—17.

| | | | |
|-----------------|-------------------|------------------|-----------|
| Camden. | Fair. | Hill of Georgia. | Sewell. |
| Cameron of Wis. | Garland. | Johnston. | Van Wyck. |
| Chilcott. | Groome. | Lamar. | |
| Cockrell. | Grover. | McPherson. | |
| Edmunds. | Hill of Colorado. | Miller of N. Y. | |

So the motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted upon its disagreement to the amendment of the Senate No. 47 to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK, of New York, Mr. GEORGE M. ROBESON, of New Jersey, and Mr. S. S. COX, of New York, managers at the further conference on its part.

The message also announced that the House of Representatives had agreed to the report of the third committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; it further insisted upon its disagreement to the amendments of the Senate numbered 330 to 337, inclusive, to the said bill, and asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. G. CANNON, of Illinois, Mr. FRANK HISCOCK, of New York, and Mr. J. D. C. ATKINS, of Tennessee, managers at the further conference on its part.

The message further announced that the House had passed the following bill and joint resolutions:

A bill (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes;

Joint resolution (S. R. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary; and

Joint resolution (S. R. No. 77) allowing the widow of General Judson Kilpatrick, late minister to Chili, one year's salary.

The message also announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad;

A joint resolution (H. R. No. 270) for the relief of Sarah J. S. Garnet, widow of Henry H. Garnet, late minister to Liberia; and

A joint resolution (H. R. No. 271) authorizing the Secretary of War to loan twenty-five wall tents to the colony of Russian Hebrew refugees at Cimarron, Foote County, Kansas.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States; and it was thereupon signed by the President *pro tempore*.

AMENDMENTS TO BILLS.

Mr. CAMDEN submitted an amendment intended to be proposed by him to the bill (H. R. No. 5812) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. VANCE submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

Mr. HALE. I ask that the formal reading of the bill be dispensed with and that then the amendments of the Committee on Appropriations be proceeded with.

The PRESIDENT *pro tempore*. Is that the sense of the Senate, that the amendments be considered as they are reached in the reading of the bill? That will be the understanding, the Chair hearing no objection.

Mr. HALE. Mr. President, it has been with some difficulty that I have succeeded in getting this appropriation bill, after long delay, before the Senate, and I know how desirous the members of this body are for prompt action upon it; and moved by that consideration, I propose in launching the bill to occupy but very little time; but as I have just been notified that at the close of what I may say a hostile motion will be entered in reference to the bill, providing, I think, for its recommitment to the committee to strike out certain parts of the bill, I deem it wise and judicious to say a few words upon the nature and scope of the bill. Had I not been notified to the effect which I have mentioned I should not say a word, but should content myself, as I shall in the main, having given to this subject some study and thought and reflection, with answering objections to the bill as they come up during its consideration, and answering questions that may be presented by Senators interested in the debate.

In the first place, Mr. President, the bill, so far as it embodies legislation, with hardly a single exception, comes from the House after prolonged consideration and debate in that body with the features of legislation which are now found upon it adopted upon mature deliberation and consideration by the popular branch of Congress. The legislation that is found upon this bill, and with which fault has been found by Senators and others, has its root not in the action of the Committee on Appropriations of this body, but in the deliberate consideration and confirmed judgment of the House of Representatives; and let me say that with I think but one exception everything that the Committee on Appropriations has reported upon this bill in the way of legislation upon the *personnel* of the Navy is an adaptation of the legislation adopted by the House, and I may say further is in the direction of softening that legislation and making it easier, and making it less harsh and drastic for the naval establishment.

Every amendment that has been submitted by the Committee on Appropriations, I repeat, to the bill which the House sent us is in a direction taken after consultation with the head of the Navy Department and with officers of the Navy.

So much for the Committee on Appropriations having gone outside of its functions, and incorporated new legislation into the bill. I make this point here because the Senator from Pennsylvania [Mr. CAMERON] notifies me that he will move to recommit the bill to the Committee on Appropriations with instructions to strike from it all legislative provisions. I wish to say that if this body chooses to adopt that unprecedented motion on the part of the Senator from Pennsylvania, it simply means that, without consideration, without going into the merits of this bill, the Senate says to the House of Representatives: "We take square and direct issue with everything that you have done, and notify our committee to strike from the bill everything that you in your wisdom have put upon it, and we declare now at the outset of its consideration that we will have nothing to do with what you have put on under your rules."

Mr. HOAR. May I ask the Senator from Maine if that is not precisely what the House, under its usage, does with every appropriation bill that comes back to that body from the Senate? Their universal practice is to non-concur in every amendment.

Mr. HALE. But mere nominal non-concurrence after a bill has passed the two Houses is a very different thing from recommitting a bill to the committee which has reported it, with directions, when first reported and when first considered by the body, to strike out every proposition that the other branch has put on. There is no analogy, there is no similarity, between the two motions.

I want to say further on the point of the legislation reported from the Committee on Appropriations, that having the action of the House to rest upon, almost every single distinctive proposition, with but one exception, (and that relating to the retirement of admirals in the Navy,) and I think every proposition found in the bill to which objection is made because it is legislation, was referred to the Committee on Appropriations by committees of this House, the Naval Committee foremost in the number abjuring all its own functions of considering such a bill and turning it over to the Committee on Appropriations.

I may say here that the Committee on Appropriations was very careful in its consideration of this bill to see that it had good authority for every provision that it reported. It waited for the action of the House; it waited for the action of committees of this body in referring these matters; it waited for amendments to be submitted and referred to the Committee on Appropriations by Senator after Senator in this body, covering the very propositions involved in the bill. If objection is made and the motion is insisted upon, in due time I shall read to the Senate the amendments which have been referred to the Committee on Appropriations by Senators of this body and other committees in this body, showing that the subject-matter of this bill was turned over to the Committee on Appropriations not only by the House of Representatives but by committees in this body.

One thing further, Mr. President. This bill is not, as it has been termed, a reorganization of the American Navy. I have lived long enough to find out that there is nothing a man has studied, even much, that he may not yet learn a great deal about, and I have learned very much about the naval establishment during the examination in the course of preparing and reporting the bill, and since. But for years I have taken a warm interest in the American Navy. During my service in the lower House, if there was any one subject to which I gave what I thought was faithful and careful attention it was the American Navy. I had the fortune there to manage these bills for years. I was known as a friend of the Navy, as a navy man, and I have not lost any of that interest in the American Navy to-day.

I say from my knowledge of that branch of the service and from all the investigations I have been able to give it, that this bill is the farthest in the world from a reorganization of the American Navy. When that question is taken in hand, as it never has been taken in hand by the Naval Committee of either the House or the Senate, and when they spend their time upon that instead of upon contests of naval officers for precedence and promotion, and the reorganization of the American Navy takes place, it will be a very different matter from the provisions embodied in this appropriation bill; it will go further and deeper than the Committee on Appropriations have ventured or wish to go in the reorganization of the American Navy. When that subject is taken up, not only will the question of the undue increase of officers in that establishment be considered and an attempt made in a degree to remedy that, but the whole subject-matter of the ranks in the American Navy will be considered; the numerous ranks, more numerous than any other in any navy in the world, will be cut down, and there will be a few legitimate and natural grades left, such as were found before the war and are in other navies.

There will be the great question of the proper relation of the staff and the line of the Navy taken up, and there will be legislation embodied that will settle for years the vexed questions which have divided the line and staff of the American Navy, so that at last peace will rest in that establishment and not constant reproach and bickering and jealousy and a desire of one to get ahead of the other. The question of the Marine Corps, what shall be its proper relation to the American Navy, whether it shall be turned over bodily to the Army or remain as part of the naval establishment, whether it shall be reduced in part or in a lesser proportion, will be taken up, and other great questions which the Committee on Appropriations has not thought of considering in this bill. All of those things will be taken up in a reorganization of the American Navy. The Committee on Appropriations is not the proper body for that, and has not considered that, but it has alone considered what has come to it from the House of Representatives, what has come to it from committees and Senators in this body, and nothing beyond.

I wish to say further, and I say it as an admonition to any friend of the Navy or any naval officer who is sensitive and jealous about the provisions of this bill, and who is lobbying Senators to try to defeat it, that the legislation of this bill is put upon the Navy by no unfriendly hand. There is no desire to impair the efficiency of the Navy one jot or one tittle. If I know anything about the motives which actuate myself, with my long training of sympathy with this establishment, there is no desire here for anything except to improve and better and strengthen this branch of our service, in which every American citizen ought to feel a just pride and satisfaction.

I realize as a friend of the American Navy that for years it has been going along in directions that must needs be stopped, or by and by a

ruder hand than ours will be laid upon this establishment, and instead of being pruned and bettered it will be laid low, where it will not recover from the blow for years. I want to avert that. There are certain evils which are apparent to me, and I think are apparent to every friend of the Navy, which should be remedied, and remedied now.

It will not do to turn this matter over to a commission, because the time to do a thing of this sort in the way of reform of abuses that stand bare and open to every eye is when they have been considered and discussed and when there is an opportunity to act. Delay in a thing of this kind is not simply procrastination but it is indefinite postponement, and that has gone on long enough.

The American Navy is over-officered. This has been a natural result of legislation which has not been checked. It has to-day, with 39 steam-vessels, more than half as many commissioned officers as the British navy, with over 300 steam-vessels. The proposition I have made is a startling one to anybody who has not examined the subject-matter. Let me repeat it. The United States Navy, with 39 steam-vessels in active service of all grades and kinds, has over 1,400 commissioned officers. The British navy, with 341 steam-vessels in active service, has between 2,600 and 2,700 line officers in commission. That of itself is enough to put any committee before whom this matter is brought in a legitimate way upon careful, earnest, faithful inquiry. I may say that the figures given, although I knew the disproportion was enormous, were never brought to my mind accurately until a hearing which the Committee on Appropriations gave to both line and staff officers upon this matter brought out this table carefully prepared by the line officers of the Navy. It was in the course of the investigation that the fact, so startling as it is, which I have stated was developed.

This enormous overplus of officers in the American Navy does not date from the war. The first answer may be, by any Senator who has not examined the subject, that this is due to the war; but the large increase in grades and numbers and ranks all took place after the war was closed. The American Navy was not, in its officers or its men or its *personnel*, an unwieldy body when the war closed. Great as had been its exploits, great as had been the burden taxed upon it, it was not an unwieldy body and did not present this undue proportion of officers to men at the close of the war that it does now. But the legislation to increase the Navy began at once after the war; it has gone on unhindered and unchecked ever since; and this is the first time any attempt has been made in the direction of checking the overplus of officers.

I say again that no genuine friend of the Navy will object to what is done in the bill in the direction of trying to remedy, or partially remedy, this evil.

Mr. VANCE. Will the Senator from Maine permit me to interrupt him?

Mr. HALE. Certainly.

Mr. VANCE. I wish to ask the Senator if it is not true that the vast increase in naval officers is in the civil branch, engineers, paymasters, surgeons, &c., and not in the line, and if the line has not actually decreased since 1866?

Mr. HALE. No; the line has not decreased. A very large proportion of increase of course has been in other branches than the line, but not entirely in the others. It has been more in the others for the reason that the manner of warfare is changed; the manner, construction, and style of naval ships have entirely changed, and the engineer officers have come much more largely into play of late years, as the Senator knows himself by a moment's reflection, than formerly.

In former years, before the war, the American Navy had the best sailing-ships on the globe; we had better than any other naval power, the finest sailing-ships in the world; we had some fine ships with auxiliary steam-power; but to-day and for years the construction of ships has run in the direction of steamships with wind as an auxiliary power; and of course the engineer officers needed to manage the machinery of the boat have increased, and so the increase has been large in the engineer's department, but not in the engineer's department alone. The overplus is enormous in all branches; the overplus in the line, in the engineers, in the staff proper, and everywhere else is great, in some greater than in others. The committee has tried not to radically cure all this, but to set about a reform in the right direction, of stopping it so far as may be.

I do not pretend to prescribe infallibly a method of trying to cure this trouble that everybody ought to admit exists in the American Navy. I have found, and the Committee on Appropriations has found as it has discussed this matter, that it has gained light upon the question, for instance, of promotion. How you shall regulate it is a difficult thing. You may start with a proposition striking out pretty much all in one rank, as the House did. The investigation of the Committee on Appropriations showed that it was better, instead of taking the lower grades of the Navy—for instance, striking out eighty from the lieutenants, thus barring promotion absolutely for years—to distribute that reduction over the whole corps. The Committee on Appropriations has found that it could gain light from day to day, and I shall offer an amendment before I leave the floor, from the Committee on Appropriations, which modifies the provision as reported by the committee, because upon investigation the Committee on Appropriations found that it had gained new light,

and could offer an amendment that would make this provision better and make it work more justly.

The Committee on Appropriations has no hesitation in saying upon that matter that it gained upon investigation and discussion new light, and may still gain new light upon this question by investigation. During the progress of this bill, if there are considerations presented that seem to me, even if urged in hostility to the provisions of the bill, to make it clearer and more just in the general direction in which we are going, I pledge myself to the Senate that I will accept them most gladly, because the only desire we have here in attempting to cut off this overplus is to do it in a way that shall bear the most wisely and the most evenly upon all parts of the Navy.

When we come to those provisions and they are treated in detail, I will enter, if need be in explanation, into more in detail as to why we have adopted certain provisions. I do not propose to go over those now. I deemed it wise to state to the Senate the general objects of the bill, so that in voting upon the unprecedented motion, which I have never known made before, to recommit a bill with instructions to strike out all its legislative features, the Senate may know, or at least have my view, that the legislation embodied in the bill is right and fair and in the real interest of the American Navy, and is not put upon it with any unfriendly hand.

I want to say one thing further, which I would be glad to have Senators bear in mind, that this is almost the only bill which has been presented from the committee that has in it anything in the way of reform in the direction of cutting off superfluous officers and reducing expenditures. We have not been able to do that in other directions, but the committee has grappled with that question here and has presented a bill to the Senate modifying the House provisions, not taking away their purpose and end in reducing the expenses of the naval establishment but adapting the objects and the ends that the House sought to accomplish to the needs of the service as we believe in a better way, and have thus produced before the Senate the only bill that provides for a reform in the direction of reducing needless officers and cutting down expenditures.

I hope upon this the Senate will think twice before it declares itself in antagonism to the House, in antagonism to the provisions presented here by the Committee on Appropriations, and that the bill may be considered as appropriation bills commonly are, clause by clause, section by section. If any friend of the Navy can present an amendment, and without losing the great object in view shall make the force harmonize with the needs of the service, let the Senate adopt that amendment, but maintain the features of this bill with a rigid determination to reduce the overplus in the Navy in its officers, and to put it in a condition where it will be a more effective establishment than it is to-day, and where it will be in less danger of being hereafter treated rudely and unjustly because the right thing has not been done in the right time.

Mr. ROLLINS. Mr. President—

Mr. CAMERON, of Pennsylvania. Will the Senator from New Hampshire give way to me that I may offer a resolution.

Mr. ROLLINS. Yes, sir.

Mr. HALE. Before I sit down, as I gave notice, I offer an amendment from the committee. At the end of line 183 I move to add:

Provided, however, That this suspension of promotions to any grade shall not continue, but promotions thereto to fill all vacancies shall be resumed after said grade has been reduced to the limits herein provided, namely, for captains forty-eight, for commanders eighty-two, for lieutenant-commanders seventy, for lieutenants two hundred and fifty, for masters seventy-five, for ensigns seventy-five.

Then in line 175—

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair suggests to the Senator from Maine that perhaps it would be better, unless he desires the amendments printed, that they be offered when we reach the part of the bill in which it is proposed to insert them.

Mr. HALE. I wish to offer them now, in order that the Senate, in acting upon the motion the Senator from Pennsylvania is about to make, may know what we propose to put in the bill.

The PRESIDING OFFICER. The second amendment proposed by the Senator from Maine will be reported.

The PRINCIPAL LEGISLATIVE CLERK. In line 175, after the word "only," it is proposed to strike out the word "one-third" and to insert "one-half;" so as to read:

That hereafter only one-half of the vacancies which may happen in the grades of line officers in the Navy below that of commodore and above that of midshipman shall be filled by promotions.

Mr. HALE. These two amendments, I will say, avoid what was found on investigation to be the effect of the provision as reported first from the committee, and that was that it would require a great many promotions in the grades near captain and immediately below before any promotions could take place in the lower grades. We have distributed these promotions in the different grades, so that now, although promotions will be slower, they will go on in each corps, and suspension will stop whenever each corps is reduced to a certain number, and the lower corps will not have to wait until all the promotions are made in the upper corps, and one-half of the vacancies are filled, instead of one-third. That, as Senators will see, presents a very much modified proposition from the one in the bill.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. ROLLINS. I yield to the Senator from Pennsylvania to offer a resolution.

Mr. CAMERON, of Pennsylvania. I offer the following resolution:

Resolved, That the naval appropriation bill be recommitted to the Committee on Appropriations with instructions to strike out all matter relating to the reorganization of the Navy, and provide appropriations for the naval establishment as it now exists.

I wish to say just a few words upon the resolution.

Mr. ROLLINS. I yield to the Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. Mr. President, in offering the resolution it is not my desire to discuss the merits or demerits of the bill as presented to us by the Committee on Appropriations, nor do I mean to question the ability of that committee to take in charge the naval affairs. I offer the resolution at the suggestion and request and by direction of the Committee on Naval Affairs, who think that all legislation in connection with the Navy should be considered by that committee, and not by the Committee on Appropriations. The Committee on Appropriations have already taken in charge the Army, and they now propose to take in charge the Navy. The next thing we shall see probably is that they have taken charge of the judicial affairs of this country. This morning we had an illustration of their attempt to take charge of the affairs of the Finance Committee.

There is no feeling upon the part of the Naval Committee or any members of it that the members of the Appropriations Committee are not just as well fitted to investigate, discuss, and legislate for the Navy, but we do not think they are any better fitted than the members of the Naval Committee, and upon that question we want the sense of the Senate.

Mr. HALE. I wish to ask the Senator from Pennsylvania, the chairman of the Committee on Naval Affairs, if he is so sensitive as to the Committee on Appropriations taking charge of naval matters, why it is that the files of the Committee on Appropriations are found loaded with such amendments as this?

Amendment reported by Mr. ROLLINS, from the Committee on Naval Affairs, to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, namely:

Add as a new section the following:

"SEC. —. That hereafter the chiefs of the Bureaus of Construction and Repair, of Steam-Engineering, of Provisions and Clothing, and of Medicine and Surgery, in the Department of the Navy shall be appointed by selection from the officers of the corps to which they belong whose relative rank is not below that of commander."

That is a subject of purely naval consideration, and yet referred by the Committee on Naval Affairs, of which the Senator from Pennsylvania is chairman, to the Committee on Appropriations for them to consider. We find seven of these amendments submitted to us by members of the Committee on Naval Affairs referring matters in this bill to the Committee on Appropriations, asking them to consider them on the naval appropriation bill, and now the Senator turns around and accuses us of usurping the jurisdiction of the Committee on Naval Affairs, which has sent every one of these matters to the Committee on Appropriations.

Mr. CAMERON, of Pennsylvania. I will answer that.

Mr. BUTLER. The Committee on Naval Affairs have proposed them as amendments to the bill.

Mr. ROLLINS. I decline to yield any further.

Mr. CAMERON, of Pennsylvania. The Senator from Maine has asked me a question and I desire to answer it.

Mr. ROLLINS. Very well; but I do not want to yield for an interminable debate.

Mr. CAMERON, of Pennsylvania. There will be no debate on my part, I assure the Senator; it is not my habit; but I simply wish to say a word in reply. I say in reply that the Committee on Appropriations having modestly taken charge of this bill, there was no other place where the provisions could be inserted.

Mr. HALE. What prevented the Senator from reporting such a bill himself?

Mr. CAMERON, of Pennsylvania. The bill was referred to the Senator's committee and that committee had it in charge.

Mr. HALE. The Committee on Appropriations declined to make that legislation, although the Committee on Naval Affairs recommended it. We did not think we could do it after the Senator from New Hampshire reported it from the Naval Committee.

Mr. ROLLINS. Mr. President, on Monday, the 17th of July, the Senator from Kentucky [Mr. BECK] caused to be spread upon the RECORD a long statement showing the number of naval officers upon the retired list. This exhibition caused some comment, and it was suggested, and perhaps more than suggested, that there had been promotions upon the retired list of the Navy in direct violation of law, because all understood that promotions upon the retired list are not accompanied by an increase of pay, and that if the pay was increased there was a direct violation of law.

This has led to some further investigation of the matter, and it does seem to me it is one of so much importance that it is proper to pause at this time, when a bill is pending for the complete reorganization of the Navy, to consider what the retired list of the Navy is, and why it is as it is. It has required considerable effort to ascertain how it is that the very first man upon the retired list whose name is presented in the statement of the Senator from Kentucky has had his pay increased from \$1,738 to \$4,500. I confess that when I saw the list presented I was unable without some examination to account for all this increase of pay. I have looked into the matter somewhat and I find that the retired list is comparatively a new thing in the Navy.

The act of March 3, 1835, (Statutes at Large, volume 4, page 756, chapter 27, section 1,) fixes the pay of officers on sea service and on leave of absence, and provides that "no officer shall be put on furlough but at his own request, and all officers so furloughed shall receive one-half only of the pay to which they would have been entitled if on leave of absence."

There is a provision which allows an officer of the Navy to be furloughed and have the leave-of-absence pay. That seems to have been the first step in the way of making a retired list.

The officers now on the retired list, who were retired prior to June 1, 1860, received the full pay of their rank as fixed by this act, as follows:

Commanders on leave of absence or waiting orders, \$1,800.
Lieutenants on leave of absence or waiting orders, \$1,200.
Masters on leave of absence or waiting orders, \$750.
Surgeon, commissioned twenty years and upward, \$1,800.
The furlough pay was one-half of leave-of-absence pay.

Thus the matter stood until 1855. In 1855 the Navy, I suppose, had become somewhat top-heavy, and there was a disposition to retire a portion of it; and what did Congress do?

The act of February 28, 1855, (Statutes at Large, volume 10, page 616, section 1,) provides for a board of five captains, five commanders, and five lieutenants to report on the efficiency of naval officers, and section 2 provides—

That all officers who shall be found by the said board incapable of performing the duties of their respective offices, ranks, or grades, shall, if such finding be approved by the President, be dropped from the rolls or placed in the order of their rank and seniority at the time, upon a list in the Navy Register, to be entitled the reserved list, and those so placed on the reserved list shall receive the leave-of-absence pay or the furlough pay to which they may be entitled when so placed, according to the report of the board and approval of the President, and shall be ineligible to further promotion, but shall be subject to the orders of the Navy Department at all times for duty. * * * *Provided*, That this scrutiny and reservation of officers shall extend only to the grades of captains, commander, lieutenant, masters, and passed midshipmen.

The board met and acted, and, as I am informed by those who are familiar with the transactions of those days, acted with great ability and with discretion. They retired and placed upon the reserved list a large number of officers.

Mr. BUTLER. On what pay?

Mr. ROLLINS. On reserved pay, which was leave-of-absence pay or furlough pay.

This went along until 1857, two years later. Then, I suppose, many of the officers on the reserved list were living in the city of Washington and they besieged Congress and implored to be restored to the active list; and what did they do? They brought about the act of Congress of January 16, 1857.

The act of January 16, 1857, (volume 11, page 153, chapter 12, section 1,) provides for the restoration of officers who were dropped, furloughed, or retired under the operation of the act of the 28th of February, 1855, to the active list or to the retired list on leave-of-absence or furlough pay, and section 3 provides that the President shall be authorized, with the advice and consent of the Senate, to transfer any officer from the furlough to the reserved-pay list, and repeals so much of the act of the 28th of February, 1855, as renders reserved officers ineligible to promotion. Section 4 provides that "no such promotion shall entitle them to any pay beyond that to which they were entitled when so reserved, nor shall they, by such promotion, take any higher rank than they would have taken had they been retained in the active service of the Navy." What was the practical effect of the act of 1857? I have here a table showing just how many were affected by the law of 1855 and by the action under the law of 1857.

Officers of the Navy placed on the reserved list and dropped by the board organized under act of Congress, approved February 28, 1855, and those who were restored under the act of January 16, 1857.

| Rank. | Placed on the reserved list. | Restored to active list. | Restored to list on leave. | Dropped. | Restored to active list. | Restored to list on leave. |
|-------------------------|------------------------------|--------------------------|----------------------------|----------|--------------------------|----------------------------|
| Captains | 31 | 3 | 7 | 3 | 2 | ..... |
| Commanders | 33 | 13 | 3 | 6 | 4 | ..... |
| Lieutenants | 64 | 30 | 11 | 19 | 7 | 2 |
| Masters | 17 | 1 | 1 | 8 | 3 | 1 |
| Passed midshipmen | 2 | 1 | 1 | 12 | 4 | 1 |
| Total | 147 | 47 | 23 | 48 | 20 | 4 |

Thus it will be seen that there were placed on the reserved list under the act of 1855 one hundred and forty-seven officers, and under the provisions of the act of 1857 there were restored to the active list forty-seven officers, and to the list on leave twenty-three officers; so that the efforts of Congress to reduce the Navy under the act of 1855 were counteracted to the extent of the restoration of nearly 50 per cent. of the officers who were placed on the retired list or dropped from the Navy. Of the officers who were dropped by the above board, forty-eight in all, twenty were restored to the retired list and four to the list on leave; so that the efforts of Congress were successful only to the extent of one half accomplished by the board.

I have given substantially all the legislation which had taken place up to 1860.

The act of June 1, 1860, (volume 12, page 24, Statutes at Large,) fixes the pay of officers of the Navy, captain being the highest grade, that of captain, commander, and lieutenant-commander being as follows: Captains commanding squadrons, \$5,000; other captains, on duty at sea, \$4,200; captains on other duty, \$3,600; captains on leave or waiting orders, \$3,000. Commander, on duty at sea, first five years, \$2,825; second five years, \$3,150; commander, on other duty, first five years, \$2,660; commander, on other duty, second five years, \$2,825; other commanders, \$2,250. Lieutenant-commanders, at sea, \$2,550.

Section 4 provides "that nothing in this act contained shall be held to modify or affect the existing power of the Secretary of the Navy to furlough officers or to affect the furlough pay." Section 5 provides that "officers on the reserved list when called into active service shall receive the pay of their respective grades as herein provided during the term of such service, provided that nothing herein contained shall be construed to change or modify the present pay of officers on the reserved list either on leave or furlough."

Then came the act of August 3, 1861, where the retired list as such is first mentioned. Up to that time we had no retired list. August 3, 1861, when war had already commenced and it became necessary to reorganize the Navy to get rid of some material which was not proper for the command of our ships, Congress took this matter up and provided for the better organization of the Navy and provided what should be the pay of officers upon the retired list.

The act of August 3, 1861, "An act providing for the better organization of the military establishment," (volume 12, page 290, chapter 42, section 22,) provides "that if any officer of the Navy shall have become, or shall hereafter become, incapable of performing the duties of his office, he shall be placed upon the retired list and withdrawn from active service and command and from the line of promotion, with the following pay and emoluments, namely: Captains, \$1,300; commanders, \$1,100; lieutenants, \$1,000," &c., and with four rations per day to each of the above-named officers of the Navy, to be commuted at thirty cents each ration, and without any other pay or allowance. Captains, commanders, and lieutenants now on the retired list of the Navy shall receive the same compensation and no greater than is allowed to retired officers of the same rank by the provisions of this act.

Section 23 of the same act provides that if the officer's disability does not proceed from causes, the result of long and faithful service, nor from wounds or injury received in the line of duty, nor from sickness or exposure therein, he may be retired upon furlough pay or wholly retired from the service with one year's pay.

Then we come to the act of December 21, 1861, when age for the first time becomes an element. Up to that time there was no reference to the age of a naval officer, but on the 21st of December, 1861, when as the war progressed it was found necessary that officers should be retired by reason of age, Congress provided in the act of December 21, 1861, (volume 12, page 329, chapter 1, section 1:)

That whenever the name of any naval officer now in the service or who may hereafter be in the service of the United States shall have been borne on the Naval Register forty-five years, or shall be of the age of sixty-two years, he shall be retired from active service and his name entered on the retired list of officers of the grade to which he belonged at the time of such retirement.

Section 5 provides—

That all officers retired under the provisions of this act shall receive the retired pay of their respective grades as fixed by law.

To illustrate the effects of special acts of Congress on the retired list I propose to take up the case of the first man mentioned upon the retired list, who was retired as a captain, Captain J. R. Sands. It will illustrate the process by which the pay of a retired officer has been increased from \$1,738 per year to \$4,500 a year.

Rear-Admiral J. R. Sands was retired as captain, the highest grade in the Navy, December 21, 1861, under the act of December 21, 1861, on account of age, and drew pay as a retired captain at the rate fixed by the act of August 3, 1861, namely, \$1,300, and commutation of rations, \$438, making \$1,738.

Now, watch the progress step by step. An act to establish and equalize the grade of line officers of the United States Navy, the act of July 16, 1862, (volume 12, page 583,) fixes the annual pay of retired naval officers as follows, namely:

| | |
|-----------------------------|---------|
| Rear-admirals | \$2,000 |
| Commodores | 1,800 |
| Captains | 1,600 |
| Commanders | 1,400 |
| Lieutenant-commanders | 1,300 |
| Lieutenants | 1,000 |
| Masters | 800 |
| Ensigns | 500 |

By this act Sands's pay as a retired captain was fixed at \$1,600, and no commutation.

The next step was the act of July 25, 1866, an act to define the number and regulate the appointment of officers in the Navy, and for other purposes.

The act of July 25, 1866, (volume 14, page 222, chapter 231, section 1,) after fixing the number in each grade of line officers on the active list of the Navy, provides:

That nothing in this act, nor in the fourteenth section of the act approved July 16, 1862, shall be so construed as to prevent the Secretary of the Navy from pro-

moting to the grade of rear-admiral on the retired list those commodores who have commanded squadrons by order of the Secretary of the Navy, or who have performed other highly meritorious service.

Is not that cunning? When captain was the highest grade they wanted to promote them to the rank of rear-admiral, and instead of saying, "We promote those officers who by a certain number of years of hard service are entitled to promotion," they simply looked over the list and saw how their great object would be accomplished. They found that some five or six men would be affected by that act. Forthwith they passed an act that in the case of those five or six men who had some time or other in the past commanded squadrons by order of the Secretary of the Navy there should be nothing to prevent the Secretary of the Navy from promoting them to rear-admirals. By that act Captain Sands was promoted to the grade of rear-admiral on the retired list, but with no increase of pay.

I should be glad to call attention to some other portions of this same act, but I will not at the present moment. I will pass along to the next act in the case of Rear-Admiral Sands, who had then become a rear-admiral.

The next was the act of July 15, 1870; and now comes in one of the beauties of legislation upon an appropriation bill. Now the committee that purposes to reform and reorganize the Navy comes into full view.

The act of July 15, 1870, (volume 16, page 333, chapter 295, section 36,) fixes the highest pay of navy officers on the active list as follows: Admiral, \$13,000; vice-admiral, \$9,000; rear-admiral, \$6,000; commodore, \$5,000; captain, \$4,500; commander, \$3,500; lieutenant-commander, \$2,800 and \$3,000; lieutenant, \$2,400 and \$2,600; master, \$1,800 and \$2,000; ensign, \$1,200 and \$1,400, &c.

Mr. LOGAN. That was reorganizing the Navy.

Mr. ROLLINS. To that extent.

Mr. LOGAN. But the whole line?

Mr. ROLLINS. Yes, as to pay.

Mr. LOGAN. I said in the Senate the other day that from 1842 to the present time it had been impossible to reorganize the Army or Navy in the proper way on account of the influences which surrounded Congress outside, and there never had been a reorganization of either one of them except on an appropriation bill; that the appropriation bill always carried it through; and now the Senator objects to a reorganization of the same character.

Mr. ROLLINS. I submit that so modest a man as myself should not be disturbed by so able and accomplished a debater as the learned Senator from Illinois. I will come to that point in due time, and I will endeavor to pay my respects to it, but I hope the Senator will pardon me if I do not choose to do it now.

Mr. LOGAN. I merely ask the question if that reorganization of the pay was not on an appropriation bill?

Mr. ROLLINS. I say it was.

Mr. LOGAN. It does not seem to have been criticised then.

Mr. ROLLINS. Section 5 of the same act, the appropriation act, provides—

That from and after the 30th day of June, 1870, the pay of all officers of the Navy now on or hereafter placed on the retired list shall, when not on active duty, be equal to one-half of the highest pay prescribed by this act for officers on the active list whose grade corresponds to the grade held by such retired officers respectively at the time of such retirement, and no officer heretofore or hereafter promoted upon the retired list shall in consequence of such promotion be entitled to any increase of pay.

This was upon an appropriation bill July 15, 1870. You will see, in the first place, the committee largely increased the pay of the officers upon the active list of the Navy. Then they came in with one of their reformatory measures and provided that all the officers upon the retired list should receive one-half of the pay of the highest or sea pay of officers upon the active list. What was the effect of that in the case in question? It increased the pay of Rear-Admiral Sands, who had then become a rear-admiral, to \$2,250.

The next step was "an act to fix the pay of certain rear-admirals on the retired list of the Navy." Now the half dozen rear-admirals who had commanded squadrons come into view. That is the act of June 5, 1872, (volume 17, page 226, chapter 307,) which provides—

That from and after the 30th of June, 1870, rear-admirals on the retired list of the Navy who were retired as captains, when the highest grade in the Navy was captain, at the age of sixty-two years, or after forty-five years' service, and who after retirement were promoted to the grade of rear-admiral and performed the duties of that grade in time of war, shall, when not on duty, be entitled to and receive the pay of rear-admirals on the retired list.

How beautifully they jumped over that provision of the law that no man's pay should be increased above the grade at which he was placed upon the retired list; in other words, that there should be no increase of pay by reason of promotion on the retired list! The law was so framed as to bear splendidly upon these men, and by this simple act Rear-Admiral Sands received pay on the retired list from June 30, 1870, going back for two years, at the rate of \$3,000 per annum. We have now got him up to \$3,000.

We come next to the crowning glory of the Appropriations Committee. We come to the great measure of this Appropriations Committee in the past. We come now to see the great work that the committee has accomplished in the years that have gone by, and judging from that we may well judge whether it is wise to commit everything to their hands. We come to the act of March 3, 1873. I wish to call the attention of my friend from Kentucky [Mr. BECK]

to the fact that he was then in the other branch of Congress, a bright and shining light and the great leader of his party, working for reform.

Mr. HALE. As the Senator has shown that all those acts increasing the pay of naval officers were obtained by them on appropriation bills, is it not fair now that we should try to cut them down on an appropriation bill?

Mr. ROLLINS. I have shown one single act up to this time on an appropriation bill, an iniquitous act, and now I propose to show the crowning act of all, and if you want to reform it on an appropriation bill put it in this.

Mr. BECK. Is the Senator referring to the act of 1870?

Mr. ROLLINS. I am referring to the act of 1873.

Mr. ALLISON. What date?

Mr. ROLLINS. March 3, 1873, making appropriations for the Navy. It is the first section of the act.

Mr. BECK. I wish to make one suggestion. I have not looked into the matter; but suppose it should turn out that all these matters were sent by the Committee on Naval Affairs at that time to the Committee on Appropriations for action, which committee would the Senator blame?

Mr. ROLLINS. I will answer the Senator that I should blame both.

Mr. BECK. If the Committee on Naval Affairs sent it to the Committee on Appropriations?

Mr. ROLLINS. I should blame both committees, certainly.

Mr. BECK. I do not know how that was.

Mr. ROLLINS. Nor do I know; but if the Senator will look it up and find it so, I will agree with him that both are to blame.

Mr. HALE. I remember the discussion very well.

Mr. ROLLINS. I wish to proceed by reading from the act of March 3, 1873, (volume 17, page 547, chapter 230,) making appropriations for the Navy. Section 1 contains the following:

Provided, That no officer on the retired list of the Navy shall be employed on active duty except in time of war: *And provided*, That those officers on the retired list, and those hereafter retired who were or who may be retired after forty years' service, or on attaining the age of sixty-two years in conformity with section 1 of the act of December, 1861, and its amendments dated June 25, 1864, or those who were or may be retired from incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, shall after the passage of this act be entitled to 75 per cent. of the present sea pay of the grade or rank which they held at the time of their retirement. The rear-admirals provided for in the act of June 5, 1872, shall be considered as having been retired as rear-admirals.

Did you ever see anything more cunning, more beautifully dovetailed than that, and this all on an appropriation bill? By this simple act on an appropriation bill, in the very first section of the bill, the pay of Rear-Admiral Sands was increased from \$3,000 a year to \$4,500 a year. This is one of the reforms of the Committee on Appropriations.

Mr. HALE. Let me say to the Senator here that I have just looked up the debate, and I find that the provision he charges to the Committee on Appropriations was moved by the Committee on Naval Affairs and put by them on the appropriation bill.

Mr. ROLLINS. That is very likely. That may be true, but they had a Committee on Appropriations then perhaps in the House which listened to suggestions from the Committee on Naval Affairs. It may have been that the Committee on Naval Affairs made a great mistake in this matter, and they had influence with that great committee over there at that time and adopted this unwise provision. It was done upon an appropriation bill, and it could not have been done had it not been upon an appropriation bill. Hence I say this sort of legislation is vicious in the extreme.

Mr. HALE. What I meant to say is that it was moved by the chairman of the Committee on Naval Affairs in the Senate, and he was Mr. Cragin, the predecessor of my friend from New Hampshire. The act he is reading and charging the Committee on Appropriations with was moved in the Senate by the chairman of the Committee on Naval Affairs, the Senator's predecessor, and put on by the Senate. The Committee on Appropriations was not responsible for it in the least. The Committee on Naval Affairs put on this increase.

Mr. ROLLINS. The Committee on Appropriations were responsible for it of course; they adopted it, they stood by it, they helped to pass it through the Senate, and in the conference which came on afterward, as I have no doubt there was a conference committee, the Committee on Appropriations stood by that amendment. I do not care whether it was moved by the Senator from New Hampshire or from Illinois, in my judgment it was vicious and wrong.

Mr. ALLISON. It was moved by the Naval Committee.

Mr. ROLLINS. I do not care if it was moved by the Naval Committee, that does not alter the fact.

I have gathered together here the various acts which relate to this matter of the retired list. The other laws relating to various officers on the retired list are as follows. Act of February 21, 1861, (volume 12, page 150, section 3) provides—

That the President of the United States is hereby authorized to place on a retired list any medical officer of the Navy who is now or may hereafter be proved to be permanently incapable, from physical or mental infirmity, of further service at sea; and the pay of officers so retired shall be the leave-of-absence pay of their respective grades as it existed prior to the passage of the act of Congress to regulate the pay of the Navy, approved June 1, 1860.

Section 14, act of July 16, 1862, provides—

That there may be allowed upon the retired list nine rear-admirals and eighteen commodores. The rear-admirals shall be selected by the President by and with the advice and consent of the Senate from those captains who have given the most faithful service to their country. The eighteen commodores shall be recommended from the list of captains by an advisory board of admirals.

Act of April 21, 1864, (volume 13, page 53, chapter 63:)

An act to amend an act entitled "An act to establish and equalize the grade of line officers of the United States Navy," approved July 16, 1862.

Section 1 provides for boards to examine officers for promotion, and section 4 provides—

And all officers whose cases shall have been acted upon by the aforesaid boards and who shall not have been recommended for promotion by both of them shall be placed upon the retired list.

Section 7 provides—

That the retired pay of surgeons, paymasters, engineers, and other staff officers in the Navy shall be the same as that of the line of the Navy with whom they have relative rank.

The act of June 25, 1864 (volume 13, page 183, chapter 152) provides—

That the first section of the act of the 21st of December, 1861, entitled "An act to promote the efficiency of the Navy," shall not be so construed as to retire any officer under the age of sixty-two years, and whose name shall not have been borne upon the Navy Register for a period of forty-five years after he had arrived at the age of sixteen years.

The act of March 2, 1867, (volume 14, page 515, chapter 174, section 9,) authorized the promotion of all officers on the retired list as their several dates on the active list were promoted.

In 1867 all officers then on the retired list were promoted to the grades held by officers of their respective dates on the active list, but did not receive a higher rate of pay by reason of such promotion. In other words, their pay remained as that of the grade in which they were retired.

A joint resolution of July 1, 1870, (volume 16, page 384,) provides—

That a vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and when, as an incident thereof, an officer who would otherwise be retired has been or is retained on the active list such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion; and where any officer has already been retired to a grade lower than he would have been had the provisions of this law been in force he shall be entitled to the same position as if they had been in force at the time of his retirement, &c.

The act of March 3, 1871, (volume 16, page 537, chapter 117, section 11,) provides—

That officers of the medical, pay, and engineer corps, chaplains and professors of mathematics, and also constructors, who shall have served faithfully for forty-five years, shall, when retired, have the relative rank of commodore; and officers of these several corps who have been or shall be retired at the age of sixty-two years, before having served for forty-five years, but who shall have served faithfully until retired, on the completion of forty years from their entry into the service, shall also from that time have the relative rank of commodore; and staff officers who have been or shall be retired for causes incident to the service before arriving at sixty-two years of age shall have the same rank on the retired list as pertained to their position on the active list: *Provided, however,* That nothing contained in this section shall be construed to increase the pay now provided for said several staff officers.

Section 12 provides that—

Officers of the staff now on the retired list shall have the rank thereon to which they would have been entitled had they remained in the active list, unless they shall be entitled to higher rank.

All the above laws are now embodied in the Revised Statutes.

I wish to make a few suggestions further. If it had not been for certain criticisms made by members of the Committee on Appropriations at the time I should not have presumed to occupy the attention of the Senate as I have done. My attention was first attracted to the remarks of the Senator from Kentucky. I hope he is present. As he is not here, I will take the remarks of the Senator from Illinois, [Mr. LOGAN.] The Senator from Illinois said:

I want to say, in order to relieve the mind of any person who may be alarmed about it, that many attempts have been made to reorganize the Army and the Navy, and there is an influence around Washington City which has always prevented the reorganization of the Army or Navy except on an appropriation bill. I say to Senators now that they cannot name a reorganization of the Army from the war to the present time which has not been done on an appropriation bill, for the very reason that every attempt which has been made legitimately to do it has found an influence that defeated it either in one House or the other. That is the only way the Army has ever been reorganized, and so with the Navy.

I take square issue with the Senator from Illinois in his statement of the case. It is not the only way in which the Navy has been reorganized.

Mr. LOGAN. I beg the Senator's pardon. I said since the war. Mr. ROLLINS. Since the war or the commencement of the war? The one is broader than the other.

Mr. LOGAN. I said that since the war the organization of the Navy has taken place on appropriation bills, and I say so still.

Mr. ROLLINS. The organization of the Navy which was made during the war, when we found ourselves in a condition where we must reorganize the Navy, was not made on an appropriation bill.

Mr. LOGAN. I did not say so. The Senator will see if he will read my statement again that I said that since the war no reorganization of either the Army or the Navy had taken place except on an appropriation bill, and I said the reason for it was the influence

around Washington City. That is what I said, and I say so still, and it is true, and history bears me out.

Mr. ROLLINS. I supposed when the Senator said "from the war" he meant from the commencement of the war.

Mr. LOGAN. No, sir; I meant since the war.

Mr. ROLLINS. How many reorganizations of the Navy have there been since the war? None except one, and that was only a partial reorganization. I did not suppose the Senator meant to bring it down to a period since the war. The reorganization of the Navy occurred during the war. That was the reorganization which was effectual; and it was justified by the then condition of affairs; and that reorganization of the Navy did not take place upon an appropriation bill. After the war I admit in one instance there was a partial reorganization of the Navy, but no thorough, radical, and complete reorganization of the Navy as is contemplated in this bill, and the Senator from Illinois and no member of the Committee on Appropriations can find it.

Mr. LOGAN. I presume the object of this discussion is to get at the truth. That ought to be at least the object of all discussion. I call the Senator's attention to the fact that in 1862 the Congress of the United States passed a law increasing the rank of the Navy. That was the reorganization of the Navy during the war. After the war I said, and I say now, there never has been a reorganization of the Navy in any shape or form except on an appropriation bill, and that has been at the suggestion of the Naval Committee for the reason that they could not pass such a measure in any other way. That is the fact about it, and the record shows it.

Mr. ROLLINS. That does not change what I said, that there has been no real organization of the Navy upon an appropriation bill. There was a partial reorganization since the war, but none that was real. I now wish to call the attention of the Senate to some remarks made by the Senator from Kentucky, [Mr. BECK.]

Mr. BAYARD. Before the Senator reads that, will he state when the law was changed so as to admit an officer placed upon the retired list at a certain rank and with the pay of that rank, being wholly out of duty, to receive an increased pay as of an increased grade, as in the case of the advance to which the Senator has referred, where the pay of a man retired say at \$2,000, when he is out of the service, is increased to \$4,500? When did that become the law?

Mr. ROLLINS. I will state that the law forbids at the present time any increase of pay by reason of promotion on the retired list. I have looked carefully into the matter and there will appear in the RECORD the laws which were passed with reference to officers on the retired list, which increased the pay of Rear-Admiral Sands, who now heads the list, from \$1,738 a year up to \$4,500. The law still remains on the statute-book that there shall be no increase of pay by reason of promotion on the retired list. It has been done by a series of special acts of Congress, part of them on appropriation bills and part of them not, all of them cunningly devised to increase the pay of naval officers upon the retired list apparently without a violation of law.

Mr. ALLISON. The Senator alluded to the act of 1870. That was put on by the Naval Committee, discussed by the Naval Committee, modified by the Naval Committee, and agreed to by the Senate, the rules then being different from what they are now, allowing committees to put legislation upon an appropriation bill.

Mr. ROLLINS. So might the Senator say if by any good luck any single solitary amendment should be adopted by the Committee on Appropriations which has been suggested by the Committee on Naval Affairs to this bill, which has not been the case up to this time, it might be trotted out years after to relieve the Committee on Appropriations from the responsibility of the attempt to reorganize the Navy on an appropriation bill. I say it is not fair treatment, and the Committee on Appropriations should be held responsible for that which they support, whether it is recommended by the Committee on Naval Affairs or any other committee of this body.

Mr. LOGAN. The Senator agrees with me that when a man is put on the retired list with a certain rank he ought not to receive an increase of pay over and above that rank?

Mr. ROLLINS. I agree to that.

Mr. LOGAN. If there is any remedy for that, let us see what it is. The only remedy for it is to repeal the law that allows men to be promoted on the retired list, so as to keep them at the rank they were retired on. This bill does that thing precisely. Is there any objection to doing it?

Mr. ROLLINS. I will tell the Senator the remedy. Strike out all the legislation on this subject that you have heretofore put on the appropriation bills, and then you will remedy a very large share of the difficulty.

I want to come back to my friend from Kentucky, [Mr. BECK,] who said on Monday, when this list was presented:

I only rose to say that whatever there may be of irregularity, and however much I may have differed with the Senator from Illinois, and I believe I generally differ with him, there has never been a man connected with either House who has so boldly and audaciously, if I may use the word, endeavored to correct abuses in both the Army and Navy, and he has done it, I think, pretty efficiently, as the Senator from Illinois. I would rather follow him generally than any committee I know.

That is good. I am glad to know that the Senator from Kentucky has concluded to follow the lead of my honorable friend from Illinois, but in the past I have not seen him following his lead in vari-

ons noted cases; for instance, the Fitz-John Porter case, and more recently the Hennepin Canal; and I am led to believe he will not even follow his lead upon the knit-goods question; I am afraid he will not. He has made this lead with great audacity, and now I want to say to my friend from Illinois right here to be very careful, as he is the file-leader of the Senator from Kentucky, where he leads him. Do not undertake to lead him into the Republican camp. He is too combustible, too explosive. The Senator from Kentucky also says:

I made the remark because if the naval appropriation bill is wrong, the Senate will have a clear chance to correct it the very moment it is brought up, and it would have been brought up to-day, in my opinion, but for the sickness of the Senator from Maine, [Mr. HALE,] who has charge of it and who knows more about it than all of us put together.

That is it; the Senator says it is true.

Mr. BECK. Yes; and I do not exclude the Senator from New Hampshire.

Mr. ROLLINS. Now, I want to say a word about that.

Mr. BECK. If the Senator from New Hampshire—

Mr. ROLLINS. I ask the Senator to allow me to go on. I do not believe there is a single member of the Committee on Naval Affairs who desires to take issue with the Senator from Kentucky. We all admit that you know more about naval affairs than all the rest of us put together. We all admit that you not only know more about naval affairs but you know more about military affairs; you know more about finance; you know more about all those matters. We concede it. We would not for one single moment make an issue with the honorable Senator from Kentucky, but what we object to is that this fact, so injurious to us, proclaiming our great ignorance of this matter, should be placed upon the record and go down to posterity to be read by those who will come after us. That is what we object to.

Any one would suppose that the Committee on Appropriations was a mutual admiration society. They get up here on the floor of the Senate, and the Senator from Kentucky proclaims to the world that on naval affairs the Senator from Maine knows more than all the rest of us put together. The Senator from Maine will get up and proclaim in a like way at the proper time no doubt that the Senator from Kentucky knows more about the internal-revenue tax upon whisky and tobacco than anybody else in the body, and if he does not include knit goods I shall be very much mistaken. Then some other member of the committee will get up and say that my friend upon my right, the Senator from Massachusetts, [Mr. DAWES,] and the Senator from Kansas [Mr. PLUMB] know more about Indian affairs than anybody else. I think they do, but we do not like to have it proclaimed from the house-tops.

I am satisfied they will compliment my friend here before me, [Mr. ALLISON,] and say he knows more about the silver question and finances generally than all of us put together. Let me see if I omitted any member of the committee, there are so many of them. My friend from Massachusetts will get up and proclaim that the Senator from West Virginia [Mr. DAVIS] knows more about bookkeeping, especially in the Treasury Department, than all the rest of us put together, and we would all agree to that. Some other Senator would say that the Senator from Missouri [Mr. COCKRELL] knew more about objecting than any and all of us put together, and I guess we would agree to that.

But the Senator from Illinois says there can be no reorganization of the Navy or the Army except on appropriation bills.

Mr. LOGAN. Mr. President—

Mr. ROLLINS. I ask the Senator from Illinois to allow me one moment to state my proposition. I admit that it is very difficult in this body to get its attention to important legislation while the Committee on Appropriations assumes the right to control action on all great questions. While they undertake to reorganize the Army or the Navy and the Pension Bureau upon an appropriation bill, and have the right of way in this body and the other, it is very difficult, in my judgment, as we all know, for any committee of this body to secure such attention of the Senate as would be necessary to pass a bill for the reorganization of the Navy.

In my judgment, the time has come when there should be some change in the rules, both of the Senate and of the House, so as to enable the majority instead of the minority to control legislation. In my judgment, the time has come when the business of Congress should be divided so that there should be more than one committee of the Senate and more than one committee of the House which may take up, carefully consider, and secure action upon a measure that is before it. That time, in my judgment, has arrived. I know it is said it would increase the appropriations in some directions if such a subdivision should take place, but I say that this session of Congress has proved to this body and to the country that some change is absolutely necessary.

Mr. LOGAN. Will the Senator permit me to ask him a question, inasmuch as he has directed his remarks particularly toward myself. Does he not believe that there is a necessity for some organization of the Navy other than there is at present?

Mr. ROLLINS. I say yes; most emphatically.

Mr. LOGAN. Very well. Now—

Mr. ROLLINS. I did not give way for the Senator to make a speech.

Mr. LOGAN. I do not intend to do so.

Mr. ROLLINS. I have answered the Senator's questions squarely and fairly.

Mr. LOGAN. Now then—

Mr. ROLLINS. I have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield further.

Mr. LOGAN. I wish to ask just another question.

Mr. ROLLINS. Go ahead.

Mr. LOGAN. The Senator has now admitted that there is needed some reorganization of the Navy. I ask the Senator why the Naval Committee has not proceeded to do that during the present session?

Mr. ROLLINS. The Naval Committee have proceeded to discuss and consider that matter and have reported a bill on that subject, but they have not been able to get the attention of the Senate to it for the reason I have suggested, because by the rules adopted in both branches of Congress the Committee on Appropriations are able to absorb the time practically of Congress remaining for the consideration of these important measures after the committees have matured their bills and reported them; and when they submit a bill here in the Senate and pile their amendments up high, then it goes to a committee of conference, so that the material and important parts of legislation are shaped and controlled by three members of the House and three of the Senate; and I here enter my protest against this sort of proceeding being continued indefinitely. I say the time has come, in my judgment, when the majority should rule and be held responsible for the laws that are passed, and when there should be such a subdivision of the labors of Congress as will enable the Naval Committee and the Military Committee and the Pension Committee and the other important committees of this body to have their fair share and voice in controlling and shaping legislation.

Mr. PLUMB. Will the Senator permit me to ask him if the first six months of this session were not exhausted before the Appropriations Committee occupied any time; and what were the other committees that now complain about the operations of the Appropriations Committee doing during that period?

Mr. ROLLINS. I will give an answer if the Senate will indulge me in taking the time necessary, and I wish I had time to go into that matter fully. I could show you that for several months of the existence of this session of Congress the Committee on Naval Affairs on the part of the Senate has diligently tried to dispose of the many bills which have been referred to it having for their object the reconstruction of the Navy Register, and took up the matter of the reorganization of the Navy at the earliest practicable moment, gave it diligent attention, reported several important bills, have sent to the Committee on Appropriations amendment after amendment for their consideration, and not one single suggestion of the Committee on Naval Affairs has met with the approbation of that committee, which contains all the wisdom in the Senate of the United States.

Mr. PLUMB. But is it not still open to the Committee on Naval Affairs to propose those amendments in the Senate and take the judgment not alone of the Committee on Appropriations but of all the Senate?

Mr. ROLLINS. I will come to that, and I thank the Senator from Kansas for the suggestion contained in that question. What is the usual manner of procedure by the Committee on Appropriations? They put on an appropriation bill any legislation on any subject whatever, no matter what.

Mr. HALE. I beg pardon—

Mr. ROLLINS. I beg your pardon. I do not want all of the Appropriation Committee at me at once.

The PRESIDING OFFICER. The Chair would suggest that the better method is to address the Chair, and let the Chair ascertain whether the Senator entitled to the floor will yield to an interruption.

Mr. ROLLINS. I want to answer one at a time. They are so much more competent and so much wiser than I am that I do not feel able to deal with the whole Committee on Appropriations at once.

Mr. HALE. But do not make any such statement as that.

Mr. ROLLINS. As what?

Mr. HALE. That the Committee on Appropriations go to work and put on any amendment they please.

Mr. ROLLINS. That I think is the fact. They put all the amendments they desire on a bill in the Appropriations Committee room and then bring them into the Senate, and a member of the Committee on Naval Affairs or of some other committee does what? Gets up here in the innocence of his heart and moves an amendment. Forthwith the member of the Committee on Appropriations who has the bill in charge rises and makes the point of order that it is new legislation; it is this and that; and out it goes. What power has the Senate of the United States when members of the Committee on Appropriations make these points of order? The title of this bill is all wrong. It should be "a bill to reorganize the Navy and making appropriations therefor."

I presume that when this bill comes up for consideration, paragraph by paragraph, the Committee on Appropriations will do what? If I rise in my place and move an amendment looking in the same direction of reform in which they are going, they will make the point of order on the amendment and out it goes. Right here let me say that I am in favor, earnestly in favor of nearly all the reforms that are in this bill—

Mr. LOGAN. Which bill?

Mr. ROLLINS. In the bill which you have reported.

Mr. LOGAN. Then why do you object to it?

Mr. ROLLINS. You do not wait until I get through. I am objecting to the *modus operandi*.

Mr. LOGAN. That is it.

Mr. ROLLINS. Yes, sir.

Mr. BECK. I desire to ask the Senator from New Hampshire, before he sits down and yields the floor, at a convenient time to allow me to make an explanation of something that he has said?

Mr. ROLLINS. Certainly.

Mr. BECK. Perhaps I can do it now as well as at any other time.

Mr. ROLLINS. Very well.

Mr. BECK. I did not expect to say a word about the naval appropriation bill, because the Senator from Maine, [Mr. HALE,] as I said before and repeat now, knows more about this bill, I think, than all the rest of us put together. I did not mean to say that he knew more about naval affairs generally, but about this bill. I have entire confidence that he knows all about it, whether it is right or wrong, and can defend his position.

While sitting here, just as I was about to go to the room of the Committee on Appropriations with the chairman to look over some matters in the sundry civil bill, I heard my name used in connection with a list furnished of admirals on the retired list. I happened to inquire of the very intelligent Secretary of the Navy one evening when he was before us about this matter, and he explained it in the committee-room. I then wrote him a note and he sent the list with his letter, and that is all I know about it.

Mr. ROLLINS. I am very glad the Senator did it. I thank him for it.

Mr. BECK. I am only sorry that the Committee on Naval Affairs had not acted upon it before this time. But while sitting here I heard the Senator use this expression: that after the act of 1870 was passed, the crowning act of infamy—I think that was the language—on the part of the Committee on Appropriations was the act of March 3, 1873, in regard to retiring officers and putting up their pay.

Mr. ROLLINS. I did not use the word "infamy."

Mr. BECK. It was a very strong expression, something of that sort. I at once left the Senate Chamber and went to the Document Room and the Library, and saw what that statute meant, and I have all the facts.

That bill, which passed on the 3d of March, 1873, was reported by the honorable Senator from Maine, [Mr. HALE,] then a member of the Committee on Appropriations in the House, a clean bill for the support of the Navy without any legislation that I am able to find. The House of Representatives passed the bill, and I have that copy as well, signed by Mr. McPHERSON, then Clerk of the House, equally clear of all legislation. It came to the Senate. It was reported back on the 30th day of January, 1873, by Mr. Cole, then a member of the Committee on Appropriations of the Senate, also, I think, very clear of any bad legislation. I find none; some few changes but nothing very important.

It came before the Senate, and Mr. Cragin, then chairman of the Committee on Naval Affairs, on the 14th of February, 1873, offered the following amendment, which is the proviso now in the law—

Mr. ROLLINS. All that has been brought out by a member of the Committee on Appropriations before.

Mr. BECK. I was not present; but here are the official records.

Mr. ROLLINS. I understand it.

Mr. BECK. Let us see what he said and how it was done. It was done on the solicitation of officers of the Navy, and pressed upon the Senate by them on the floor of the Senate. Mr. Cragin said:

Mr. CRAGIN. I offer the following amendment, to come in on page 2, at the close of the seventeenth line:

"That no officer on the retired list of the Navy shall be employed on active duty except in time of war: *Provided*, That those officers on the retired list, and those hereafter retired, who were, or who may be, retired after forty years' service, or on attaining the age of sixty-two years, in conformity with section 1 of the act of December, 1861, and its amendments, dated June 25, 1864, or those who were or may be retired from incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, from sickness or exposure therein, in conformity with the twenty-third section of the act of August 3, 1861, shall, after the passage of this act, be entitled to 75 per cent. of the present sea pay of the grade or rank which they held at the time of their retirement. And the rear-admirals provided for in the act of June 5, 1872, shall be considered as having been retired as rear-admirals."

The first part of this amendment is a bill that passed the House of Representatives some time ago, I think at the last or second session of this Congress, forbidding the employment of retired officers upon active duty. It came to the Senate, and the Committee on Naval Affairs agreed to the House bill with an amendment providing that officers on the retired list who have been honorably retired, those who have been retired on account of length of service, or in consequence of sickness or wounds or disability incurred in the line of duty, should, after the passage of this bill, be entitled to 75 per cent. of the highest pay of their grade as retired officers, putting them on the same footing with the retired officers of the Army. I am sure that this amendment will commend itself to the judgment of every Senator.

Then he goes on; and these are the words I care especially to call attention to as explaining why \$70,000 a year was added to the expense of the retired list in this way:

At the present time quite a portion of the retired officers are upon active duty; they are officers who are poor, whose circumstances make it necessary that they should receive the active-duty pay, and through themselves and their friends, members of Congress and others, they are put upon active duty. There are plenty of officers upon the active list to perform all the duties of that list; and it seems

to be right and proper that the officers on the retired list should not be put upon active duty except in time of war. But in order to provide for their necessities we propose to increase their retired pay from 50 per cent. to 75 per cent. of their active-duty pay, which is the same proportion as is received by the retired officers of the Army.

I want to say, further, that I have had a calculation made at the Pay Department of the Navy, and as the Navy Register now stands this provision will not make an increase of over \$70,000 per annum, for the reason that quite a large number of retired officers are now on active duty receiving the highest pay. This amendment will put them off active duty, by which they cannot receive that highest pay; so that deducting that from the increase this amendment would otherwise make, it will only add about \$70,000 to the expense.

I have before me letters from the most prominent officers of the Navy urging the passage of this amendment. Admiral Porter says that it is the most important measure for the Navy that has been proposed for years; and so do many other of the best and ablest officers. I hope there will be no objection to the amendment, and that it may be adopted.

Mr. ROLLINS. I did not suppose the Senator from Kentucky proposed to make a speech.

Mr. BECK. When you allege bad conduct on the part of the Committee on Appropriations, I propose to prove that the charge is not justified by the fact, and I am proving it very conclusively, and I insist now that I shall be allowed to make the proof in the face of such charges as the Senator has made.

Mr. ROLLINS. How much time will the Senator occupy?

Mr. BECK. I intend to occupy time enough to prove that you have made a false charge.

Mr. ROLLINS. I claim the floor.

Mr. BECK. Then I will sit down and take the floor again and prove it more abundantly.

Mr. ROLLINS. I have no occasion to argue with reference to the reason which led to this legislation, nor am I called on to animadvert on the fact that my predecessor here, Senator Cragin, who was chairman of the Committee on Naval Affairs, listened to the advice of naval officers. He said his motion was on the advice of the naval officers, and he came here and moved to increase the pay of officers of the retired list from one-half to three-fourths of the highest sea pay. I say the fact that that was moved by the chairman of the Committee on Naval Affairs, that it was put through the Senate under those circumstances, does not lessen the responsibility of the Committee on Appropriations in the least. They knew very well that unless it was put upon an appropriation bill the increase of the pay of the naval officers would not be had during the then session of Congress.

Mr. LOGAN. The Senate put it on.

Mr. ROLLINS. The Senate put it on and the Committee on Appropriations I have no doubt at the time agreed to it.

Mr. LOGAN. The Committee on Appropriations had reported the bill without it, and the chairman of the Committee on Naval Affairs reported it as an amendment at the suggestion of the officers of the Navy, and so it appears that it was done according to their direction.

Mr. ROLLINS. I simply state the fact, and what has been stated does not go at all to controvert my position, that this wicked and vicious legislation has been had upon appropriation bills. That is what I said. I did not say who offered it. I did not say who moved it. I did not undertake to argue that it was not brought in by the chairman of the Committee on Naval Affairs. I simply stated the broad, square fact that on appropriation bills you had enacted this vicious and iniquitous legislation. That is what I said, and I should like to find the Senator who takes issue with me on that point.

Mr. LOGAN. I take issue.

Mr. ROLLINS. It was on appropriation bills, and the record substantiates what I have said.

Mr. LOGAN. Of course it was.

Mr. ROLLINS. I insist on having the floor.

Mr. LOGAN. Go on.

Mr. ROLLINS. I have been led to say a great many things that I would not have said and to lengthen my remarks very much by reason of these constant interruptions.

Mr. JONES, of Florida. Will my friend allow me to make a suggestion. I do not wish to interrupt him, but to make a suggestion. Suppose that all the Senator from Kentucky says is true, that the Senator's predecessor came in here with a provision of this kind in the Senate of the United States and as a member of the Naval Committee and with the consent of the Senate put this provision on the bill, what does that prove with respect to the rule? The Senate by consent can do anything. Does that relieve us of the obligation of standing by the rules of the Senate in this case?

Mr. BECK. Does that authorize the Senator's colleague on the Naval Committee to charge the Committee on Appropriations with being usurpers when your own committee put this on in spite of them?

Mr. JONES, of Florida. It does not appear that he did it as the organ of the committee.

Mr. BECK. It does; it appears by what he said himself that the proposition was offered by him as the organ of his committee.

Mr. ROLLINS. I do not believe that either member of the Committee on Appropriations will take issue with the statement I made, namely, that these legislative measures were on appropriation bills. That was all I said. The Senator from Illinois claims that all the valuable and desirable features of the reorganization in the Navy Department were had upon appropriation bills. Let me make one reference for his benefit.

The act of July 15, 1870, making appropriations for the Navy, &c., fixed the pay of the officers of the Navy generally, both on the active and retired lists; it also contained clauses relating to the retirement and promotion of officers in the Navy, reducing and fixing the number of officers in certain grades of the line and staff; also provisions in regard to the appointment of midshipmen; repealing acts authorizing the appointment of temporary active officers of the Navy; and fixing the pay of chiefs of bureaus. That was all the general reorganization that took place on the act of July 15, 1870.

The act of March 3, 1871, making appropriations for the Navy, &c., fixed the number and established the grades and relative rank of the officers of the various staff corps of the Navy, not touching the line.

The act of March 3, 1873, making appropriations for the Navy, &c., contained clauses providing that no officer on the retired list shall be employed on active duty except in time of war, and fixed the retired pay in certain cases at 75 per cent.

That is all the work looking to a reorganization of the Navy in part, so far as I can learn, that has been accomplished on appropriation bills since 1835, perhaps since the foundation of the Government.

Now, Mr. President, I do not purpose to go over this bill, for there are a great many features of the bill with which I am entirely satisfied. So far as it looks to a reasonable reduction I agree to it, if it can be brought about in a proper way. I suggest, however, that the original proposition of the Committee on Appropriations looking to the reduction of the various corps in the Navy is not quite reasonable, and the committee have discovered that and it is modified. As that proposition originally stood it would have required three captains to be promoted or retired for the promotion of one commander; nine captains and three commanders to enable one lieutenant-commander to be promoted; and twenty-seven captains—

Mr. HALE. If the Senator will allow me—

Mr. ROLLINS. Allow me to finish this statement.

Mr. HALE. It is right on this point.

Mr. ROLLINS. I decline to yield until I have said a few words more.

Mr. HALE. Does not the Senator know that I have offered an amendment?

Mr. ROLLINS. I have stated that to the Senate distinctly and emphatically.

Mr. HALE. Then do not make any point on that.

Mr. ROLLINS. I purpose to make my own speech and not allow the Senator from Maine to make it for me.

It would require that twenty-seven captains, nine commanders, and three lieutenant-commanders should be promoted or retired in order that one lieutenant should be promoted; that eighty-one captains, twenty-seven commanders, nine lieutenant-commanders, and three lieutenants be promoted or retired that one master might be promoted; that two hundred and forty-three captains, eighty-one commanders, twenty-seven lieutenant-commanders, nine lieutenants, three masters, and one ensign be promoted or retired that a midshipman might be promoted.

That was a proper comment on the bill before it was amended or proposed to be amended by the Committee on Appropriations, and I did not know until the Senator from Maine took the floor this morning that he had any proposition to change the plan as the committee originally submitted it. Hence I suggest that my criticism upon the bill is a fair and just one.

I want to see, as I said before, some intelligent reduction of the officers of the Navy. I think there is abundant reason for it unless we largely increase the number of ships; and with this bill it may be possible that there may be some step taken under it to reconstruct the Navy; but I suggest that the appropriations contained in the bill are not sufficient and are not what we ought to have. In view of the appropriation for rivers and harbors, nearly \$20,000,000, I submit that we ought to appropriate more money for the reconstruction of the Navy.

Mr. President, I will withhold what further I have to say with regard to this bill until the paragraphs are reached upon which I wish to make some comment. I will not undertake to go over the bill at this time, but will give way, and at the proper time I shall submit some further remarks in regard to it.

Mr. BECK. Mr. President, I thought when the Senator from New Hampshire allowed me to make an explanation that I was to have the right to finish it or I would not have spoken at all in his time. I desire now to finish what I was saying, so that he may know exactly what the truth was and take back, as I knew he would have to do, the charges he had made so violently against the Committee on Appropriations.

The last part of his speech, when read as printed in the RECORD, contrasted with the first will show how mildly he had to draw his conclusions after the vehement charges he made in the first instance. I will leave that to the RECORD.

You would have thought when he began relative to that infamous bill of March 3, 1873, that the Committee on Appropriations were a set of usurpers, and that I was in the House when it took place, and that we were all seeking to overthrow all right and all authority. After I heard my name mentioned I went at once to hunt up the record and see what the truth of the case was. I knew that was not the habit of that committee. I found the Senator from Maine

had reported the bill clear of all legislation in the House, and the Committee on Appropriations of the Senate had agreed to it, and the Committee on Naval Affairs, through its chairman, acting as the Committee on Naval Affairs, inserted all the legislation on the bill which he charged was so infamous and which he charged the Committee on Appropriations with being responsible for.

Why, sir, here is another provision in that same bill, introduced by Mr. Cragin, from the Committee on Naval Affairs, an "amendment proposed to the bill (H. R. No. 3351) making appropriations for the naval service for the year ending June 30, 1874, and for other purposes," namely:

Insert the following:

"For the construction of eight steam-vessels of war, \$3,200,000; this appropriation to be available from the passage of this act.

"For the construction of gas-works and piping at the Norfolk navy-yard, Portsmouth, Virginia, \$10,000."

Turning to page 20 of the bill I find the following:

For the construction of eight steam-vessels of war, \$3,200,000; this appropriation to be available from the passage of this act.

When the bill was reported by the House committee by Mr. HALE no such provision as that was in it. When it came back from the Committee on Appropriations of the Senate no such provision was in it. The Committee on Naval Affairs proposed the amendment I hold in my hand. The Senator from Florida says the then Senator from New Hampshire [Mr. Cragin] was only a member of the Senate speaking for himself. He was chairman of the Committee on Naval Affairs speaking for his committee, by authority of his committee, and as chairman of that committee and by authority of that committee he inserted both those provisions; and yet we are to be charged now as being usurpers!

Why, Mr. President, whatever there is that is legislation in this bill came from the House of Representatives. We had no right to make any point of order upon it. We have amended it, whether wisely or not is for the Senate to determine; but for the Committee on Naval Affairs now to move to recommit the bill to the Committee on Appropriations with instructions to strike out that legislation is an unwarranted insult to the House of Representatives. We cannot do it; we have no right to do it; it is not the manly way to meet the propositions of the House. Whatever questions are introduced, whether they were put in rightfully or wrongfully, are not subject to a point of order here. They can be met on the floor of the Senate, and if a majority of the Senate see fit to strike them out the majority can strike out all that legislation, and instead of this motion being made to refer the bill back to us with instructions, when the question comes up on the legislation in the bill the proper course is to meet it, vote upon it, strike it out if a majority think it wrong. That is the only way to meet it.

Mr. FARLEY. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. Yes.

Mr. MILLER, of California. Does the Senator believe this legislation on the appropriation bill is a correct way of legislating upon the subject?

Mr. BECK. I have never believed there ought to be any legislation on appropriation bills; I have resisted it; but I say a reference back to the Committee on Appropriations by motion of the Naval Committee is an insult to the House of Representatives. I ask the Senator from California if that is not true, and if the manly way to meet the legislation sent by the House, which they had the right to put in the bill so far as we are concerned, is not to meet it on the floor of the Senate?

Mr. HALE. Will the Senator allow me to say here, in response to the Senator from California, that I hold in my hand [exhibiting a bundle] only a portion of the amendments that have been sent by Senators to the Committee on Appropriations on a bill that they are now considering, more than half of which require legislation that the Committee on Appropriations is asked to put upon this bill; and the Committee on Appropriations spends more than one-half of its time in resisting the demands of Senators who urge it to put legislation on these bills.

Only a little while ago I sat talking with the Senator from Rhode Island [Mr. ANTHONY] on this very subject, when a Senator who has made himself foremost and vehement in opposing the legislation of the Committee on Appropriations sat down by my side here and began to importune me to put legislation on an appropriation bill, and when I resisted and told him we could not do it, that did not satisfy him, but it has been pushed since. And the Senator who has just taken his seat, who has arraigned the Committee on Appropriations, has submitted to the Committee on Appropriations more amendments asking legislation upon an appropriation bill than any Senator in this body, and the committee has felt itself bound to resist his importunities which have been "in season and out of season."

Mr. ROLLINS. Now I want to say a word about the interviews I had; I am entitled to a moment in response to the Senator from Maine.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BECK. Oh, yes.

Mr. ROLLINS. The Senator from Maine undertook to assail me

because of what? Because, in accordance with the instruction of the Committee on Naval Affairs, I have offered several amendments to this bill and had them referred to the Committee on Appropriations.

What kind of a bill is this? This is not an appropriation bill in any reasonable sense; it is a bill for the reorganization of the Navy; and the Committee on Naval Affairs, understanding full well that in no other way could they have a voice in these amendments, instructed its various members to propose amendments. Now, gentlemen of the Appropriations Committee say I have importuned them "in season and out of season." I deny most emphatically the fact. I say I have not importuned the members of that committee either collectively or singly. I did go to the committee one morning with the Secretary of the Navy, at their suggestion, for I admit that I would not have dared to go there without their request or suggestion, and I did presume to make a single suggestion with reference to one amendment. I did occupy two or three minutes of the time of that wise committee. I admit I was not told in so many words, "You had better leave;" I was not; but I do say deliberately—

Mr. HALE. The Senator remembers that interview?

Mr. ROLLINS. The Senator does remember, and he remembers distinctly that interview, and he knows full well that he left that Committee on Appropriations with the idea thoroughly impressed on his mind that in their estimation that was no place for the Senator from New Hampshire.

Mr. HALE. We could not grant all you wanted.

Mr. ROLLINS. Grant all I wanted! You have not granted a single thing that the Committee on Naval Affairs recommended, not one, and that is the history of this appropriation bill; and here they are lecturing our committee because we presume to offer amendments upon a bill that, one may say, has no appropriations in it really.

Mr. BECK. Now, are you through?

Mr. ROLLINS. That depends on circumstances.

Mr. BECK. I mean in my time. I did not want to stop you.

Mr. ROLLINS. Go ahead.

Mr. BECK. I desired the Senator to get through. I was about closing and about to yield the floor to the Senator from Illinois with this single remark, that having examined the charge made against us so distinctly and so fiercely and shown that there was nothing in it, that not only was it the merest babble but that it was not true in any sense at all and that the Senator did not know what he was talking about—having exposed all that, I only want to add that nine-tenths of the bad legislation that gets into appropriation bills is put there by other committees and other members, and if gentlemen only knew what the Committee on Appropriations have to resist they would have more sympathy with them when they come to see with what they have to deal. I deny all the taunts made at us about having more knowledge than anybody else. Of course, the country understands that. But I will say that the Committee on Appropriations have looked at all these matters coolly and deliberately, and they are well calculated to do it—better perhaps than some of the other committees; and why?

When the Senate is organized in accordance with an administration, what is the proper duty of the party controlling it? To go to the Secretary of War and say: "Mr. Secretary of War, we want to give you a fair representation; we want to have on our Military Committee men you can consult with, men you can confide in, men who know the affairs of your Department;" and he ought to be allowed to select a majority of the men on that committee; so ought the Secretary of the Navy as to the Naval Committee; and so ought the Postmaster-General as to the Post-Office Committee, and so ought all the other heads of Departments as to the committees concerned with the business of their Departments.

The enemies of the men who are at the heads of those Departments ought not to be put on the committees in charge of their duties; and what follows? Those committees naturally feel that it is their duty, that they are appointed on purpose to see that full justice is done to that Department which they especially represent. They do not become attorneys exactly, but they are placed there because they are the friends of the Department, and they endeavor to get all they can for their particular Department. Then they come before the Committee on Appropriations, appointed without relation to any particular Department of the Government, where all come in conflict, and then some such division has to be made as to do decent justice to all, perhaps not giving to any one all that it wants, but giving a fair share so as to keep the expenditures within the revenues at a decent limit, and in that regard the Committee on Appropriations does play an important part in the legislation of this body, and only in that regard.

I have never known a member of it to usurp anything. I have served on the Committee on Appropriations in the other House and here for a long time, and I see members all around me who have so served; and the Senator from New Hampshire, when he speaks of our personal relations to each other in a very funny way, speaks truly. No politics ever went into the Committee on Appropriations, and the members, Republicans and Democrats, on the business matters of that committee work together for the good of the service, in my opinion, as earnestly as if they all belonged to one political party. We reserve our quarrels for the floor of the Senate and for

other places, and I think it is rather a compliment to us that we do that rather than to be coming here and constantly quarreling. I always repel any insinuation of any interference on the part of that committee, and that is the only excuse I have for saying so much now.

Mr. LOGAN. Mr. President, I desire, if I can have the attention of the Senate for a short time, to discuss the questions that are in the bill and not those that are outside of it.

First, I propose briefly to reply to what has been said by the Senator from New Hampshire [Mr. ROLLINS] in reference to the committee whence this bill came. If legislation comes before the Senate that is proper legislation that ought to be enacted into a law, I cannot understand the objection made to that legislation because of the fact that it comes from any particular committee. It seems to me that legitimate discussion in reference to bills and propositions before the Senate ought to be based on the right or wrong of the legislation that is attempted to be enacted by Congress.

I call the attention of the Senate to one fact. In all this discussion and all this wrangling about the Appropriations Committee on this bill has one Senator heard a single objection made to any one proposition that is in the bill? If any one has I should like to know what the objection is. I ask any Senator who is making war upon this bill to state one single objection he has to the propositions that the committee has reported in reference to the bill. If he has any, if I cannot answer them and answer them fairly, then I will give way and say that he is right and I am wrong.

That seems to me to be the proper way for us to discuss this measure. It came from the House on an appropriation bill, a portion of it recommended, as I understand, by the Naval Committee of the House. It was attached to the appropriation bill in the House of Representatives and it came to the Senate of the United States.

Mr. DAVIS, of West Virginia. Attached in the House on the motion of a member of the Committee on Naval Affairs.

Mr. LOGAN. Yes, sir; and it came to the Senate of the United States, and was referred to the Committee on Appropriations. That committee took up the bill and examined its details on amendments coming from the Naval Committee, and where we thought the House had proposed improper legislation in reference to the Navy we changed it.

Now, I desire the Senator from New Hampshire to listen to what I am going to say, for what I shall say here will be in a spirit of kindness and generosity and not in a spirit of trying to maul somebody because he happened to report a proposition that I did not have the opportunity of reporting on.

Mr. JONES, of Florida. May I be permitted to ask a question?

Mr. LOGAN. Certainly.

Mr. JONES, of Florida. Suppose the Committee on Naval Affairs of the Senate brought in a necessary appropriation for the Navy, reported it, does the Senator think no objection could be made to that beyond the question as to the necessity for the appropriation?

Mr. LOGAN. Most assuredly there could be an objection made to it. That is not a parallel case at all, and I am astonished the Senator should suggest such a proposition as a parallel case. If the Senator thinks the appropriations in this bill are incorrect, and he will explain to us that they are, I will vote with him to correct and amend them.

Mr. JONES, of Florida. That is not the question.

Mr. LOGAN. But what is the question? The Naval Committee does not report appropriation bills. That is true. But suppose there was a naval bill before the Senate of the United States, and proper legislation was reported from that committee in reference to something that ought to be before another committee, when that committee had the matter referred to it by the action of the Senate, do you suppose I would vote against it merely because it was reported by the Naval Committee? I would not.

Mr. JONES, of Florida. I wish the Senator to understand that I throw no blame on the Appropriations Committee of the Senate, but in a great Government like this, when one committee undertakes to trench upon the appropriate duties of another, it is the breaking up of all the safeguards and securities of the public service. You might as well undertake to remodel the judiciary establishment outside of the Judiciary Committee.

Mr. LOGAN. That is all very easily said. It is very strange that Senators in their growling and grumbling and in their ill-natured manner—

Mr. JONES, of Florida. No grumbling.

Mr. LOGAN. Very well. They talk about committees usurping prerogatives that do not belong to them. Why, sir, this bill came from the House of Representatives, and it was the duty of the Committee on Appropriations of the Senate to examine its propositions and either to agree to them or amend them; and when you insist that the Committee on Appropriations has gone beyond its legitimate power and authority, you insist on that which you have no right to insist on, for it has done no such thing. From the beginning of this Government down to the present day, when one House puts upon an appropriation bill a proposition, the other House considers it, and considers it fairly, and there has been no time when it has not been considered, and considered by the other House or by its committee to which it was referred.

Now, let me call the attention of the Senate to the statement made by

the Senator from New Hampshire about the greatness and the grandeur and the magnificence and all that of this Committee on Appropriations. Why, sir, there is not a more humble set of men belonging to any committee in the Senate than those who are on the Committee on Appropriations. There is not, in my judgment, a more generous set of representatives than they are. They have not trenched upon the rights of the Senator from New Hampshire. The Senator from New Hampshire admits that the legislation is proper. He concedes that it is proper, but says it is on the wrong bill. Well, sir, to what extent are you to go?

Mr. ROLLINS. I said that much of the legislation proposed in this bill I was heartily in favor of.

Mr. LOGAN. But then you do not want it on this bill.

Mr. ROLLINS. I do not think it has any business here.

Mr. LOGAN. Exactly so; he is in favor of a portion of it, and the portion he is in favor of he wants stricken out of the bill.

Mr. ROLLINS. The Senator from Illinois will find out how much I am in favor of before we get through.

Mr. LOGAN. But he wants it all stricken out, that which he is in favor of and that which he objects to.

Mr. ROLLINS. The Senator from New Hampshire has not said anything of the kind.

Mr. LOGAN. The Senator from New Hampshire has advocated the resolution of the chairman of his committee, and yet in the debate here he has admitted that much of the bill is proper legislation.

Mr. ROLLINS. I have not said a word about the resolution.

Mr. LOGAN. Then what were you talking about?

Mr. ROLLINS. I thought I made the Senator from Illinois understand. He tried to interrupt me a dozen times.

Mr. LOGAN. The resolution was before the Senate, and I supposed the Senator was advocating the passage of the resolution, which was to refer the bill back to the Committee on Appropriations with instructions to strike from it the vicious legislation the Senator has referred to. Is not that the resolution which is before the Senate? Was he not advocating that resolution?

Now, then, according to the argument of the Senator, he is for the bill, but yet he is opposed to the committee that reported the bill. That is about the whole of it. This committee that usurps the power of the Senate we must trample under foot, we will not submit to any such usurpation as they have been engaged in! Therefore, no matter whether the legislation proposed is proper or improper, we will send it back because that committee are a committee of usurpers!

Well, sir, I learned in my boyhood that when any of my classmates mastered a subject that I had not, I had better yield to their mastery of that subject; and so I always accorded to them that which they were entitled to for doing it. If the Committee on Naval Affairs has failed for twenty years to report to the Senate of the United States a reorganization of the Navy that needs it so much, in God's name can its members stand here and sneer at a committee that does that duty to the country? Are they to stand here for all time and refuse to do that which the necessities of the country demand shall be done, and if done by others they say, "Oh, you are usurpers, we will not submit to any such proposition."

Sir, if the Naval Committee does not report a bill for the reorganization of the Navy if they believe it is proper to be done, and we do, let them show us wherein we are wrong, and not oppose it because it comes from a certain committee.

Now, sir, what objection do they make, and I demand to know of the Senators who are opposed to this proposition what it is they are opposed to?

Mr. WILLIAMS. The Senator will excuse me. If no member of the committee will answer that question, I will give my views.

Mr. LOGAN. I shall be glad to hear them. I will patiently listen to any man who will state the objection.

Mr. WILLIAMS. Among other things I see this bill undertakes to abolish the entire grade of commodore. If there were no other reason than that—and I have many others—I would be opposed to it. This is a grade in our Navy, the most illustrious in its history, one that has shed more glory upon the naval history of this country than any other. Why, the very word "commodore" carries us back to Perry, to Truxton, to Decatur, and a whole host of noble men. The naval glories of this country are connected with the grade of commodore. I will never consent to strike that from the Navy list in the world.

Mr. LOGAN. That objection is just like the others that have been made and that I expect will be made. Ignorance of the history of our Navy has caused many men to fall into just exactly the error of my friend from Kentucky. Will any member of the Naval Committee stand up here and say that the grade of commodore ever existed in the Navy of the United States until 1862? There never was a Commodore Decatur or a Commodore Perry or a commodore anybody else in this country prior to 1862. Commodore Decatur and Commodore Perry and Commodore Truxton were captains in the Navy, called by the law commandants, and never had any higher rank. They got the name of commodore just as Commodore Garrison over in New York did, because he owned more than one ship. Commodore Decatur got it attached to him because he commanded a squadron, and not because he had any such title. My friend from Kentucky, with his genius, eloquence, and power, has forgotten—for I know he

has read—the history, but it has passed from his mind. That is the only reason he fell into the error.

Mr. WILLIAMS. I will say to my friend from Illinois that the word "commodore" means commander. I do not want to strike it from the Navy.

Mr. LOGAN. I think I know the meaning of the word "commodore;" but it never belonged to the Navy of the United States and never was attached to any man until 1862, when Congress thought during the war they would give a title to our Navy that the Navy had never had. I have not disputed with Senators around me whom I have heard say, "The English navy has commodores and our Navy has always had commodores." I did not dispute the statement, because I thought it would be probably improper in me to correct them. They might think they know more about it than I do, and perhaps it is so; but I say to my friends here—

Mr. WILLIAMS. Allow me to say that it may be true that the grade of commodore did not exist by law, yet the word "commodore" means commander, and by the unanimous voice of the whole American people those men who shed so much glory on the Navy were commodores.

Mr. LOGAN. Of course it means commander, but then we had no such word in our statutes. No such title ever existed until 1862.

Mr. WILLIAMS. It existed in fact.

Mr. LOGAN. No, sir; no more than the title of commodore attached to Garrison of New York. That never belonged to him. He was called commodore because he commanded ships. Commodore Vanderbilt and commodore everybody else were so called because they commanded ships. It is a title that belongs to men who command ships, civilians as well as naval officers. The English navy has no such rank.

Mr. WILLIAMS. There was no such rank in the Army as general until 1864, and yet the Senator from Illinois would be very loth to give up his title of "general."

Mr. COCKRELL. There has been the rank of brigadier-general and of major-general since the Army was founded.

Mr. WILLIAMS. But not General.

Mr. LOGAN. But when we made the rank of General we put in that law just what we propose in this, that when the term of the man expired who held the rank the rank should cease. The Senator from Kentucky asks why the rank of General was given in the Army? I was saying that when the rank of General was given in the Army, it being a rank that the Army in this country had never had before, Congress, in its wisdom, provided in the same law that when the officer holding that rank should die or resign or be retired the office should cease, and we should go back to the ranks that there had been in the Army for many years. That is the law now. So it is the law in regard to the Lieutenant-General. Although that applied to Lieutenant-General Scott, and that title was given to General Washington, yet we provided that the rank should cease in the Army when the officer who held it should die, resign, or be retired.

There is just such a provision in regard to commodores in this bill, it being a rank which never belonged to the Navy of the United States until the late war and a rank entirely unnecessary. There is no necessity on earth for it, except to give an extraordinary title to individuals.

Mr. WILLIAMS. Will the Senator allow me?

Mr. LOGAN. Let me finish and the Senator will understand me. We provide in this bill that the commodores shall not lose their rank; that they shall not cease to be commodores; but that when the time comes that the twenty-five commodores now on our list shall either resign, which they will never do, or be retired, or die, then the rank shall cease, but it does not apply to those now holding that rank.

Mr. BUTLER. May I ask the Senator one question? I think perhaps I may misunderstand him.

Mr. WILLIAMS. Why should "commodore" be stricken from the naval vocabulary when we have Admiral and Vice-Admiral?

Mr. BUTLER. Did I understand the Senator from Illinois to say that the rank of commodore had never existed in the Navy until the war?

Mr. LOGAN. I do say that. I hope the Senator will not go into a discussion of that proposition.

Mr. BUTLER. I was only asking for information.

Mr. LOGAN. Yes, it never existed until 1862; and if you will read all the statutes in reference to the commodores you mention you will find that they were commandants, and then afterward received the rank of captain, the highest rank they ever had in the Navy.

Mr. BUTLER. Why were they called "commodores?"

Mr. LOGAN. Why is Mr. Garrison called a commodore? That title is given to the man who sails ships and commands ships, but in the law the title never existed. How is it in the English navy? You find a great many people in the English navy called commodores, but the rank of commodore does not exist in the English navy. There are four persons in the English navy called commodores, and they are captains, but they are called commodores because they are what are known as fleet-captains. You find by examining the law that the only rank that was ever given in our Navy which distinguished a man who commanded more than one ship from anybody else was the title of fleet-captain—not commodore, but fleet-captain. A man who commanded a fleet was called the fleet-captain. That

was the only title given in the law to a captain until 1862. In 1862, the rank of commodore was created, the rank of rear-admiral was created, and the rank of Vice-Admiral and Admiral were created for the purpose of putting men up into high places and giving them high salaries.

Mr. WILLIAMS. The Senator has not answered my question. I asked why there was greater necessity for abolishing the rank of commodore than that of Admiral or Vice-Admiral?

Mr. LOGAN. I will give the reason for that. There are ten rear-admirals. We have five stations in the world that are stations where the command is large, and these rear-admirals are sent to command those stations. When they command a station there is no rank recognized as that of commander, except that of the officer commanding the station. These five stations are given to five rear-admirals, and when they are relieved the other five take command. These ten rear-admirals then, while in command, have charge of stations where our shipping goes. A commodore is a man who commands two ships or three ships. He is not the commander of a great fleet.

Mr. BUTLER. He can command a squadron.

Mr. LOGAN. I suppose he could. Captains have command of squadrons. Does the Senator want to reduce the rank of rear-admiral?

Mr. BUTLER. I think it a great deal better—

Mr. LOGAN. You do not disgust me at all, as far as that is concerned; but I am giving the reasons for what I do. I suppose if we had come in here with a reorganization of the Navy entirely we should have been put out of the Senate Chamber, judging from the attacks made upon us here for what we have done. We have done the smallest we could in order to economize and save money to the Government and try to reform our Navy as much as possible; but from the attacks made on us for that, I suppose if we had done what ought to be done we should have been put clear out of the Senate Chamber. If Senators who are so conversant with the Navy and know so much about commands and commanders and all those sorts of things that we do not know anything about will just tell us what ought to be done, we shall perhaps get something accomplished.

Mr. SAULSBURY. I wish to ask a question for information. I ask why the committee provide that "hereafter all promotions to the grade of rear-admiral on the active list shall be made by selection from the grades of commodore and captain," instead of by promotion?

Mr. LOGAN. I will give the Senator the reason for that if the Senate will give me its attention.

The Senator from Delaware asks me why we provide that the rank of rear-admiral shall be filled by selection hereafter instead of by promotion, and why that selection shall be made from commodores and captains. If the Senator will examine the law as it stands he will see that the oldest commodore in the line is made a rear-admiral when a vacancy occurs. That is the law now. You cannot make anybody else a rear-admiral except a commodore. We extend that to captains, so as to make it more liberal, for the reason that captain being the highest rank in the Navy prior to 1862, that rank being composed of men having ability to exercise any command that belongs to the Navy, coming to that point, instead of contracting we extend it so as to include both captains and commodores in the selection for rear-admiral. Why make it by selection? I will give the reason for that. I believe in selection myself. I believe to-day if the policy of selection applied to both the Army and the Navy it would be better than the way it is now. We give the right to select from commodores and captains to fill vacancies made by the resignation or retirement of rear-admirals from the fact that in all probability the oldest is not competent or capable on account of disease, disability, or something of that kind. As the law now stands such a man would be forced in by the law. We propose to get rid of that condition of things and to provide so that a competent person may be selected. There are forty-six rear-admirals on the retired list to-day, drawing nearly as much pay as you or me, without doing a thing. We want to stop that.

Mr. WILLIAMS. I do not see how you can stop that business by this bill.

Mr. LOGAN. It is the simplest proposition in the world, because your laws as they stand to-day allow a man, if he is retired as a lieutenant, in three weeks after to be promoted to the rank of commander, and from a commander to a captain; from a captain to a commodore, and from a commodore to a rear-admiral on the retired list; and that is the way you get your forty-six rear-admirals on the retired list drawing \$4,500 a year. We propose to stop that. How? Because we repeal in this bill the law that allows promotion on the retired list. When we put a man on the retired list, let him stay there at the rank he goes on with, so as to prevent this fraud that has been perpetrated year after year on the Navy list by men being retired as lieutenants and commanders, and promoted to rear-admirals and then drawing \$4,500 a year.

Mr. SAULSBURY. I ask whether promotion, both in the Army and Navy, by selection rather than by seniority has not caused a great deal of dissatisfaction in both the Army and the Navy, and whether it does not open the door for favoritism that ought not to be encouraged in either service?

Mr. LOGAN. I will answer the Senator. Mistakes are frequently

made in selections, but I should think the Army in a very bad condition if the law was that every man who was made a brigadier-general should be entitled to become a major-general. The Army would be in a very bad condition if every brigadier-general should be promoted on account of his age and not on account of his ability. I should think we were then in more difficulty in reference to having an army proper than we are to-day.

So with the Navy. The best armies in the world are made by selection. The great navy of England to-day is made up by the selection of officers. But we with a republican form of government have our system, which is an aristocratic system by law, so that a man can go into an office because he is of a certain age, so that he shall follow on like the king's son follows him, and so on. I think it is wrong; I have always believed so. Make your Army like Napoleon did his when he selected his generals from the men who showed most competency to command and not because they were old. Select your officers as he did his great marshals, from the ranks. He made them marshals because they deserved the rank.

When you make your Army and Navy by selection, especially the higher officers, what do you do? You say to a man in the Army, "The skill that you exhibit in managing your command, company, regiment, or whatever it may be, the bravery that you show in battle, the skill that you exhibit in managing your troops against the Indians, shall be your recommendation for promotion; we will not promote you because you are sixty years old." But, sir, when you have two men in the Army, one much more competent than the other, who has shown it upon the frontier, who has shown skill, ability, enduring energy, who has won the spurs, and he comes forward and says "There is my record;" and what says the other? He comes forward and says "There is my age; I put my age against your record, against your gallantry, against your energy, against your skill, against your courage; you cannot help it; I am the elder and the law says I shall go in." What encouragement is that to a man to go out and be shot by the Indians, that he will have to stay twenty-five years before he can be pushed forward and have a chance for promotion?

A man in the ranks says "no matter how much I fight, no matter how brave I am, it gives me no promotion," and the captain says, "what if I do act bravely in battle, I get nothing for it; I cannot be a major, I cannot be a colonel, I need not fight; I will reserve my forces to-day; I will fight behind a tree; I am not going to get shot, it does me no good."

Sir, if you want to encourage men to be brave, to be gallant, to be true soldiers, give them the right to be designated for promotion because of the fact that they have shown their skill, their ability, and their bravery on the battle-field and elsewhere.

Mr. MAXEY. Will the Senator from Illinois permit me to interrupt him a moment?

Mr. LOGAN. Yes, sir.

Mr. MAXEY. He says that the rank of commodore was not known in our Navy until 1862. I find an act approved February 22, 1815, which reads:

That Congress entertain a high sense of the valor and good conduct of Commodore D. T. Patterson, of the officers, petty officers, and seamen attached to his command, for their prompt and efficient co-operation with General Jackson in the late gallant and successful defense of the city of New Orleans when assailed by a powerful British force.

There is a title of "commodore" mentioned.

Mr. LOGAN. I beg the Senator's pardon; that is just an interpolation in the law because he was commonly called that. There was no such thing in the organization of the Navy from the year when it was first organized. In every organization of the Navy "captain" was the highest rank known in our Navy until 1862.

Mr. MAXEY. There may have been no statute specially conferring the title of commodore, but it is equally true that the commander of a squadron was known as a commodore and recognized by our law as commodore. The very statute I have read recognizes the gallant conduct of Commanding Officer Patterson by name as "Commodore Patterson."

Mr. LOGAN. The Senator very well knows, I presume he does at least, that there never was any such rank in the Navy till 1862. Certainly he ought to know it. You will find it so in the organization of the Navy in the Revolutionary war, in the organization of the Navy in 1806 and 1808, and in the war of 1812, and so on down. I can show it from the first statute ever enacted in reference to our Navy, and you can find nowhere that any higher rank than captain was ever given to anybody. Of course men were called commodores, admirals sometimes; but I am speaking of the rank that was given them by law for which they drew pay.

Mr. MAXEY. If the Senator will pardon me, he will not find the title "admiral" given to any officer in the Navy of the United States from the foundation of the Government down to the time that office was created during the late war; but you can find the word "commodore."

Mr. LOGAN. In all our histories you read of Commodore Decatur and Commodore Perry.

Mr. MAXEY. But not "admirals."

Mr. LOGAN. I am talking about commodores. In the histories written of our wars you find that, but that is so because the history as written gives the name commonly used by and known to the country.

Half the officers in the Army are called generals when they are colonels, and you very well know that half of them are called colonels when they are captains; but they do not have the higher rank.

Mr. MAXEY. I referred to the legislative recognition.

Mr. LOGAN. I understand all about the recognition. I am making the assertion, and I state it as a historical fact so far as our statutes are concerned, that the rank never was known in the laws of the United States as a rank. Some man in drawing a statute might have referred to a captain as a commodore, which would not have given him the rank; but I speak of the organization of the Navy under the law, and there was no such rank either in the United States or the English navy till the time I stated. Any man who has ever examined the history of the Navy knows that. I would not make an assertion of that kind without knowing what I was talking about, with reference to either the Army or the Navy.

At the time the Senator from Texas interrupted me I was speaking about promotion. I do not know whether I had finished on that point or not; but it is charged that we have done a great wrong to the Navy. I am very much astonished sometimes at the debates in the Senate. Men get up a prejudice against a thing without knowing why. I know there is much opposition to this bill. Why? You cannot introduce and pass a bill in reference to the Navy of the United States, to save your souls, without having nearly every Senator button-holed and talked to and written to on the subject by the old commodores around here, and the admirals, and everybody else. I have never been so importuned in my life as I have been since this bill has been introduced.

"Do not touch the Navy," we are told. Why not touch the Navy? God knows I do not want to detract from the Navy or the Army, but when I contrast the civil officers of the Government with the Navy I say there never have been such outrages perpetrated on the Treasury of the United States by the same number of officers as have been by the number of these officers that exist to-day. Why, sir, they crowd themselves in ships until they draw sea-pay, and certify the necessity of it, and yet you call this honor!

I want to put this question fairly before this country. I intend that the country shall know the position of this Navy; and Senators who stand up here in opposition to an honest, economical retrenchment in the Navy shall do it with a full knowledge of the facts.

How much of a Navy have we got? I want the Naval Committee to listen to this; I want the answer to it. Inasmuch as they criticised the Committee on Appropriations I want the Naval Committee to exhibit their knowledge here of the Navy. I want that committee, if we are wrong, to show by their knowledge of our Navy to-day that we are wrong, and show that they know something about it themselves before they commence to criticise others. I intend that nobody shall escape on account of ignorance of the condition of our Navy.

Let us examine the navy of England for a moment. There are three hundred and forty-one vessels in commission in the English navy afloat, armed and equipped. How many officers have they? One thousand eight hundred and fifty-four. How does our Navy compare with that? We have the magnificent number of twenty-eight vessels afloat, armed and equipped—that is, we call them armed and equipped, but some of them are out here on the Potomac where you can all see them. How many officers have we? One thousand and ninety-four! We have got, then, within nearly eight hundred as many officers as the British navy, the British navy floating three hundred and forty-one men-of-war and we floating twenty-eight, and yet we must not touch the Navy! Oh, no, these officers are all required for our Navy! You must not obliterate the rank of commodore, and when these officers go on the retired list nobody else shall be appointed commodore. Why do you need commodores? Need them for what? To command what? You have as many commodores in the Navy to-day as you have vessels, and yet you want them to command. What will they command? Your rear-admirals are for commanding stations; your commodores for commanding squadrons. Where are your squadrons, then? When you look for your squadrons you do not find them, but you find your commodores; there is no trouble about that.

Let us examine this a little further. The Senator from North Carolina [Mr. VANCE] a while ago asked a question, and I want as we go along to meet every single phase of this proposition, and every question that any Senator will ask me in good faith I will honestly answer if I can, and if I cannot I will state my ignorance. The Senator spoke of the difference between the military arm of the Navy and the civil arm of the Navy. I wish to understand, because I want to answer him if I can, what he meant by that.

Mr. VANCE. I meant the distinction drawn between the line officers and the staff officers. That is what I meant.

Mr. LOGAN. The reason I ask the question is that I want if I can to put that proposition at rest.

Mr. BUTLER. Before the Senator proceeds to do so I should like to ask him for information, is it not a fact that every commodore in the United States Navy is on duty?

Mr. LOGAN. I do not doubt it. They are all on duty, certainly. I do not want to say how many commodores there are on duty here in the city of Washington, but go and ask the Secretary of the Navy. I do not want to do that. I do not want to say how many naval

officers there are in the city of Washington to-day drawing pay for being on duty, but ask the Secretary.

Mr. BUTLER. Why not state it?

Mr. LOGAN. Because I do not want to do so. It is a disgrace to our country.

Mr. HALE. Will the Senator allow me to answer the Senator from South Carolina?

Mr. LOGAN. Yes, sir.

Mr. HALE. I am very glad the Senator from South Carolina has asked that question, because the answer throws a great deal of light on the other question which has been asked, why the commodores are abolished. In looking over the upper grades in the Navy no list could be found that could be so well dispensed with as the commodores, for this reason: there are to-day of commodores twenty-five in actual pay on the active list; only one is at sea; nineteen are on shore duty; and five are on waiting orders or sick. There is out of the twenty-five but one who is doing any particle of sea service where there is any danger or exposure anywhere.

Mr. BUTLER. Will the Senator tell me what those nineteen on shore duty are doing, where they are employed?

Mr. HALE. They are employed in what are known as the easy, soft places in the Navy. They are at navy-yards and at stations where there is but little to do, and little responsibility; some of them are heads of bureaus, not many.

Mr. LOGAN. One or two.

Mr. HALE. But in looking the list all over the Senator himself will find that there is no grade that can be taken from the Navy and so little loss suffered, so little inconvenience felt, so little derangement to the machinery as the grade of commodore, and I invite him to that scrutiny.

Mr. LOGAN. When I heard the terms "military arm" and "civil arm" used I wanted to put that proposition at rest. There is a practice in the Navy, because we are running our Navy by steam nowadays, of employing engineers, who are graduates at Annapolis, the same as these gentlemen who wear the stars; and because they learn machinery and steam-engineering they are put there to control the ship, which they do; and the whole crew, captain, mate, and all are at their mercy, for they are the only ones who understand machinery and engineering and the management of the ship. They are trying to degrade those men by calling them the civil list, although they have the same rank as the other men. I do not want to hear that. They are regularly educated officers, and they perform the most important duty in the Navy to-day. But gentlemen who go in the Navy want to degrade somebody else. They call these men the civil list, although they are graduated and get their commission and have a rank of chief engineer, and the rank of captain, or the rank of commander, or the rank of lieutenant, the same rank as these other men. They must be civil officers, whereas the other are military officers. I never heard that said until I heard it from an officer in the room of the Committee on Appropriations, and I stopped him very quickly.

Mr. VANCE. Allow me to say a word.

Mr. LOGAN. Certainly.

Mr. VANCE. If it is degrading to speak of the engineers as staff officers or in the civil department, non-fighters, non-combatants, is it not degrading to try to oust twenty-five commodores and keep a midshipman until he is forty-two years of age before he can get a commission as lieutenant?

Mr. LOGAN. I did not suppose the Senator would exhibit himself in that way. I supposed he would answer. Now I say to the Senator that when a man says on this floor that we are degrading commodores in the Navy he does not know what he is talking about.

Mr. VANCE. Are you not trying to put them out of the service?

Mr. LOGAN. No such thing. They are not touched in the slightest.

Mr. VANCE. You abolish the rank, so that none shall come in.

Mr. LOGAN. It is true we do that, for the reason that the rank is unnecessary; but we do not affect those who are in the Navy now at all. Does the Senator want the Navy to have the number of officers it has?

Mr. VANCE. I will tell the Senator what my desire is. I think the Navy of the United States, like many other departments of this Government, is top-heavy. I think there are too many officers; but I think it better to shut the gates and prevent more from going in than to ignominiously turn out a lot of them who are already in.

Mr. LOGAN. That shows the utter ignorance of the Senator about a provision of this bill. I did not wish to use such a word as that, but I must use it, for it shows his total ignorance of this bill when he says it turns out. It does not turn out a solitary man in the Navy, and when any one asserts that this bill turns out a commodore or any other man in the Navy it shows that he has not read the bill or does not understand it.

Mr. VANCE. I simply desire to say that the Senator need not apologize for using the term "ignorance" as applied to me, for I know he is more familiar than I am with ignorance.

Mr. LOGAN. The Senator from North Carolina is sharp; that is splendid! Why, sir, we are not discussing the question of education. I do not boast of mine, but I would be willing to be examined before a committee with the gentleman from North Carolina, if it was

necessary, for the purpose of displaying our competency on any subject; but that has nothing to do with this question.

Now, sir, I say in answer to the Senator that this bill does not remove a solitary officer from the Navy; it does not affect a solitary officer in the Navy; it leaves him with his pay, with his rank; but when the commodores are retired, which they will be in seven years, it only provides that no more shall be appointed.

Mr. VANCE. I must interrupt the Senator again, if he can tolerate my ignorance.

Mr. LOGAN. I can do it. I have tolerated a great deal.

Mr. VANCE. He says this bill does not affect a solitary man in the Navy.

Mr. LOGAN. I say it does not turn out a solitary man.

Mr. VANCE. The Senator used the word "affect." I was not so ignorant but I could hear that. He made use of that expression, that it did not affect a solitary man in the Navy.

Mr. LOGAN. Virtually it does not as to rank.

Mr. VANCE. Yet it takes three captains to be promoted before one man can be promoted to the rank of commander. Does not that affect the promotion of that man who is now in the line of promotion to commander?

Mr. LOGAN. Now, if the Senator will show the process by which he figures that out I shall be much obliged to him.

Mr. VANCE. Will you wait for a reply?

Mr. LOGAN. I will wait for any man to figure that out, because I want a man who makes such a statement to show how he comes to that conclusion.

Mr. HALE. Before the Senator from North Carolina proceeds—

Mr. LOGAN. Let him go on.

Mr. VANCE. I do not think the Senator from Maine has had a chance this morning to be heard, and I will yield to him if he desires.

Mr. HALE. I do not want the Senator to fall into a mistake; that part of the bill has been amended.

Mr. VANCE. It will be my mistake if I fall into it, and I will fall out of it if I can.

That hereafter only one-third of the vacancies which may happen in the grades of line officers in the Navy below that of commodore—

If there be such an institution—

and above that of midshipman shall be filled by promotions.

Now all of them can be promoted as fast as the vacancies happen. Hereafter only one-third of them shall be filled by promotion.

Mr. LOGAN. Is that the point? Is that the explanation?

Mr. VANCE. That is the point that affects the officers of the Navy.

Mr. LOGAN. How?

Mr. VANCE. I am not able to explain to the Senator how. If he cannot see it at a glance I should despair of ever indoctrinating that proposition into him.

Mr. LOGAN. Well, I will say to the Senator that I think I understand that proposition; and I do not think he does. There is the difference. I say it will not affect any one's rank nor will it remove any one from the Navy. It does not affect his rank a particle; he retains his rank under the bill, but it affects what? It affects whom? You say it affects his promotion. He is not entitled to promotion; there is no vacancy; this bill prevents vacancies. Hence it treats all alike. It stops additions to the Navy; it reduces it to a certain minimum, and then stops any more appointments in the Navy until certain officers go out of the Navy and then promotion goes on. Now let some Senator explain to me how you can reduce an army or navy in any other way without turning them out. Will the Senator in his wisdom tell me? Here you are graduating fifty or seventy-five naval officers at Annapolis every year. [Mr. VANCE rose.] Hold on; wait until I get through. You are adding them to the Navy. We have twenty-eight vessels; we have over a thousand officers. We add from sixty to one hundred every year. We are increasing the officers all the time, and what are we going to do with them? What use are we going to put them to? How do you propose to reorganize a navy or an army? How do you propose to reconstruct it? You have got to stop the increase of numbers. If you do not you do not reorganize for the benefit of the Navy or the Government either. How will you stop the increase of numbers? There is only one way to do it; that is, to fix your establishment and wait until persons go out because of age and are retired.

Then you do not fill their places; you then promote the others; and in that way you fill up the Navy and keep it up until you reach the minimum. In a few years, when these places are all filled and you have got the Navy brought down to this point, then you make any other arrangements you choose. This has been the process the Navy has gone through three times since its organization; the Army has gone through it more than a dozen times. It is the only way by which you can reduce an army or a navy. If you turn back to the statutes of 1840 and 1850 in reference to the Navy you will find the scale exactly in the same way. They had no higher rank than captain then, but they reduced the Navy in that way two or three times, by stopping promotion. If the Senator will tell of any other way on earth you can do it better, I will agree with him. I would be glad to have him inform me of any better way it can be done.

Mr. VANCE. It strikes me that when there are too many officers getting into the Navy, we should shut the gates at Annapolis.

Mr. LOGAN. What would the Senator have then?

Mr. VANCE. We should have the officers who are in the Navy now, and when by casualties incident to the service they passed out, the number of graduates would be limited at Annapolis sufficiently to meet the requirements occasioned by casualties.

Mr. LOGAN. I can tell the Senator a great deal better way than that.

Mr. VANCE. Of course the Senator can.

Mr. LOGAN. I think I can.

Mr. VANCE. There is no doubt about that.

Mr. LOGAN. I have always heard it said "in time of peace prepare for war." The Senator's proposition would do—what? It would cut off the graduates, the young men to become qualified to enter the service, and it would let the old officers stay in until they died out, and then you would commence sending others to Annapolis and educate them. That is his proposition. When you got into a war your Navy would be in such a condition that you would have to do as we did in 1862, pass a law to retire a great number of them and then have nobody to fill up the lower grades. That is the Senator's proposition.

Mr. VANCE. That is not my proposition.

Mr. LOGAN. Then state it again, so that we may understand it.

Mr. VANCE. I said diminish the number of those who were graduated in the academy and limit it to what would be required by the casualties of the service. I said that as plainly as I could. I do not say we should put nobody into the Naval Academy.

Mr. LOGAN. You then would keep the Navy exactly the same size it is now, according to that plan.

Mr. VANCE. No.

Mr. LOGAN. Yes, you would. You say limit it according to the casualties. If you limit it according to the casualties you would keep it exactly at the same number it is now, so then you are in a worse fix than before. That is your proposition.

Now I will show you what I propose to do. When these commodores are retired, which will be in seven years, that leaves out twenty-five in the higher grade. We propose that there shall be no commodores, that the rear-admirals shall remain rear-admirals and you may select from those younger men rear-admirals. We propose that the academy at Annapolis shall go on, and when the cadets graduate at Annapolis that instead of requiring them to have two years of sea-service we will graduate them at four years and let them go out, and then we give the others an opportunity to take one year's pay and go out of service, qualified as persons educated and ready to enter the service. We leave so many, ten or fifteen each year, I do not remember, to fill up in case of casualties, but only that many, so that the Navy shall not be top-heavy, but as the casualties occur they shall not all be filled up until these men go out.

We give these men a year's pay and let them be prepared if we get into a war, so that we may call regularly educated men into the service of the country. That is what we propose. We do not propose to stop the education of these men, but we propose when we educate them to give them a year's pay and let them start in life for themselves; and if a war commences they will be glad enough to enter the service of the United States.

That is the proposition we make, so that we do not prevent men from being educated; we do not interfere with the academy; we do not deprive the young men who desire naval experience from having it; we do not cut the Navy all to pieces at once, but we gradually reduce it and bring it down and at the same time keep the machinery going which will supply the Navy in time of peace. That is our proposition, and I think it is the best one. The Senator from North Carolina gets a little spirited about these things. What I said I meant in all kindness, and if the Senator wishes to try to force a thing upon another that is inconsistent with economy toward the Government and justice toward the Navy he will excuse me if I undertake to show him that he is wrong.

I come now to the next proposition that I want to make. Let us take a flag-ship. That is a very good way to understand the condition of our Navy now. Suppose you take a flag-ship during the war. I presume my friend from North Carolina knows what a flag-ship is. A flag-ship of the Navy is armed and crewed as well as any other ship. It is the ship of the commander of the fleet or squadron, and as a matter of course it has a choice and select crew, choice and select officers, and choice armament, and everything of the kind. During the war we had the flag-ship Lancaster. I desire the Senator to listen to this, for it is good reading.

The United States steamer Lancaster, for a flag-ship during the war, had of officers the following: one commodore, one lieutenant-commander, one lieutenant, two acting masters, one ensign, five master's mates, which made eleven line officers. How many staff officers? Surgeon of the fleet, one; assistant surgeons, two; paymaster, one; chief engineer, one; second assistants, two; third assistants, five; making eight staff officers and eleven line officers. That was the flag-ship Lancaster during the war. I presume they had all the officers they needed. Suppose we take a flag-ship to-day and see how it is officered. To-day, in a time of tremendous war with all the nations of the world, when our Navy is fighting every

day, the Senator from North Carolina looking on with great admiration, we have on a flag-ship one captain, one commander, two lieutenant-commanders, seven lieutenants, one ensign, four midshipmen, fourteen cadet-midshipmen, making thirty line officers.

Let us go to the staff: medical inspector, one; passed assistant surgeons, two; pay inspector, one; chief engineer, one; passed assistant engineers, two; assistant engineers, two; cadet-engineers, two; making eleven staff officers and thirty line officers. It took in time of war to command a flag-ship nineteen officers, eleven line and eight staff, and in time of profound peace to command the same character of a ship it requires forty-one. Nineteen officers to command a flag-ship in time of war and forty-one officers in time of peace; and yet your Naval Committee are mad because we are trying to remedy it; they are disgusted at the Appropriations Committee. Have you not noticed it? Do you not know that? Have you never examined that question? This is a record from the regular Navy Registers of 1864 and of 1882, so there can be no doubt about its accuracy. I submit the whole list:

Record from Official Navy Registers of January 1, 1864, and January 1, 1882, showing the number of line and staff officers attached to naval ships during the war and at the present time.

[The comparison is made for the two periods with the same ship under the same condition as to being a flag-ship: when that is not practicable a ship of the same class is taken.]

U. S. S. LANCASTER.

1864—Flag-ship.

| | |
|---------------------------|---------------------|
| Commodore..... | 1 |
| Lieutenant-commander..... | 1 |
| Lieutenant..... | 1 |
| Acting master..... | 2 |
| Acting ensign..... | 1 |
| Acting master's mate..... | 5—11 line officers. |
| Surgeon, (fleet)..... | 1 |
| Assistant surgeon..... | 2—3 med. officers. |
| Paymaster..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| Second assistant..... | 2 |
| Third assistant..... | 5—8 eng. officers. |

1882—Flag-ship.

| | |
|---------------------------------|----------------------|
| Captain..... | 1 |
| Commander..... | 1 |
| Lieutenant-commander..... | 2 |
| Lieutenant..... | 7 |
| Ensign..... | 1 |
| Midshipman..... | 4 |
| Cadet midshipman..... | 14—30 line officers. |
| Medical inspector, (fleet)..... | 1 |
| Passed assistant surgeon..... | 2—3 med. officers. |
| Pay inspector..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 2 |
| Assistant engineer..... | 2 |
| Cadet engineer..... | 2—7 eng. officers. |

U. S. S. HARTFORD.

1864—Flag-ship.

| | |
|------------------------------|---------------------|
| Captain, (fleet)..... | 1 |
| Lieutenant-commander..... | 1 |
| Lieutenant..... | 2 |
| Ensign..... | 2 |
| Acting ensign..... | 4 |
| Acting master's mate..... | 6—16 line officers. |
| Surgeon, (fleet)..... | 1 |
| Surgeon..... | 1 |
| Assistant surgeon..... | 1—3 med. officers. |
| Paymaster, (fleet)..... | 1 |
| Paymaster..... | 1—2 pay officers. |
| Chief engineer, (fleet)..... | 1 |
| Chief engineer..... | 1 |
| Second assistant..... | 5 |
| Third assistant..... | 3—10 eng. officers. |

U. S. S. PENSACOLA.

[Same class as U. S. S. Hartford.]

1882—Flag-ship.

| | |
|--------------------------------|----------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 2 |
| Lieutenant..... | 4 |
| Master..... | 4 |
| Ensign..... | 4 |
| Cadet midshipman..... | 13—26 line officers. |
| Surgeon, (fleet)..... | 1 |
| Passed assistant surgeon..... | 1 |
| Assistant surgeon..... | 1—3 med. officers. |
| Pay inspector, (fleet)..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 2 |
| Assistant engineer..... | 1 |
| Cadet engineer..... | 2—6 eng. officers. |

1864.

| | |
|------------------------------------|--------------------|
| Commodore commanding squadron..... | 1 |
| Lieutenant-commander..... | 1 |
| Lieutenant..... | 2 |
| Acting master..... | 3 |
| Acting ensign..... | 1—8 line officers. |
| Surgeon..... | 1 |
| Assistant surgeon..... | 1—2 med. officers. |
| Acting assistant paymaster..... | 1—1 pay officer. |
| First assistant engineer..... | 1 |
| Second assistant engineer..... | 2 |
| Third assistant engineer..... | 3—6 eng. officers. |

U. S. S. RICHMOND.

1864.

| | |
|--------------------------------|---------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 1 |
| Acting master..... | 2 |
| Ensign..... | 1 |
| Acting ensign..... | 3 |
| Acting master's mate..... | 4—12 line officers. |
| Surgeon..... | 1 |
| Assistant surgeon..... | 1—2 med. officers. |
| Paymaster..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| First assistant engineer..... | 1 |
| Second assistant engineer..... | 1 |
| Third assistant engineer..... | 6—9 eng. officers. |

1882—Flag-ship.

| | |
|--------------------------------|-----------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 2 |
| Lieutenant..... | 4 |
| Master..... | 3 |
| Ensign..... | 1 |
| Cadet midshipman..... | *22—33 line officers. |
| Surgeon..... | 1 |
| Passed assistant surgeon..... | 2—3 med. officers. |
| Pay inspector..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 2 |
| Assistant engineer..... | 2 |
| Cadet engineer..... | 6—11 eng. officers. |

* Part of the cadet midshipmen and cadet engineers attached to this vessel are for distribution in the squadron.

U. S. S. NEW IRONSIDES.

1864.

| | |
|--------------------------------|---------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 1 |
| Lieutenant..... | 1 |
| Acting master..... | 3 |
| Ensign..... | 7 |
| Acting master's mate..... | 3—16 line officers. |
| Surgeon..... | 1 |
| Passed assistant surgeon..... | 1—2 med. officers. |
| Paymaster..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| First assistant engineer..... | 1 |
| Second assistant engineer..... | 1 |
| Third assistant engineer..... | 4—7 eng. officers. |

U. S. S. TENNESSEE.

1882.

| | |
|--------------------------------|----------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 2 |
| Lieutenant..... | 8 |
| Ensign..... | 3 |
| Cadet midshipman..... | 13—27 line officers. |
| Medical inspector..... | 1 |
| Passed assistant surgeon..... | 2—3 med. officers. |
| Paymaster..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 2 |
| Assistant engineer..... | 3 |
| Cadet engineer..... | 3—9 eng. officers. |

U. S. S. WACHUSETT.

1864.

| | |
|--------------------------------|--------------------|
| Commander..... | 1 |
| Lieutenant-commander..... | 1 |
| Acting master..... | 1 |
| Ensign..... | 3 |
| Acting master's mate..... | 3—9 line officers. |
| Assistant paymaster..... | 1—1 pay officer. |
| Surgeon..... | 1—1 med. officer. |
| Chief engineer..... | 1 |
| Second assistant engineer..... | 3 |
| Third assistant engineer..... | 3—7 eng. officers. |

1882.

| | |
|--------------------------------|---------------------|
| Commander..... | 1 |
| Lieutenant-commander..... | 1 |
| Lieutenant..... | 3 |
| Master..... | 2 |
| Ensign..... | 1 |
| Midshipman..... | 3—11 line officers. |
| Surgeon..... | 1 |
| Passed assistant surgeon..... | 1—2 med. officers. |
| Paymaster..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 1 |
| Assistant engineer..... | 1 |
| Cadet engineer..... | 2—5 eng. officers. |

U. S. S. KIPIC.

1864.

| | |
|--------------------------------|--------------------|
| Lieutenant-commander..... | 1 |
| Acting master..... | 1 |
| Acting ensign..... | 3 |
| Acting master's mate..... | 3—8 line officers. |
| Assistant surgeon..... | 1—1 med. officer. |
| Assistant paymaster..... | 1—1 pay officer. |
| First assistant engineer..... | 1 |
| Second assistant engineer..... | 2 |
| Third assistant engineer..... | 2—5 eng. officers. |

1882.

| | |
|---------------------------------|---------------------|
| Commander..... | 1 |
| Lieutenant-commander..... | 1 |
| Lieutenant..... | 4 |
| Master..... | 1 |
| Ensign..... | 4 |
| Cadet midshipman..... | 3—14 line officers. |
| Surgeon..... | 1— med. officer. |
| Passed assistant paymaster..... | 1—1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 1 |
| Assistant engineer..... | 2—4 eng. officers. |

U. S. S. KEARSARGE.

1864.

| | |
|--------------------------------|--------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 1 |
| Acting master..... | 3 |
| Acting master's mate..... | 3-8 line officers. |
| Surgeon..... | 1-1 med. officer. |
| Paymaster..... | 1-1 pay officer. |
| Chief engineer..... | 1 |
| Second assistant engineer..... | 1 |
| Third assistant engineer..... | 3-5 eng. officers. |

1882.

| | |
|----------------------------------|---------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 1 |
| Lieutenant..... | 3 |
| Master..... | 2 |
| Ensign..... | 1 |
| Midshipman..... | 1 |
| Cadet midshipmen..... | 5-14 line officers. |
| Passed assistant surgeons..... | 2-2 med. officers. |
| Passed assistant paymasters..... | 1-1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 1 |
| Cadet engineer..... | 3-5 eng. officers. |

U. S. S. LACKAWANNA.

1864.

| | |
|--------------------------------|--------------------|
| Captain..... | 1 |
| Lieutenant..... | 2 |
| Acting master..... | 1 |
| Ensign..... | 3 |
| Acting master's mate..... | 2-9 line officers. |
| Pay officer..... | 1-1 pay officer. |
| Surgeon..... | 1-1 med. officer. |
| Chief engineer..... | 1 |
| Second assistant engineer..... | 2 |
| Third assistant engineer..... | 4-7 eng. officers. |

1882.

| | |
|--------------------------------|---------------------|
| Captain..... | 1 |
| Lieutenant-commander..... | 2 |
| Lieutenant..... | 3 |
| Master..... | 1 |
| Ensign..... | 1 |
| Midshipman..... | 1 |
| Cadet midshipman..... | 4-13 line officers. |
| Surgeon..... | 1 |
| Passed assistant surgeon..... | 1-2 med. officers. |
| Paymaster..... | 1-1 pay officer. |
| Chief engineer..... | 1 |
| Passed assistant engineer..... | 1 |
| Assistant engineer..... | 1 |
| Cadet engineer..... | 2-5 eng. officers. |

Let us take two other ships. Take the flag-ship Hartford in 1864 and the flag-ship Pensacola in 1882. I take these two ships because they are the same character of ships, requiring the same number of officers and men. In 1864 the Hartford required sixteen line officers and ten staff officers, making twenty-six. The same character of ship to-day has twenty-six line officers and eleven staff officers, making thirty-seven. There is the difference. I give that merely as an illustration.

In this record ship after ship is compared right along, showing that the number of officers has been doubled in time of peace. Why is that? I will show you why it is. Sea-pay is the highest pay in the Navy. There is sea-pay, shore-pay, retired-pay, furlough-pay, and waiting-orders pay. There is quite a difference in all these pays. Sea-pay is much the largest. Why is it that all these men are crowded onto vessels? It is to give them the largest pay that is given to the Navy. Is not that a fraud upon the Government. I ask any sincerely honest man to tell me if nineteen officers could command the United States ship Lancaster in time of war, when she was fighting against forts and against men-of-war on the high seas, why, in God's name, does it require forty-one officers to command in time of peace?

Mr. JONES, of Florida. On that point will the Senator permit me to ask him a question?

Mr. LOGAN. Yes, sir.

Mr. JONES, of Florida. Whose fault is that? Is it the fault of the officers who have been educated and brought up in the naval service? If the Government has not the ship to accommodate them, must we put them out of the service because of that fact, or does the Senator think the naval service as it now stands, the number of ships, particularly their efficiency, is all that the interests of this country require?

Mr. LOGAN. I can answer the Senator very readily. I am not very good at answering, but still I think I can answer that question. I do not think the ships are sufficient. Is that an answer to that? But they are all we have. The Senator asks would I turn these officers out of the Navy? Certainly not. We do not propose to do that; there is no such proposition. Is the Senator answered on that point? Now I will ask him does he think it honest to this Government to put forty officers on a flag-ship to-day when nineteen could command it in time of war?

Mr. JONES, of Florida. Perfectly honest.

Mr. LOGAN. I do not think so.

Mr. VANCE. Will the Senator allow me to ask him a question?

Mr. LOGAN. Wait a moment. The Senator from Florida says it is perfectly honest. I do not think so, and I will illustrate it. If it is honest to put forty men on a ship to command it, then it is honest

est to put one hundred on it. Here is a ship with forty officers on it and when only nineteen are required. You say it is honest to put forty on it merely to give them sea-pay.

Mr. BUTLER. The officers of the Navy do not do that. They are put there.

Mr. LOGAN. I am not talking about that, the Senator will understand when I get through.

Mr. BUTLER. I understood the Senator to say it was a fraud, and he denounced the Navy.

Mr. LOGAN. That is not the question. The Senator must understand what I say. I say it is a fraud on the Government, and I do not take it back. It is a fraud on the Government. The law provides for the number of officers who can command the ship and no more, and when you put more on you are defrauding the Government.

Mr. BUTLER. Then who perpetrates that fraud?

Mr. LOGAN. Who perpetrates that fraud?

Mr. BUTLER. Certainly.

Mr. LOGAN. Has that got anything to do with this bill?

Mr. BUTLER. A great deal.

Mr. LOGAN. It has! You will not vote, then, a proper bill because somebody has done this thing that is wrong? Is that it?

Mr. BUTLER. The Senator asks if I would not vote for a proper bill. I do not think this is a proper bill.

Mr. LOGAN. I did not ask the Senator one word. The Senator got up and tried to interpolate in my speech, and wants to know whose fault it is. I do not care whose fault it is. It makes no difference. It is the fault of somebody and it is wrong, and it is your duty to help to correct that wrong, and that is all you are here for.

Mr. BUTLER. I propose to do it in my own way, not according to the dictation of the Senator.

Mr. LOGAN. I understand that. No, I do not propose to dictate to the Senator.

Mr. BUTLER. The Senator must pardon me if I do not see that wrong through the same spectacles he does.

Mr. LOGAN. I certainly would pardon the Senator, but I say you and I and every other Senator have been sent here to correct the wrongs of this Government, and if this is a wrong it is your duty to help correct it; that is what I say.

Mr. BUTLER. I have not the slightest doubt about that, but the Senator must excuse me if I should not happen to see the wrong in the same way he does. I admit the Senator is well informed. I know he has more information than anybody else on this floor.

Mr. LOGAN. There is nothing smart in that.

Mr. BUTLER. There is a great deal less than smart in what you say.

Mr. LOGAN. I am not trying to be smart.

Mr. BUTLER. I think it borders upon something else besides smartness. I think it borders upon domination and dictation, if the Senator will pardon me. I know very well he knows more about the Navy than anybody else, but when a question is propounded him, I submit to the Senator there is a polite and an impolite way to answer the question, and I do not think he adopted the polite way of doing it, if he will pardon me for being frank.

Mr. LOGAN. I pardon the Senator for his irritability.

Mr. BUTLER. I am not irritable at all.

Mr. LOGAN. I do not claim to know any more about the Navy, and not nearly so much as quite a number of other gentlemen; but there is one thing very certain, when I do not know anything I do not pretend to know it. The things that I know very little about I generally keep shut upon. The Senate do not discover my weakness in all these things. Sometimes they do, but not in all. I try to keep quiet when I do not know anything. The Senator mistakes when he thinks I know a great deal, for I do not; but I know this: when I do try to play sharp I can do it, and I never try to play smart and make a mistake.

Mr. BUTLER. I should not advise the Senator to attempt to play upon a fiddle that he cannot use.

Mr. LOGAN. That is all very well, but I never play on a false string.

Mr. VANCE. I wish to ask the Senator if in showing the difference between the number of officers on the ship Lancaster in 1864 and at the present date he did not include, to make up his forty, fourteen cadet-midshipmen who were under-graduates and on board that ship to finish their course, to qualify themselves for a midshipman's warrant? I ask if there were any cadet-midshipmen on that ship in 1864?

Mr. LOGAN. They are line officers.

Mr. VANCE. Still I ask the question if the number given did not include fourteen midshipmen?

Mr. LOGAN. Yes, sir, fourteen midshipmen.

Mr. VANCE. Under-graduates, who were there pursuing their studies.

Mr. LOGAN. Not under-graduates at all.

Mr. VANCE. Over-graduates, then.

Mr. LOGAN. They are line officers in the service of the United States; but if the Senator desires to take those fourteen out he can do that, and then we shall have more officers than we had during the war.

Mr. VANCE. Then if you take out the assistant paymasters, the

increased number of surgeons, and ten engineers to every ship, where the English men-of-war run with two engineers, I think you will have the line officers at about where they were in 1864, perhaps a little lower.

Mr. LOGAN. The Senator again shows very strange knowledge. I am trying to get you to do that very thing. You say take out ten engineers. That is what I am asking you to do. I am asking you to help me take those men off the vessel. That is the very thing I ask.

Mr. VANCE. The amendment says "line officers."

Mr. LOGAN. I beg the Senator's pardon. That provision reduces the staff as well as the line. That is exactly what I am asking the Senator to help us do. I am asking him to help us decrease the Navy. We decrease the line, but we decrease the staff also; so the Senator does not make anything by that. Is there anything else the Senator would like to be informed on—any other point?

Mr. VANCE. I should like to be informed, if it is convenient to the Senator, when he is going to quit. Some members of the Naval Committee had an idea of saying something, but I do not think they will get a chance to-day.

Mr. LOGAN. So far as quitting is concerned, when I look all around me I see that there are enough people for me to talk to yet. I will say to the Senator that this is a very dry subject, I know, and very uninteresting to him; but when I undertake to talk on a subject and know as little about it as the Senator from North Carolina does about the subject that he talked on yesterday, I will quit before I commence.

Mr. VANCE. A strict application of that rule would confine my friend to a deaf and dumb asylum for the rest of his days.

Mr. LOGAN. I think that would probably be a good place for a great many of us. I am reminded of a story, inasmuch as the Senator desires to cut and come and play sharp. I am perfectly willing he should do it, and that is a good way always for a man to get out of trouble when he is in trouble.

Mr. VANCE. The Senator—

Mr. LOGAN. I have the floor just now.

Mr. VANCE. I was going to make a remark in the interest of good feeling. That the Senator will permit me to do.

Mr. LOGAN. Certainly.

Mr. VANCE. I was going to say that I did not desire to cut and come at all. I was in the cloak-room trying to sleep, and was behaving myself as a peaceable citizen of this community, when the Senator mentioned my name, and a page came to me and told me the Senator desired to ask me a question. I came in and assumed the position of catechumen, and have done the best I can. The Senator began this upon me. I did not begin it, and he began it very roughly, too.

Mr. LOGAN. That is all very well; I have no objection to it. If the Senator desires to proceed with it I have no objection, not the slightest.

Mr. VANCE. I have none.

Mr. LOGAN. I certainly asked the Senator a question, and I did it in good humor, but that has nothing to do with the matter that we were discussing to which I call the attention of the Senator and of other Senators. I was going to tell a story which was on my mind, but I shall not do it, for I do not care to indulge in a gallery scene. I will defer that to some other time; perhaps another opportunity will be afforded.

I desire to say in connection with what I was saying at the time the interruption occurred, that it is no argument for a Senator to say that any number of these officers are staff officers or line officers. That does not meet the question at all. The question is as to the number of officers, and whether we shall continue to increase the officers as we have been doing ever since 1862, or whether we shall reduce them by lapse of time, by letting them go out of commission, not by turning them out but by allowing them to retire when the time comes, and put the Navy in a proper and decent condition at least.

The Senator from New Hampshire, when making his raid upon the Appropriations Committee, denied the statement I had made, that the reorganization of the Army and Navy both had been on appropriation bills; but he got himself into a difficulty in his discussion. He undertook to prove that all vicious legislation was made by being reported on appropriation bills. I agree that one of the most vicious pieces of legislation there is in connection with the Navy is the legislation in regard to promotion on the retired list and paying as rear-admirals men who were retired as captains. That was put on an appropriation bill; but when the Senator comes to examine the question which was asked by the Senator from Kentucky he will find that it was done at the request of the Naval Committee and on the motion of the chairman; and not only that, there was an expenditure of \$3,000,000 for building seven or eight ships to sail on the high seas at that same time put on in the same way. From that day to this the Naval Committee have never reported a bill to the Congress of the United States for any kind of an establishment of the Navy in the reduction of its number, in the reduction of its pay, in anything that went to economy so far as the naval staff and line were concerned.

Mr. ROLLINS. If the Senator will look on the Calendar he will

find a bill there reported at this very session, from the Committee on Naval Affairs.

Mr. LOGAN. What is the bill?

Mr. ROLLINS. Senate bill No. 1578.

Mr. LOGAN. Will you let me have it?

Mr. ROLLINS. I have it not here; I will send for it.

Mr. JONES, of Florida. If the Senator will pardon me, he referred to the case of a captain having been retired as captain who is receiving pay as rear-admiral. What case was that?

Mr. LOGAN. There are quite a number of them.

Mr. JONES, of Florida. I understood that the law authorizing promotion on the retired list did not carry with it any increase of pay. That was the act of 1879, as I understood it.

Mr. LOGAN. Of course it does not. That was explained by the Senator from New Hampshire, and I do not care to enter into it now. He showed how their pay was increased on an appropriation bill. I do not care to go over it; the Senator will see it in the RECORD to-morrow.

I now have the bill referred to by the Senator from New Hampshire, and a part of that bill reported from the Naval Committee is exactly the same thing we have in our bill. It is not all, but some of it is, in reference to paymasters, and some provisions in regard to cadets. If that committee have considered their bill, I ask them why they desire this bill referred back to the Committee on Appropriations? If they have a bill here which is a good bill, why not substitute it for the proposition in the appropriation bill, if you have a desire to retrench and carry on the service in the interest of economy?

If your bill is a proper bill and you have a measure that is a proper one before the Senate, I ask why it is that you do not, like any other committee would do in the Senate, allow the appropriation bill to come up before the Senate and then offer your amendments. If we have not given the proper apportionment of officers of the Navy, why not offer your bill, such portions of it as are better than ours? We shall gladly adopt it, and conform to it, if we have made a mistake in any of our propositions.

I ask if there is anything wrong in that? If the Naval Committee are earnest, if the Naval Committee are honest in desiring economy and retrenchment in the Navy, if they are in good faith and honest in this proposition, why not, I say, if they have such a bill, offer it as a substitute for this bill?

Substitute it for ours if it is better than ours, and if the Naval Committee understand the situation and will take up their bill and discuss it and show to the Senate it is a better one than the one we propose, the Senate will adopt it without any objection. If it is a better one and if you can show me wherein it is better than the proposition we have made, I will agree to adopt it so far as I am concerned, but I want some reasons given. I want some reasons other than those given by our excited friends here who are so annoyed because this bill has been reported from the wrong committee. I want some other reason than that given for a good law to be defeated.

I ask the Senator to-day if some measure for a reformation in the tariff should be reported to the Senate that we agreed to, would he vote against it merely because some other committee reported it instead of the Finance Committee? It does seem to me to be strange logic. It does seem to me to be strange economy. It does seem to me to be very strange. I want to appeal to the Senators who belong to the Naval Committee. I say so far as I am concerned I received more abuse in this country than almost any other man because of my attempts to reorganize the Army and the Navy.

When, as chairman of the Committee on Military Affairs in the House of Representatives, when I was there, I introduced a bill for the reorganization of the Army, the reorganization of the pay corps, the reorganization of the pay of all the officers of the Army, so that they would not have to make it up by certifying falsehoods about servants and horses they never owned and never had, and gave them an annual salary that they could draw every month, I was attacked by nearly every newspaper in the country, and it was said that I wanted to destroy the Army. Some of the old Army officers here attacked me in every paper in Washington City. They wrote letters to Congress which were read at the Clerk's desk attacking me—said that I did not know what I was talking about, that I did not know what I was doing.

I persisted, however, with the biggest lobby there ever was from the Army right here against that proposition. It was beaten. I moved it on the appropriation bill; it was put on the appropriation bill, and passed both Houses of Congress, and there is not an officer in the Army to-day who would agree to its repeal. I might make one exception, but with one exception there is not an officer in the Army but has given me thanks for my course at that time, although it was then believed by the officers that I was ruining them. Why? Because it was changing some of their old trodden, beaten paths that had no sense in them, and I had learned better myself. They were changed, and to-day, since they have adapted themselves to the system, they all agree that the change was right.

I undertook to assist in the House once in reorganizing the Navy, almost as we propose to do it now. I was attacked all over Washington City for it. Every old naval officer said I was an ignoramus. But with all my ignorance, will any Senator or any naval officer stand

up with these facts before him and discuss this proposition before an honest people and say that it is not right? I discussed it with naval officers in the committee-room, and one of the most learned naval officers agreed with me in the committee-room that I was right in this very proposition. I shall not mention his name, but when I put it to him and we discussed it, he said he must admit that I was correct.

I have given some study to this question, although it does not belong to a committee that I am on. I have studied it for years, as I have studied the military matters of this country. I may be ignorant about it, but in all my ignorance I have never found anybody yet who could stand up before an honest person and discuss this question, where the people were not prejudiced, who would not come out and say that I was right about it. When I say that I can, I do not mean that I can alone; I mean that I am now speaking for the Committee on Appropriations. So, then, some Senator on the Naval Committee, or some Senator who does not belong to it, should either give a reason why this thing should not be done or agree that he does not understand it, or else agree that we are right.

Mr. JONES, of Florida. On that point will the Senator allow me to ask him a question?

Mr. LOGAN. Yes, sir.

Mr. JONES, of Florida. I ask if in all matters of this kind where objection is made to legislation on an appropriation bill the question is to turn solely upon the merits of the legislation and not upon the question as to its conformity with the rules of the body?

Mr. LOGAN. No, sir; not at all.

Mr. JONES, of Florida. The Senator knows very well that if there has been any question debated more than another in the Senate it has been the question of the propriety of standing by the rules of this body.

Mr. LOGAN. I understand that.

Mr. JONES, of Florida. We have our rules here which declare that no amendment proposing general legislation shall be incorporated into a general appropriation bill. The Committee on Appropriations have put such amendments on this bill, and when that question comes up I ask the Senator whether it is to be determined by the merits of the amendment or by the other question—whether it is right to do the thing?

Mr. DAVIS, of West Virginia. I ask the Senator from Illinois to allow me one moment.

Mr. LOGAN. I should like to ask the Senator from Florida just one question in answer to his. I want to ask the Senator from Florida if he did not have a different opinion in 1879?

Mr. JONES, of Florida. That is no answer.

Mr. LOGAN. Ah!

Mr. JONES, of Florida. I ask the Senator what his opinion was then?

Mr. LOGAN. It does not make any difference what it was then.

Mr. JONES, of Florida. It does not make any difference what mine then was.

Mr. LOGAN. But the Senator is criticising us.

Mr. DAVIS, of West Virginia. I wish to state, as to the amendments put on by the Senate Appropriations Committee, that I do not know one single point of legislation. There are some modifications of the provisions as they came to us from the House, but I think it would be hard to find a single point of legislation that the Senate committee put on the bill.

Mr. JONES, of Florida. I will show it here.

Mr. DAVIS, of West Virginia. What is it?

Mr. JONES, of Florida. I read, beginning in line 175:

That hereafter only one-third of the vacancies which may happen in the grades of line officers in the Navy below that of commodore and above that of midshipman shall be filled by promotions.

Mr. DAVIS, of West Virginia. That is a modification; and it is further changed to "one-half."

Mr. LOGAN. I will not discuss that.

Mr. JONES, of Florida. Here is a rule of your body which declares that no amendment of a general character shall be incorporated in an appropriation bill.

Mr. LOGAN. I understand that.

Mr. COCKRELL. I ask the Senator from Florida if that was the rule in 1879 when we passed all those bills that his excellency Rutherford B. vetoed?

Mr. LOGAN. You know that was "the other fellow;" that makes all the difference.

Mr. DAVIS, of West Virginia. I say, as my friend from Illinois knows very well, that the amendments put on by the Senate Committee on Appropriations are almost uniformly in the direction of economy, and simply modify the provisions of the House.

Mr. LOGAN. I want to call the attention of the Senate to one point, especially the Naval Committee, for they are like a friction match, you cannot touch the rudder but what they let down their sails. It is sensitiveness on their part; they are very sensitive. I want to say that the only practical bill that has come to the Senate this session, which has been modified and is in the interest of economy, is the very one you have attacked. This is the only bill that is in the interest of economy and justice, and the only one that has come of this character, and it is the only one you have attacked.

Mr. JONES, of Florida. That may be a matter about which gentlemen may honestly differ. I think that instead of reducing the officers of the Navy down to the standard of our ships we ought to build our ships up to the standard of our officers.

Mr. LOGAN. My friend says we should build the ships up to the standard of the officers. We have officers enough in the Navy to-day to man two hundred vessels.

Mr. JONES, of Florida. Oh, no.

Mr. LOGAN. The Senator belongs to the Naval Committee, and I ought not to dispute with him, but I can prove it. We have enough to man two hundred vessels and have officers to spare in the Navy. Right to-day we have officers enough to man a Navy that this country never will have, and you insist on keeping it up and increasing them, instead of doing them justice and letting them retire when the time comes, as we propose to do.

Mr. President, one thing further, and I am through. The Senator from New Hampshire spoke about the pension bill, and said that we amended the pension appropriation bill. The pension bill came from the House, and the Senator from Connecticut [Mr. PLATT] offered an amendment to it. The Commissioner of Pensions came before us and said it was correct. We reported it back, and you made no objection to it. We all agreed to the amendment of that pension bill so that no double pensions should be paid. You all said that was right; you did not object because that was a pension bill. No one objected to it. The Senator from Maryland [Mr. GROOME] had reported a bill, and when we put that provision on it the whole Senate voted for it and said it was right, because it was done to stop double pensions. Nobody objected to it. We did not do that because we were trying to usurp the powers of the Pension Committee, but we did it because the Senate wanted it done, because it was offered and agreed to by the Senate.

So far as I am concerned, there is but one line that I have ever followed since I have been a member of Congress, and that is to perform my duty as I understand what is my duty without fear from without or within, without fear of lobbyists or of armies or navies, and I try to do it honestly and fearlessly. The man who is an honest legislator, the man who is patriotic and devoted to his country, the man who loves and honors his country, who believes in economy and justice, will not be wielded or wafted from one side to the other because somebody does not want him to go that way, or because he is lobbied, or because he is pulled, or because this committee or that committee feels chagrined, but he will examine the question from a patriotic and honest stand-point, and do his duty to his country irrespective of whom it may affect. In legislating in that way we perform the duty we are called upon to perform, the highest duty a man can perform when he is the agent of a great Republic.

The Navy on our seas is laughed at because of the crowding of officers that they may get their sea-pay. With a navy laughed at as ours is, a navy of twenty-eight vessels afloat, instead of using our money to build up a navy what do you do? You use the money that might build your vessels in paying retired officers for rank that they never had and never obtained, in paying twice the number of officers needed, salaries from \$13,000 down to \$1,800, your rear-admirals drawing the pay of a major-general, your commodores the pay of a brigadier-general, your captains in the Navy the pay of the colonel of a regiment, your commanders the pay of a lieutenant-colonel, your lieutenants the pay of a major, and so on down, with the highest pay given to any officers of the Government, when there is no use for them and never can be, no matter what times may come.

There is no war that will come in which you will ever need the rank of commodore anywhere. Admirals command in your Navy, and captains are commanding each vessel in the best navy in the world, which is the English navy. When these things are not necessary, when they are not needed, we are called upon to approve them in a tender way so as not to affect the pay, the rank, the honor, or the dignity of any man. Then criticism is broadcast, we find it in the winds all over this town. We have forty-six retired officers buzzing everybody for fear that they will be nipped of a little something of this kind.

Let me say to my friends on the Naval Committee that if the people of the United States understood this thing, which they do not, as you are bound to understand it and will hereafter, you would hear some growls in this country in reference to these men we keep up and retiring men on high rank when they never had the rank—you would hear whisperings around somewhere; and I say it for the benefit of the Navy to-day, if the Navy expect to be treated fairly, as they desire to be, and as I hope they will be, it is better for them now to agree to that which is just.

If they agree to that which is just, that which neither compromises them nor affects them nor deprives them of their pay or their rank, then everybody will be satisfied; but if they persist in hanging around Congress and lobbying bills through Congress as they have done, it will be bad for them. That they did in regard to the pay bill of 1873, because the record itself shows that Mr. Cragin said when he introduced it that he introduced it at the request of the naval officers. Of course he did, for it was to give them pay according to their rank on the retired list; and there were men on the retired list as rear-admirals who had not got that rank before retirement. Admiral Porter recommended it, and other high officials

recommended it. It was in fact the Navy legislating for themselves and the Naval Committee being used as a mere instrument. That was all there was of it.

Mr. JONES, of Florida. Allow me to state to the Senator—I know he will pardon it, because I know he is a just man—that though I have been connected with the Naval Committee—

Mr. LOGAN. You were not connected with it at that time.

Mr. JONES, of Florida. No.

Mr. LOGAN. Then I am not speaking of you.

Mr. JONES, of Florida. But allusion has been made to officers of the Navy. I will say that they are a body of honorable men, and while many questions affecting them have been before the committee of which I have been a member, I do not remember during my whole period of service of but one man ever speaking to me in connection with any movement affecting his interests. It may be that my opinion was not wanted.

Mr. LOGAN. It was not at all necessary for the Senator to say that. I was not alluding to him, nor speaking of the Naval Committee; I was alluding to the law passed in 1873, when Mr. Cragin was chairman of that committee. When he came before the Senate with the measure giving them the pay they draw to-day, he said on the floor of the Senate that he offered it at the request of naval officers. Of course he had their request. I say if he did at their request, without examining the bill, he was acting as a mere figure-head for them; he was using the Naval Committee to carry out their caprices and designs without consideration of the subject. I say that, and I do not take it back, for his very speech shows that to be the fact. He did not consider the question for a moment. The law provided that officers on the retired list should receive no pay except the pay of the rank on which they were retired; and yet he brought in the bill at the request of naval officers, for he said so, and the record shows it, and asked that they be paid as rear-admirals, and it was passed on an appropriation bill.

Mr. JONES, of Florida. Was the Senator not then in Congress?

Mr. LOGAN. In 1873? Yes, sir; but I was not on the Naval Committee then, and I was not on the Appropriations Committee either. But I do not propose to go into a discussion of what has been said, but let the Senator read the discussion that took place on that point. Let him examine it, and he will find the very fact that I state, that it shows the fact that the Naval Committee that reported that measure to the Senate groped in darkness and was blind as to what was done. There has been complaint about that all the time; every member of the committee knows that.

Not only that, but my friend from Nebraska a few days ago introduced a bill, which was referred to our committee, to put another man on the retired list as rear-admiral and pay him as rear-admiral; and not only that, but the Senator himself got a bill passed through the Senate within the last four weeks doing the same thing, and I just stepped in at the time it passed and moved to reconsider it, and it stands there yet.

Mr. JONES, of Florida. I am perfectly willing now or at any time to defend my action.

Mr. LOGAN. That is all right. I only mention these facts to show that things are passed without the Senate knowing what they are, and that is the reason why the Navy to-day is in the condition it is. Half these bills have been passed through the Senate without any knowledge by the Senate as to what they were. They were brought in and passed *nem con.*, nobody knowing what they were. That is the way these men are receiving the amount of pay they are to-day, which is an outrage on this country.

Mr. President, I have said all that I desire to say. I hope the Senate will consider this bill according to its merits, and not according to the committee that reported it. Take it if it is a just and proper measure and sustain it. The House thought it was, and we think so. If it is an unjust measure, criticise it and strike it out; but do not send it back to the committee; have manhood enough to stand up before the Senate and discuss it as to its justice or injustice, and vote it up or vote it down, according to its merits.

Mr. WINDOM. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. HALE. Will the Senator yield to me for a minute?

Mr. WINDOM. Yes, sir.

Mr. HALE. It is so late that it is evident that no vote can be reached on the proposition of the Senator from Pennsylvania to-night, and on the whole I am very glad that that is so. All that I ask is that Senators, where it is possible, will take this bill to-night and examine its provisions carefully and find out if the things which they really desire to do are not in fact done in this bill. Examine all parts of it, examine that part of it that deals with the partial cutting off of the supply at the foot of the Navy, with the regulation of promotion in the center ranks and with the cutting off at the top, and I do not want any Senator to form any opinion as to the merit of this bill or as to the propositions before him until he has carefully examined all the provisions of the bill. I am satisfied that if any Senator will do that, if he is a good friend of the American Navy, he will see in this bill good features that he can support, and if any of them need further amendment let us discuss them and amend them and change them in accordance with the view of the Senate, and in the end get a bill that will be proper and right

for the service and for the American Navy. I know there is enough in this bill to make it a good bill on which the Senate can agree, and I hope they will take that course.

Mr. JONES, of Florida. In arguing this question to-day the Senator from Maine drew a comparison between our Navy and that of Great Britain, and he stated, if I remember correctly, that there were 2,700 officers in the British navy.

Mr. HALE. Line and staff.

Mr. JONES, of Florida. I think you will find that that probably will not cover the line and staff of the British navy.

Mr. HALE. I took that statement from one carefully prepared by the line of the American Navy, and undoubtedly there are extra officers as there are in ours in one way or another, but that embodies what is known as the distinctive line and the distinctive staff of the British navy just as the figures I set in the comparison embody ours.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The message also announced that the House had passed the bill (S. No. 126) to reimburse the Creek orphan fund, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. No. 3493) relating to the public lands of the United States, and to require the payment of costs in certain cases of trespass or conversion of material therefrom; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service;

A bill (S. No. 329) to authorize the preparation and publication of a classified, analytical, and descriptive catalogue of all Government publications from July 4, 1776, to March 4, 1881;

A bill (H. R. No. 327) for the relief of John W. Humphrey; and

A joint resolution (S. R. No. 17) relating to the refunding of certain internal-revenue taxes illegally assessed against and collected from the Detroit House of Correction, in the State of Michigan.

HOUSE BILLS REFERRED.

Mr. WINDOM. I renew my motion.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Pending the motion, the Chair will lay before the Senate House bills for reference.

The bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 3493) relating to the public lands of the United States, and to require the payment of costs in certain cases of trespass or conversion of material therefrom, was read twice by its title, and referred to the Committee on Public Lands.

The joint resolution (H. R. No. 270) for the relief of Sarah J. S. Garnet, widow of Henry H. Garnet, late minister to Liberia, was read twice by its title, and referred to the Committee on Foreign Relations.

OREGON SHORT-LINE RAILWAY.

Mr. HAWLEY. Will the Senator from Minnesota yield to me for a moment? The bill creating the Oregon Short-Line Railway passed the Senate some time ago and comes from the House to-day passed, but the engrossed copy has a clerical error of some importance. On consulting those best informed on such subjects I am told that the correct way is to have a short concurrent resolution passed to correct a clerical error. Here is the bill which passed both Houses.

Mr. ALLISON. Let us hear what it is.

The Acting Secretary read the resolution, as follows:

Resolved by the Senate, (the House of Representatives concurring.) That in the enrollment of Senate bill No. 972, creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes, the Secretary of the Senate be authorized to correct an error in line 10 of the engrossed bill by striking out the word "with" and inserting the word "within."

Mr. McMILLAN. I want to know the effect of this?

Mr. HAWLEY. The expression of the bill is "articles of incorporation within the said Territory of Wyoming." It is engrossed "with the said Territory of Wyoming."

Mr. McMILLAN. I shall object to that.

Mr. HAWLEY. It is to avoid a clerical error, the Senator understands, and nothing else.

Mr. McMILLAN. It cannot change the construction of the law.

Mr. HAWLEY. It ought to be corrected by concurrent resolution. The PRESIDENT *pro tempore*. The resolution is objected to and goes over.

Mr. McMILLAN. As the Senator from Connecticut thinks this is only a little clerical error I will not insist upon the objection, though I am wholly opposed to the bill. The powers granted in the bill are too extensive.

Mr. HAWLEY. This is only to correct a clerical error. The resolution was agreed to.

BILL RECOMMITTED.

Mr. PLATT. The Senator from Colorado [Mr. CHILCOTT] made a report from the Pension Committee, I think this morning, on the bill (H. R. No. 703) granting an increase of pension to Mary E. Ryan. It was an unfavorable report. I have been asked to move to have the case recommitted to the committee, and I make the motion with the concurrence of the Senator from Colorado.

The motion was agreed to.

Mr. WINDOM. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, July 26, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. O'NEILL. I ask unanimous consent to take up and pass at this time Senate bill No. 297, for the relief of Mark Walker.

Mr. HISCOCK. I desire to present a report from a committee of conference.

The SPEAKER. The conference report will be in order.

Mr. O'NEILL. I hope the gentleman from New York [Mr. HISCOCK] will permit me to get this bill passed; it will not take long.

Mr. HISCOCK. I must insist upon presenting a conference report.

Mr. O'NEILL. I do not want to appeal to the gentleman nor to ask a favor of him here on the floor; yet he has prevented the passage of this simple bill on one occasion already, and I think he should allow me to get it through now.

The SPEAKER. The conference report is in order.

Mr. MCKINLEY. The gentleman can call up his bill at any time.

Mr. O'NEILL. I know that is said; but I cannot do it.

ENROLLED BILL SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HISCOCK. I present the report of the committee of conference on the general deficiency appropriation bill.

The report was read, as follows:

The committee of conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference, have been unable to agree.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,

Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
F. M. COCKRELL,

Managers on the part of the Senate.

The accompanying statement was read, as follows:

The managers on the part of the House of the conference on the general deficiency appropriation bill submit the following in explanation of and to accompany the conference report submitted:

The conferees of the House and Senate have been unable to agree on the amendment in conference allowing mileage to Senators for the extra session of the Senate, and have agreed to so report to their respective Houses.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,

Managers on the part of the House.

Mr. HISCOCK. I now move that the House recede from its disagreement to the amendment of the Senate and concur in the same.

Mr. TOWNSHEND, of Illinois. Let the gentleman state upon what point the disagreement is.

Mr. CARLISLE. I was not giving attention when the gentleman sent up his report; I understand it is a report from a committee of conference.

Mr. HISCOCK. It is a report from a committee of conference of

a disagreement; the Senate insisting upon its amendment and the House conferees refusing to concur in the amendment.

Mr. CARLISLE. Then I suppose that before the motion made by the gentleman from New York [Mr. HISCOCK] can be in order, the House must dispose of the report.

The SPEAKER. The report calls for no action; it simply states the fact that the conference committee has disagreed.

Mr. CARLISLE. I understand that the report does not propose that the House shall recede from its disagreement to the amendments of the Senate.

The SPEAKER. The report does not propose that.

Mr. CARLISLE. And while that report is pending the gentleman from New York [Mr. HISCOCK] proposes to submit an independent motion that the House recede from its disagreement. I think the regular course, and the course always pursued heretofore, is to dispose first of the report; and then the motion to recede is in order, and perhaps the House ought to recede.

The SPEAKER. The Chair inquires of the gentleman from Kentucky what action he thinks is necessary to be taken on a report which simply states the fact that the members of the conference committee have been unable to agree?

Mr. CARLISLE. Do I now understand the gentleman from New York to say that the conference committee has disagreed on every proposition?

Mr. HISCOCK. On every remaining proposition; there is but one.

Mr. CARLISLE. Then of course my point of order is not good.

Mr. TOWNSHEND, of Illinois. I hope the gentleman from New York will state the point of disagreement.

Mr. HISCOCK. The House conferees disagree with those of the Senate on the amendment to pay Senators mileage for attending here at the special session of the Senate in October last. On behalf of the Senate the argument in equity for this allowance is about this: in the first place, an extra session of the Senate was called in March, 1881, for which the Senate asks no mileage because a very large proportion of the Senators were already here. I have seen it stated in the RECORD that there were nineteen new Senators in attendance at that session; but although that is the statement of, I think, Senator HOAR, as I read it in the RECORD, it seems to me there could not have been so many new Senators at that session. But to attend the extra session in October the Senators all came from their homes; and I understand that with the exception of some three or four they all returned to their homes before the beginning of the regular session. Members of the House will recollect that the extra session closed on the 29th of October; and the fall elections occurred after that date, which fact of itself would afford evidence of the truth of the statement that the Senators with few exceptions returned to their homes before the meeting of Congress in December. This is the case which is made by the Senate in equity for this allowance. I will add that Senators think they, and they alone, should be held responsible for this legislation. I will remind members that in these matters of conference there must be concessions on the part of the House as well as on the part of the Senate in order that the two Houses may get together. It is eminently proper, in fact it is absolutely necessary, that the House should upon some points recede. On this bill, as upon other bills from the Committee on Appropriations, the conferees on the part of the House have sought with all their power to have the conference reports express the sentiments of the House. We have tried to translate the wishes of the House in our action, and we have very largely succeeded.

There is great necessity that this bill should become a law. It may be replied that then the Senate should recede. But in this matter of concessions I think, so far as dollars and cents are concerned, the Senate in our conferences has conceded quite as much as, perhaps more than, the House conferees have conceded to the Senate. In regard to matters affecting the District of Columbia, the schools here, and some other deficiencies provided for in the bill, it is important that the appropriations should be available at the earliest practicable day; and while, in view of the action of the House the other day, we have not felt justified in bringing in a report recommending that the House recede from its disagreement to this amendment, I do feel justified and believe it to be my duty to make the motion I have made, on which I now call the previous question.

Mr. TOWNSHEND, of Illinois. I hope the gentleman will not cut off debate. I would like to say a word or two.

Mr. HISCOCK. I call the previous question.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I do not think this is a fair way to treat the House.

Mr. SMITH, of Illinois. Before the gentleman from New York sits down I would like to ask him a question.

Mr. TOWNSHEND, of Illinois. I hope we shall not be deprived of the privilege of expressing our views upon this question.

Mr. HISCOCK. I do not yield the floor, but will answer any question which may be asked.

Mr. SMITH, of Illinois. Will the gentleman inform the House what has been the practice heretofore in respect to this subject—whether mileage has ever been allowed to Members and Senators at any extra session?

Mr. HISCOCK. I will say in reply to the gentleman that I know

of no such extraordinary case as is now presented—two extra sessions coming in immediate succession.

Mr. BRIGGS. What is the difference between this case and that of the extra sessions of both Houses in the Forty-fifth and Forty-sixth Congresses?

Mr. ELLIS. Not a bit.

Mr. TOWNSHEND, of Illinois. And at that time we decided that mileage should not be allowed.

Mr. HISCOCK. I do not believe there is any great difference; and I think that in all fairness Congress would have been justified in allowing its members mileage for those extra sessions. The fact that it was not done then affords no reason why we should not do it now; and it affords no good reason why when concessions have been made to the House we should not in the spirit of harmony get together somewhere and allow this bill to become a law.

Mr. BRIGGS. Then I understand the position of the case to be this: here is a report of a committee of conference on an appropriation bill which ought to be passed immediately in order to furnish the Departments with funds to carry on the Government. The Senate has put upon this bill an amendment which virtually puts \$30,000 into the pockets of Senators, and they insist upon the House yielding and giving them this money for the sake of passing the bill. In such a position of the case I am not prepared to yield.

Mr. HISCOCK. That is hardly a fair statement of the case. If the Senate had refused to recede from any of its amendments—if it had said, "We have put our amendments upon the bill and the House must come to us upon all these amendments," then the case would be correctly stated by the gentleman. But I say that when the conferees of the two Houses get together there must be mutual concessions; and I believe that in this case quite as important concessions have been made by the Senate as that which I propose shall be made by the House in receding from its disagreement to this amendment.

Mr. ELLIS. I should like to see—

Mr. TOWNSHEND, of Illinois. Has not the Senate manifested a willingness to recede where it does not affect their personal interest, but on this which affects their personal interest they have declared time and again they will not yield?

Mr. HISCOCK. That is not a question for me to answer. I suppose I should be called to order if I should attempt to pass upon the motives which operated upon members in the other end of the Capitol. The Senate insisted in reference to the salaries of its employes and in reference to the matter of mileage and other things of that kind it was so far responsible to the people it should be held solely responsible for such legislation.

Mr. TOWNSHEND, of Illinois. How many of the conferees agreed?

Mr. HISCOCK. I think they all did.

Mr. CARLISLE. Let me ask the gentleman a question.

Mr. HISCOCK. The gentleman from Kentucky was not on the conference committee.

Mr. CARLISLE. I ask the gentleman who has charge of this matter if he does not think it would be fair and just to the House as well as to the Senate that an amendment should be adopted, if we are to agree to the Senate's proposition, providing that hereafter there shall be an allowance of mileage for each session of Congress, excluding of course all double or constructive mileage? It seems to me but fair and just to the House and the Senate that some such provision should be added to prevent the occurrence of this controversy hereafter. We undoubtedly have the right to concur with an amendment, and I think such an amendment should be adopted by the House if it concurs in the Senate amendment.

Mr. HISCOCK. So far as I am concerned, and of course on the question suggested by the gentleman from Kentucky I speak for myself, and myself alone, I will not consent to such an amendment. I will not support such an amendment, and for this reason: that on this question of mileage and the compensation of members the country is extremely sensitive. We are here in our representative capacity, and for myself I certainly shall not consent to increase my own compensation. The Senate do it in their own case and take the responsibility of it.

Mr. CARLISLE. The gentleman will not increase his compensation by consenting to the amendment. The Senate proposes to go back and make compensation for the past, while the amendment suggested by me refers only to the future.

Mr. HISCOCK. I do not know but what it might apply to me in the future, and I do not propose to support any measure that possibly might apply to me in the future. I am well content with the compensation and salary now given to Representatives in Congress, and I am opposed to any bill looking to the increase of that compensation. While I am opposed to so doing, yet, if the Senate chooses to take the responsibility of this, rather than have this bill fail and in view of the fact we have to get together and make mutual concessions, I shall let the Senate take that responsibility.

Mr. TOWNSHEND, of Illinois. As the guardian of the Treasury I ask the gentleman whether it is not the right and duty of the House to resist any such action on the part of the Senate?

Mr. HISCOCK. The question which the gentleman asks is rather in the suggestion of tutorship or schoolmastership. He would seem to insist there is some question of morals involved, and that I have violated some principle of honesty and good legislation in doing

this. To any such question as that of the gentleman from Illinois I of course can make no reply.

Mr. CALKINS. I ask the gentleman from New York in charge of the bill whether the Senate is to be charged with this responsibility. Must not the House assume its share of responsibility for this legislation?

Mr. HISCOCK. That is a matter of argument, a matter of fact.

Mr. CALKINS. For one, Mr. Speaker, while I have no disposition to undertake to fix the compensation of members in the other end of the Capitol, yet I am opposed to this demand of the Senate. I should like very well to see whether the House will consent to the Senate, without regard to the House, fixing this matter of mileage. I do not think it is at all incumbent upon us to yield, and for one I am opposed to doing it.

Mr. ATKINS. Mr. Speaker, I ask the Clerk to read section 7 of Rule XIV.

The SPEAKER. The Clerk will read the rule referred to.

The Clerk read as follows:

7. While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this rule.

Mr. BROWNE. Is there anything in that rule about standing in the main aisle? [Laughter.]

The SPEAKER. The Chair is obliged to the gentleman from Tennessee for calling special attention to this paragraph of the rule.

Mr. HISCOCK. The gentleman from West Virginia, I understand, desires to ask a question. I will yield to him for that purpose.

Mr. KENNA. What I desire to say is rather in the nature of a suggestion in connection with the subject which the gentleman has been discussing. I am not specially squeamish about the allowance of this mileage to the Senate except upon this principle: that there is not a member of this House and there is not a member of the Senate of the United States who is not fully compensated (by the mileage which he receives under the operation of the present law for attending the regular sessions of the two Houses) for all of his necessary outlay for traveling expenses. And for one I am unalterably opposed to conceding this mileage to the Senate for attending to its legitimate part of the public business, or conceding to them what the House, under similar circumstances, has never claimed for itself.

Mr. ELLIS. Mr. Speaker, I would like to say only a word or two upon this point.

Mr. HISCOCK. I yield a moment to the gentleman from Louisiana.

Mr. ELLIS. I remember, since I have been a member of this House, I think three extra sessions of Congress. The first one was called, I believe, in October, 1877. We were summoned from our homes here, and remained in session, holding a regular normal session of Congress in that extra session. Again, in March, 1877, some fourteen days after the adjournment of the regular session, we were called in extra session, and again held a regular normal session of Congress under a special call. I remember these two sessions particularly. No claim was ever set up for mileage on that account. On the contrary, nobody in this House, so far as I am advised, ever made a suggestion either in committee or on the floor of the House looking to the granting of mileage on that account. I recollect, however, we were paid extra compensation for stationery one time. I think, and I am informed by members of the Appropriations Committee of that House, that one of these allowances for one of the extra sessions was most bitterly fought in the Senate, and after it was agreed to by the House committee and by the House itself objection was made to it in the Senate, who insisted upon striking it out; and finally it was stricken out.

Mr. KENNA. But even that was authorized by existing law.

Mr. ELLIS. However, it was not granted to the House, and by the action of the Senate, who, as I have stated, objected to it. Now, I see no use or sense in yielding to the Senate on this question. They are not entitled to mileage under the law for that extra session, and I for one will stay here until December, if necessary, before I would agree to this demand.

Mr. HISCOCK. I now yield to the gentleman from Wisconsin, [Mr. CASWELL.]

Mr. CASWELL. I think, Mr. Speaker, that there is a wide difference between the case now presented and the allowance of mileage at the extra sessions which took place during the Forty-fifth and Forty-sixth Congresses. I remember very well in the Forty-fifth Congress we were called here in October, 1877. At that time the session was prolonged into the regular session, and for that reason, if I recollect correctly, the other side of the House, who was then in a majority, thought it ought not to report a bill for mileage except for the one session. It would have been somewhat in the nature of constructive mileage if it had been done.

Now, in the extra session which followed in March—the Forty-sixth Congress—it was the intention of the Executive to convene Congress while most of its members were here in the city; and two weeks only intervened between the sessions. If mileage had been granted on that occasion it would be largely constructive mileage also, for many of the members staid here waiting for it.

Now, it is claimed that there is no law which gives this mileage to the Senate. But that was a session which was an extraordinary one; one in which the House did not participate; one which was called long before the regular session of Congress, and which terminated before the regular session began, in which the members of the House in no way participated. It was service performed by the Senate alone; and hence their claim for mileage.

Now, it has always been the practice of the House where members of its body have been sent away on special services, such as investigating committees or something of that kind, to pay their expenses, and pay them liberally. In this case the Senate performed an extra service entirely outside of their ordinary legislative functions and met in extraordinary session for an extraordinary occasion. I think they ought to be paid this mileage, for in looking this matter all over it is my earnest conviction that the Senate have a claim justly and properly for mileage, and we ought to yield to it as the best thing that can be done.

Mr. HISCOCK. I now demand the previous question.

Mr. ROBESON. I would like to be heard for a moment.

Mr. HISCOCK. I yield to the gentleman from New Jersey.

Mr. ROBESON. I desire simply, Mr. Speaker, to say a word or two upon this question as one of the conferees of the House.

The distinction between this case and all others mentioned is just this: it is admitted on all sides that there is no law now existing to pay this mileage. Why is that? Because the law as it now stands upon the statute-books covers only the ordinary usual condition of things. What is that ordinary usual condition of things? It is the regular sessions of Congress meeting under the law and the special sessions of the Senate called under the Constitution by the President of the United States for purposes of executive business.

Those are the usual meetings of Congress. The law contemplates that condition of affairs only. And when it provides that mileage shall be had for regular sessions it means to exclude those extra sessions which are called for executive business, and to exclude those general and ordinary sessions which come under the Constitution, and which are the ordinary habit and custom of public business.

But this session last October was an extraordinary session. It was not only an extra session but it was an extraordinary extra session; a session which was brought about by the anomalous condition of the country, by the fact that the whole Government was threatened with anarchy on account of the wounding, the illness, and the death of the President, and by the fact that in the absence of the Senate and the non-existence of a Presiding Officer of that body there was no life between that of the incumbent of that office, President Arthur, and utter confusion in our Government. The Government would have been criminal if extraordinary means had not been taken to call that session.

Now, then, we are all paid whenever we travel on public business. If we are sent off as a special committee to transact any ordinary or extraordinary public business our traveling expenses and mileage are paid. It is true that the law did not contemplate this thing when it was made. It contemplated only the general sessions and the general extra sessions. I am in favor of this proposition not because the Senate insists upon it but because it appeals to my sense of justice and of right, and because I am not willing to say, merely because it is a thing which is not written on the statute-book, that we will not yield to it. We must accommodate ourselves in the ordinary progress of Government to those extraordinary exigencies which no man can foresee and which no power can control. These people were called here; they came; they actually performed this duty; they did this work; they paid these charges, and the equity of the case in the face of the letter of the legal provision requires that we should be just to them.

Mr. HISCOCK. I yield three minutes to the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. I only desire to state the principle upon which I propose to vote for the motion to recede from the disagreement; and I do it more especially because of my familiarity with all the discussions on the mileage and pay question prior to the final adjustment as it now stands in the law. Being in that Congress and taking considerable part in that legislation, my recollection is very distinct as to the principle upon which mileage was arranged. The other day a gentleman on the other side of the House spoke of this as if it were in the nature of a salary-grab. Let me say, sir, in reply that the whole principle of mileage was discussed at the time I refer to, and that instead of actual expenses, which was proposed at that time, it was argued and adopted by a majority of the House that gentlemen who were obliged to abandon all their business at home were entitled according to the plan of the original law to something a little more than the actual expenses of traveling when they were obliged to come long distances away from home.

Mr. HUTCHINS. Why was not this matter provided for when the old law was changed?

Mr. KASSON. I will come to that. We restored the old law with the mileage as it is now. It was found that prior to that time the Senate, called every four years on the accession of a new President, drew mileage, although no distance was traveled and no time consumed from business at home in traveling to and fro from distant or near States. It was said that was wrong; that there was no actual travel.

Mr. HUTCHINS. Was it not because very large sums were charged by gentlemen from the Pacific coast for constructive mileage that the law was changed?

Mr. KASSON. It was, and we finally adjusted it at much less than the old rate of forty cents a mile. [Mr. HUTCHINS rose.] My time is limited, and I think my explanation will be complete when I shall have finished.

It was therefore adjusted in the way in which it now stands, Congress foreseeing no extra sessions of the Senate except those which were guarded against, being in fact continuous sessions arising from the inauguration of a new President and the necessity of confirming new appointments.

This case arises upon a different principle and upon the identical principle upon which we are paid for our regular sessions. And let me say to gentlemen that if we should be called here the 15th day of September for any purpose, having adjourned and gone home on the 10th day of August, and should leave here on the 15th of October and come back again for the regular session, I ask if there is a gentleman on this floor who would affirm that it was not just to allow traveling expenses there in the form of mileage or otherwise?

Mr. ELLIS. It has never been done.

Mr. KASSON. Because the case has not arisen in the same manner.

Mr. TOWNSHEND, of Illinois. It did arise in 1877.

Mr. KASSON. Gentlemen are aware I have very little time, and I want to explain the principle upon which the existing law as to mileage was adopted. It was this, that it should only cover the cases where there is actual traveling for which expenses are incurred and time taken; and on that principle every regular session is allowed its mileage.

Now, if there comes an irregular and unexpected session, with its consequent actual traveling expenses, I affirm that upon the identical principle upon which mileage is allowed for the regular session mileage should also be allowed for the irregular session, because the expenses are incurred in the same way exactly as for the regular session. In this case, therefore, finding the extra session divided from both the preceding and subsequent sessions, finding that the expenses were actually incurred and that there is nothing to do except to refund them, or leave them to be paid on private account, I affirm that the same principle upon which mileage for regular sessions is allowed applies to this case, and therefore I shall vote to recede from our disagreement to the Senate amendment.

Mr. HISCOCK. I now yield three minutes to the gentleman from Indiana, [Mr. BROWNE.]

Mr. BROWNE. The statute under which we serve gives to members of Congress as their measure of compensation the sum of \$5,000 a year. It contemplates that if necessary the Representative shall give his whole time to the Government service during the year for \$5,000. I assume that should the necessities of the Government require our presence here during the whole of the two years of our term, the full measure of the contract is that we shall have \$5,000 per annum as compensation. In addition to that the statute gives us in express language mileage for regular sessions at the rate of forty cents per mile one way. That is the law; that is the stipulation in the contract between the people and their representatives.

Now, let us make a little honest confession to our constituents. Mileage is intended to cover as is said the necessary traveling expenses of the Representative from and to the place where he resides. I live six hundred and fifty miles from the capital, and my mileage is \$260 per year. It costs me \$60 for traveling expenses. I therefore have \$200 of profit out of my mileage.

I assume to say that if in the exigencies of the Government I am required to come here twice or thrice a year, all that I as an honest man ought to have is just such sum as is allowed by the statute under which I was elected.

Now, if we want to increase the measure of our compensation there is but one safety to the people; that is, to allow an election to intervene between the time when the compensation is increased and the time when it shall take effect. We are absolute; we may make our compensation prospective or retroactive in any sum we may please.

A Congress of the United States has already done so. Elected under a statute allowing its members \$5,000 a year, after having served the full term, it passed a law allowing its members \$7,500 a year. It is supreme in this regard, and might have made it \$17,000 a year. There is, therefore, no safety to the people except we make the increased compensation to begin with a Congress to convene after our term expires, and thus give the people an opportunity of determining whether or not we ourselves shall put our hands into the Treasury and take an increased salary as their representatives.

For that reason I said to my people, and I reassert it here, that I will not vote to myself, I will not vote to any other member of Congress, whether in the House or in the Senate, one penny of compensation that was not provided by express law at the time the Congress began. I stand on that position now, whether it applies to the House or to the Senate.

Mr. HISCOCK. I now yield three minutes to the gentleman from Illinois, [Mr. TOWNSHEND.]

Mr. TOWNSHEND, of Illinois. One objection I have to receding from the House disagreement to the Senate amendment is this: the

Senate has assumed a position which is untenable under the Constitution, is unfair, and an infringement upon the rights of the House. The Senate arrogates to itself the sole right to determine the appropriations for their own compensation, mileage, and the compensation of its employes. Now, if it have the sole right to control these appropriations, then the Constitution should be changed so that the House will be relieved of the powers and responsibilities imposed upon it by the Constitution to aid in the determination of these questions.

The House deliberately declared its position upon this question of extra mileage in 1877; it was then a Democratic House. It then declared that there was no warrant of law authorizing the payment of extra mileage when under precisely similar circumstances it was proposed to pay such mileage to the members of the House. It was believed then as now that the regular mileage is enough to cover the expenses not only for attending the regular session but for attending any extra sessions that might occur.

I admire the position taken by the gentleman from New York [Mr. HISCOCK] when he says that he would not vote in favor of an appropriation increasing his own mileage and salary in excess of that allowed by law, and asserts that it would be wrong to do so. But I do not admire his position when he proposes to allow the Senate to do what he characterizes as wrong and unjust to the Treasury. If it is wrong for him to put his hand in the Treasury and take out money not contemplated by law for himself and the House, it is equally his duty to stand here and resist, whether from the Senate or any other source, the effort to wrongfully appropriate the public fund for other purposes.

I surmise from what the gentleman from New York has said that the Senate is not very tenacious for amendments that do not affect their own personal interests; but it is extremely tenacious of those affecting their mileage, &c. From what we learn of the demand of the Senate and its conferees it will never yield to the right of the House to pass upon the question of how much they themselves shall receive or what shall be the compensation of their employes.

I think this House owes it to itself, and I believe it is a solemn duty imposed upon us, to stand firmly upon the position which was taken in the Forty-fifth Congress, and which has been taken during this session, that we should resist the dictation of the Senate upon questions like these and insist upon our constitutional right and duty to pass upon the propriety of all appropriations of the people's money, whether it be to a Senator or a citizen. When discharging our trusteeship over public money we have no legitimate right to permit it to be wasted as an act of courtesy to Senators or others.

I know that my mileage is ample to pay all the traveling expenses I incur in attending the regular session of Congress; and indeed is amply sufficient to pay all the traveling expenses that would be incurred by me for attending an extra session of Congress. Each and every member on this floor is aware of the fact that his allowance is ample for such purposes. We cannot avoid our share of responsibility by making a concession like this and wrongfully using the public funds as a matter of courtesy to the Senate.

Mr. HISCOCK. I now yield three minutes to the gentleman from Indiana, [Mr. CALKINS.]

Mr. CALKINS. Since I have been a member of this body there have been two extra sessions of Congress, one in the Forty-fifth Congress and one in the Forty-sixth. I do not know that anybody ever seriously contended that members of this House ought to have had extra mileage for those two extra sessions. However that may be, this House certainly never insisted upon that right; and I think there is a sound consideration of law which determines or ought to determine this question against the position that the Senate has assumed. Each Senator having accepted his office, as we did ours, at a compensation already fixed by law, he took the office with whatever burdens followed; and after doing this he ought not to ask any increased compensation. It was fairly within the knowledge of every Senator and every member on accepting his office that he might be called upon to perform public duties at an extra session; and such extra services if rendered come fairly within the contract which he made with the people in accepting the office they gave him, that he would serve at the compensation then fixed. This being so, I think the Senate has no right to say that an extra session of the Senate is an extra burden upon Senators. It was fairly within the terms on which they accepted their offices.

As to the Senate employes I take a different view. Twice this House has receded from that position assumed by my friend from Illinois [Mr. TOWNSEND] that we ought to fix the amount of compensation for Senate employes. I think we must again in reason recede when we come to determine that proposition, because, as a matter of courtesy, if on no other ground, each body has probably the right to say what its employes should receive. If this right does not belong to each House legally, it is a right by courtesy, one which has always been extended.

Mr. BROWNE. I wish to ask my colleague whether he is willing to concede that the Senate may fix the compensation of its employes without regard to amount?

Mr. CALKINS. Of course whenever the Senate undertakes to fix an amount of compensation which outrages the sense of propriety of members of the House, we have the legal right to intervene at any time; there is no question about that. But I should be ready

to concede to the Senate, as a matter of courtesy, the right to fix the salaries of its employes.

There is another objection in my mind to the allowance of this claim by the Senate for extra services in the extra session. The Senate has no right to put this appropriation on a general appropriation bill and to issue to us a threat in order to coerce us into voting this appropriation. If it is right that the appropriation should be made, let it be put in a separate bill, and let it stand or fall on its own merits.

Mr. HISCOCK. Before calling the previous question I think it proper to say a word in reply to the suggestions of the gentleman from Illinois, [Mr. TOWNSEND.] I believe the only reason why the Forty-fifth Congress did not vote mileage to its members was the fact that the extra session was called on account of the failure of Congress to make the necessary appropriations. I will add, and the gentleman from Louisiana, [Mr. ELLIS,] I believe, has alluded to the fact, that under the title of an allowance for stationery that Congress sought to do what was practically equivalent to an allowance for mileage. An appropriation for stationery for the extra session was made, when, as every member knows, there was no need of such an allowance, because the ordinary allowance was sufficient for the uses of members. That allowance for stationery was made in some degree in compensation for the mileage which was not voted.

Mr. RYAN. The stationery allowance was authorized by law just as much as the salary of members.

Mr. HISCOCK. I am only making these suggestions with reference to that Congress in reply to the gentleman from Illinois, who held up that Congress as an example for us upon this question. I call the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. HISCOCK] that the House recede from its disagreement to the Senate amendment with reference to the mileage of Senators, and agree to the same.

Mr. TURNER, of Kentucky, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 65, nays 115, not voting 109; as follows:

YEAS—65.

| | | | |
|------------------|--------------------|--------------------|--------------|
| Aldrich, | Farwell, Sewell S. | McCoid, | Spooner, |
| Bayne, | George, | Moore, | Stephens, |
| Belford, | Gibson, | Neal, | Strait, |
| Bisbee, | Gunter, | Norcross, | Tyler, |
| Brewer, | Harmer, | O'Neill, | Upson, |
| Buck, | Harris, Benj. W. | Pound, | Urner, |
| Butterworth, | Hazelton, | Ranney, | Valentine, |
| Cannon, | Henderson, | Ray, | Van Horn, |
| Carpenter, | Hepburn, | Reed, | Van Voorhis, |
| Caswell, | Hiscock, | Rice, William W. | Wait, |
| Chace, | Horr, | Robeson, | Ward, |
| Chapman, | Jones, George W. | Robinson, Geo. D. | Washburn, |
| Cravens, | Jones, James K. | Russell, | Webber, |
| Crowley, | Kasson, | Shallenberger, | Young, |
| Davis, George R. | Kelley, | Smith, Dietrich C. | |
| Deering, | Ketcham, | Smith, J. Hyatt | |
| Errett, | Lynch, | Speer, | |

NAYS—115.

| | | | |
|--------------------|------------------|-------------------|--------------------|
| Anderson, | Dibrell, | King, | Robinson, Jas. S. |
| Armfield, | Dingley, | Knott, | Robinson, W. E. |
| Atherton, | Dowd, | Leedom, | Rosecrans, |
| Barbour, | Dunn, | Le Fevre, | Sherwin, |
| Belmont, | Dwight, | Lewis, | Shultz, |
| Berry, | Ellis, | Lord, | Simonton, |
| Blackburn, | Ermentrout, | Manning, | Singleton, Otho R. |
| Blanchard, | Evins, | Martin, | Skinner, |
| Blount, | Ford, | Matson, | Smith, A. Herr |
| Briggs, | Forney, | McKenzie, | Steele, |
| Browne, | Fulkerson, | McKinley, | Stockslager, |
| Buchanan, | Garrison, | McLane, | Taylor, |
| Buckner, | Godshalk, | McMillin, | Townsend, R. W. |
| Burrows, Julius C. | Hammond, N. J. | Mills, | Turner, Henry G. |
| Cabell, | Hardenbergh, | Morey, | Turner, Oscar |
| Caldwell, | Hardy, | Moree, | Updegraff, J. T. |
| Calkins, | Haseltine, | Moulton, | Updegraff, Thomas |
| Campbell, | Haskell, | Muldrow, | Vance, |
| Candler, | Hatch, | Murch, | Wadsworth, |
| Carlisle, | Hewitt, Abram S. | Mutchler, | Walker, |
| Cassidy, | Hoblitzell, | Payson, | Warner, |
| Clements, | Hoge, | Peelle, | Wellborn, |
| Colerick, | Holman, | Peirce, | West, |
| Covington, | Houk, | Prescott, | White, |
| Cox, William R. | House, | Reagan, | Whitthorne, |
| Culberson, | Hutchins, | Rich, | Williams, Thomas |
| Cutts, | Jacobs, | Richardson, D. P. | Willits, |
| Dawes, | Jadwin, | Ritchie, | Wise, George D. |
| De Motte, | Kenna, | Robertson, | |

NOT VOTING—109.

| | | | |
|--------------|------------------|-------------------|------------------|
| Aiken, | Burtows, Jos. H. | Darrall, | Groat, |
| Atkins, | Camp, | Davidson, | Guenther, |
| Barr, | Clardy, | Davis, Lowndes H. | Hall, |
| Beach, | Clark, | Deuster, | Hammond, John |
| Beltzhoover, | Cobb, | Dezendorf, | Harris, Henry S. |
| Bingham, | Converse, | Dugro, | Heilman, |
| Black, | Cook, | Dunnell, | Herbert, |
| Blair, | Cornell, | Farwell, Chas. B. | Herndon, |
| Blias, | Cox, Samuel S. | Fisher, | Hewitt, G. W. |
| Bowman, | Crapo, | Flower, | Hill, |
| Bragg, | Cullen, | Frost, | Hooker, |
| Brumm, | Curtin, | Geddes, | Hubbell, |

| | | | |
|----------------|------------|---------------------|--------------------|
| Hubbs, | Miles, | Rice, John B. | Thomas, |
| Humphrey, | Miller, | Rice, Theron M. | Thompson, P. B. |
| Jones, Phineas | Money, | Richardson, Jno. S. | Thompson, Wm. G. |
| Jorgensen, | Morrison, | Ross, | Townsend, Amos |
| Joyce, | Mosgrove, | Ryan, | Tucker, |
| Klotz, | Nolan, | Scoville, | Van Aernam, |
| Lacey, | Oates, | Scranton, | Watson, |
| Ladd, | Orth, | Shackelford, | Williams, Chas. G. |
| Latham, | Pacheco, | Singleton, Jas. W. | Willis, |
| Lindsey, | Page, | Smalls, | Wilson, |
| Lowe, | Parker, | Sparks, | Wise, Morgan R. |
| Mackey, | Paul, | Spaulding, | Wood, Benjamin |
| Marsh, | Pettibone, | Springer, | Wood, Walter A. |
| Mason, | Phelps, | Stone, | |
| McClure, | Phister, | Talbott, | |
| McCook, | Randall, | | |

So the House refused to recede from its disagreement.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. LOWE with Mr. HERNDON.
 Mr. JONES, of New Jersey, with Mr. HERBERT.
 Mr. HELLMAN with Mr. BLAND.
 Mr. MCCOY with Mr. CLARK.
 Mr. LINDSEY with Mr. LADD.
 Mr. HUMPHREY with Mr. BRAGG.
 Mr. HALL with Mr. WISE of Pennsylvania.
 Mr. SPAULDING with Mr. KLOTZ.
 Mr. HUBBS with Mr. SHACKELFORD.
 Mr. BARR with Mr. DAVIDSON.
 Mr. STONE with Mr. HEWITT of Alabama.
 Mr. DUNNELL with Mr. DUGRO.
 Mr. YOUNG with Mr. CLARDY.
 Mr. BOWMAN with Mr. SPARKS.
 Mr. GROUT with Mr. TALBOTT.
 Mr. THOMPSON, of Iowa, with Mr. COOK.
 Mr. SCRANTON with Mr. BEACH.
 Mr. CORNELL with Mr. LATHAM.
 Mr. CURTIN with Mr. THOMAS.
 Mr. RYAN with Mr. ATKINS.
 Mr. HUBBELL with Mr. WILLIS.
 Mr. DEZENDORF with Mr. WISE of Virginia.
 Mr. HAMMOND, of New York, with Mr. PHISTER.
 Mr. GEDDES with Mr. RITCHIE.
 Mr. CRAPO with Mr. CONVERSE.
 Mr. GUENTHER with Mr. DEUSTER.
 Mr. BINGHAM with Mr. SPRINGER.
 Mr. VAN AERNAM with Mr. AIKEN.
 Mr. MASON with Mr. MONEY.
 Mr. FARWELL, of Illinois, with Mr. SCALES.
 Mr. MILES with Mr. SINGLETON of Illinois.
 Mr. MCCOOK with Mr. RANDALL.
 Mr. UPDEGRAFF, of Iowa, with Mr. RICHARDSON, of South Carolina.
 Mr. WILLIS. I find that Mr. HUBBELL has not voted, and therefore I withdraw my vote, as we are paired. I was paired last Monday, but it was not properly announced.

Mr. RITCHIE. I am paired with my colleague, Mr. GEDDES, on political questions, but not considering this of that character, I have voted.

On motion of Mr. HISCOCK, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. HISCOCK. I move the House further insist on its disagreement, and ask for a further conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The Speaker appointed as managers of said conference on the part of the House, Mr. HISCOCK, Mr. ROBESON, and Mr. COX of New York.

Mr. BROWNE. I desire to say my colleague, Mr. ORTH, is ill, and to ask he have indefinite leave of absence on that account.

The SPEAKER. The Chair will ask for unanimous consent at the close of the day.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. CANNON. I present the following privileged report:

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1883, and for other purposes, having met, after full and free conference have been unable to agree.

J. G. CANNON,
 FRANK HISCOCK,
 J. D. C. ATKINS,
Managers on the part of the House.
 W. B. ALLISON,
 H. L. DAWES,
 H. G. DAVIS,
Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement accompanying the conference report.

The Clerk read as follows:

The managers on the part of the House of the conference on the legislative, executive, and judicial bill submit the following in explanation of the conference report:

The conferees having failed to agree, leaves the bill in the same condition as when last referred to a conference, namely, on amendments 330 to 337 inclusive,

touching the transfer of the records of the Surgeon-General's Office relating to pensions, together with the clerks and others employed thereon, to the Adjutant-General's Office, and relating to the division of rooms in the State, War, and Navy building between the State, War, and Navy Departments, the Senate refuses to recede.

J. G. CANNON,
 FRANK HISCOCK,
 J. D. C. ATKINS,
Managers on the part of the House.

Mr. CANNON. Mr. Speaker, I desire to move that the House further insist on its disagreement to the Senate amendments and ask for a further conference on the disagreeing votes of the two Houses.

Mr. BROWNE. The gentleman from Illinois will yield the floor for a moment?

Mr. CANNON. Certainly.

Mr. BROWNE. At the time this appropriation bill was pending in the Committee of the Whole House on the state of the Union I antagonized the last section.

Mr. CANNON. In part?

Mr. BROWNE. Yes, in part; providing for the transfer of the Surgeon-General's division to the custody of the Adjutant-General. I am in favor of transferring all the clerks of the Surgeon-General's Office to the new building, whether part of the War, the Navy, or the State Department building. I am willing to put them in one of the Departments or all of them. It is indispensable they should go there or to some other safe building. Indeed, there is no room for an increase of clerical force in the rooms now occupied by the Surgeon-General's division. I want to know if the House conferees—if it is a proper question—are not willing to concede the Surgeon-General shall still continue to exercise supervision of the records of his division as heretofore?

I will stand with the gentleman and with the committee for this transfer if so much may be conceded. I think that concession ought not to stand in the way of an agreement between the two Houses. I do not know that I have the right of course to inquire into the secret conferences or questions at issue between the committee; but I do hope that the House conferees may concede so much—that is, that the Surgeon-General shall still continue to exercise control over the medical records of the War Department as he has been doing heretofore; and I hope also that the House committee will insist continually, persistently insist, that this new building, safe, commodious, and convenient, containing ample room, or so much of it as may be necessary, shall be appropriated for this necessary purpose. There is no reason in the world why it should not be done. It belongs to the Government, to the people, paid for by them, and there is no purpose to which it may be better appropriated than to the accommodation of the records pertaining to the applications and allowances or consideration of pension claims. I believe the people will stand by the committee in insisting that so much at least shall be accorded.

Mr. CANNON. I will reply, Mr. Speaker, to the question or suggestion of the gentleman from Indiana. I can say to him that I am not embarrassed at all in giving him a full and perfect reply as to the status of the conference up to this time. We thought at one time that we had agreed touching the Adjutant and Surgeon General's Offices. The minds of both committees seemed to have met upon a proposition, which was reduced to form in writing. It was this: that the text of the House bill touching the consolidation of the records of the Surgeon and Adjutant General's Offices, which the Senate objected to, as well as some members of this House, that looked toward the direction or expression of opinion upon the part of Congress that this consolidation ought to be made, should be stricken out, and that the Secretary of War upon his own motion should be allowed to exercise only that discretion which he now has and has always had over these bureaus; and in lieu thereof that we should insert a provision making the contingent funds of these bureaus for furniture, &c., interchangeable, subject to use in whole or part for either or both bureaus, without anything else, so as to throw upon the Secretary of War the responsibility by giving him the power to exercise it with reference to the appropriations if he saw proper and necessary, and without what might be construed as a direction on the part of Congress. But when we came to the subsequent part of the section which directs the placing of the official records of the Army in that new War, State, and Navy building, taking them from a place of insecurity to one of security, they there totally failed to make any agreement; and perhaps it is just to the House that I should state here the reason why I propose to move that the House insist upon its disagreement and ask a further conference.

We expect to dispose of the pension claims in three years, and by the help of the gentleman from Indiana and of his committee we have now made provision by which \$2,000,000 is appropriated to do this work, making necessary the employment of some 1,200 additional clerks upon these claims. While that part of the bill has been agreed upon as a part and parcel of that scheme, and a legitimate portion of it, the House enacted section 6, a proposition to put these records where they can be safe and where they can be practically operated upon by the present and the increased force. If that is not done the Secretary of War and the Commissioner of Pensions cannot be held to the performance of that which they proposed in the event of giving them the increase of force, for want of proper safety as well as

proper facilities to work that force in. So that the bill is closed up as to the force, but is open as to a proper place to work the force upon these records in safety. You may say section 6 is legislation directing the reapportionment of this building.

I do not think it is legislation within the general rule. It is certainly not within the substance of the rule which discourages legislation upon an appropriation bill, because it does not affect the rights of anybody. It does not affect the rights of any part of the people or of a section, nor does it do otherwise than afford security to the property of the people. It merely utilizes that which belongs to the people, namely, this public building to enable them to economically and safely spend the money appropriated by this bill for the protection of its records and the employment of the force to work upon them. Therefore it is more in the direction of proper administration, which proper administration has not been had for ten years at the hands of the Executive, when for all of the ten years the Executive has had the power and has the power to-day to regulate it. We simply come now and put that limitation upon the bill which the House regarded as a wise one with reference to this particular work.

Now, we exhausted the question in the sub-committee of appropriations, and the committee exhausted it when considering the bill; but when it went to the Senate—and I may not speak of what took place there; suffice it, however, that it was sent to a committee of conference, along with all other amendments of the Senate. As to any or all of the amendments other than section 5 with which the committee of conference had to deal, we could bring the officers of the Government, at the instance of the Senate or House conferees, before the committee, and we could inquire of them in reference to the propriety of certain amendments, examine them as to details, and make statements in *extenso*.

But when we struck this one provision, so far as the Senate conferees were concerned, they seemed to intimate the House conferees were treading upon sacred ground, and they announced at the commencement and maintained from that time to this that they neither would assent to the House provision nor would they inquire as to its necessity.

Compromises have been talked of. Other provisions have been proposed. But in the opinion of the House conferees there has been no provision proposed by the Senate conferees that is anything more than an excuse to avoid doing what the House seeks to do. Now, there it is and that is all there is of it.

One word in conclusion upon that matter.

Mr. PAGE, (in his seat.) Let us have a vote.

Mr. CANNON. Not just yet. I feel that with this expenditure of \$2,000,000, and in view of the surrounding circumstances and necessities, it is legitimate and fair that the House should exercise its privilege to ask that this matter be considered, and that this direction, by way of limitation of the use of this money, ought to go upon the bill.

But I want to call the attention of the House to the fact that we are rapidly nearing the last of the month, when the appropriations for the legislative and executive service run out. If we are in earnest about it—I do not desire to make any threats, I would not make any; it would not be parliamentary in me to do it, because I am acting as the mere servant of the House. Nor have I any desire to make any, even if they would be effective; but I do say let us recede outright if we are not in earnest. If we are in earnest about it, if we feel in our hearts it ought to be done, let us insist in a dignified manner that it ought to be done; and let us do this, not as a by-play, but in earnest.

Mr. BROWNE. I am satisfied, Mr. Speaker, that the increase of the clerical force in the Pension Bureau and in the offices of the Adjutant-General and Surgeon-General will be of very little consequence unless we can procure additional room in which the service of these employés may be performed. We might as well repeal the appropriation for this purpose unless Congress provides for enlarging the room in which the duties are to be performed. There can be but two ways in which this can be done, either in going out into the city and renting other buildings and charging the expenditure to the Treasury, or else taking a building already provided belonging to the nation containing ample room adapted to the purpose. I can see no reason in the world why these records may not be sent to that building and why these duties may not be performed there.

Mr. BUTTERWORTH. I desire to ask the gentleman a question. What is the cause of this opposition? Is it insisted this is an invasion of the right or privilege or dignity of a co-ordinate branch of the Government?

Mr. BROWNE. I presume that the reason for it, at least in one Department, is that they think they have a right to appropriate the building for the purposes of that Department, and that this is an invasion of their rights. Now, it cannot be an invasion, so far as the War Department is concerned, because this duty and these records belong to that Department of the Government. But as I understand there is not sufficient vacant room that can be occupied in that Department building alone for the performance of this service. Now, there ought to be no objection from the State Department or the Navy Department. This service perhaps will continue but for a few years until it be closed.

Mr. ATKINS. May I ask the gentleman a question?

Mr. BROWNE. Yes, sir.

Mr. ATKINS. What is the precise objection of the gentleman from Indiana to the position of the conferees?

Mr. BROWNE. As I understand there is no difference between us now.

Mr. CANNON. I think the gentleman from Indiana is with us.

Mr. BROWNE. I understood the gentleman from Illinois [Mr. CANNON] to say they were willing to concede that the question of transferring the custody or the control of the records of the Medical Bureau to the Adjutant-General should be left to the discretion of the Secretary of War, just where it now is under the law. With that concession there is no difference between the gentleman from Illinois and myself. I agree with him, and in the remarks I am attempting to make I am giving some reasons why the House should insist on its disagreement, because the building which belongs to us is appropriate for the purpose, and because unless this or some other building be procured we cannot expedite the settlement of pension claims.

Mr. ATKINS. The gentleman from Indiana might have added to the remarks he has made that the transfer from the Surgeon-General's Office to the Adjutant-General's Office would save considerable clerical force in the sending of letters from the one office to the other.

Mr. CANNON. I think the gentleman from Indiana [Mr. BROWNE] did not misunderstand me. He is correct about our being willing that the Secretary of War should have the same discretion that he has under the law now. But if the gentleman paid attention to my remarks he would understand that we did formulate and at one time we substantially agreed upon a proposition which made the continuing funds of these bureaus of the War Department interchangeable, so that that discretion could be a living discretion.

Mr. BROWNE. I have no objection to that.

Mr. HISCOCK. I desire to say only one word in reference to this matter, and that is to emphasize what has been said by the chairman of the House conferees, the gentleman from Illinois, [Mr. CANNON.] I believe that there is no trouble so far as the first proposition contained in the sixth section of the legislative bill is concerned, about our getting together there and agreeing to the provision of the bill.

So far as the other question is concerned, there is no doubt but what the Senate conferees—whether they represent the Senate or not in that sentiment of course I do not know—are earnestly and determinedly opposed to the House provision in reference to the distribution of the space in the new departmental building. I say this because I wish the House upon this question to speak emphatically its sentiment and its opinion.

If there is any doubt on the part of the House as to the course that should be pursued by the conferees of the House, that doubt should now be expressed. If the House is emphatically of opinion that we should continue to maintain the position we have taken, then we desire to go into that conference backed up by an expression of the House which shall not be doubtful or uncertain.

Mr. ANDERSON. We will give it to you.

Mr. CANNON. I now call for a vote.

The SPEAKER. The question is upon the motion of the gentleman from Illinois [Mr. CANNON] that the House further insist upon its disagreement to the Senate amendments.

Mr. CANNON. I would like to have a rising vote on that question.

The SPEAKER. The Chair will state the question a little more fully. The gentleman from Illinois [Mr. CANNON] moves that the House further insist upon its disagreement to the Senate amendments, and ask a further conference on the disagreeing votes of the two Houses thereon.

Mr. ROBINSON, of Massachusetts. I do not know that the suggestion which I desire to make is of importance; but it seems to me that the House is taking a position upon one bill after another of sharp antagonism to the Senate, expecting, as the saying is, that the Senate will back down on everything. I do not know but what we may succeed. I do not refer alone to the position of the House on the pending proposition, but to the position of the House also on the river and harbor bill, and on the last bill which we had up, the deficiency bill. The proposition is that we stand firm to our position in antagonism to the Senate. That is all right perhaps, but I presume something is due to the other branch of Congress.

Mr. RYAN. The House ought to stand firm on this.

The question was taken; and upon a division there were—ayes 98, noes 4.

So (no further count being called for) the motion of Mr. CANNON was agreed to.

The SPEAKER announced as the conferees on the part of the House Mr. CANNON of Illinois, Mr. HISCOCK of New York, and Mr. ATKINS of Tennessee.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. When the House adjourned yesterday there was pending a motion to lay on the table the motion to reconsider the vote by which the report of the committee of conference on the river and harbor appropriation bill was rejected. I now call up that motion and ask that it be disposed of.

The SPEAKER. The question is upon laying upon the table the

motion of the gentleman from Minnesota [Mr. STRAIT] to reconsider the vote by which the House refused to adopt the report of the committee of conference on the river and harbor appropriation bill.

Mr. PAGE. I ask the gentleman from New York [Mr. COX] who made the motion to lay on the table the motion to reconsider to let us take a vote directly on the motion to reconsider.

Mr. COX, of New York. I call for tellers on the motion to lay the motion to reconsider on the table.

The question was taken upon ordering tellers; and there were 20 in the affirmative.

So (the affirmative not being one-fifth of a quorum) tellers were not ordered.

Mr. COX, of New York. I will withdraw the motion to lay on the table, and call for the yeas and nays directly on the motion to reconsider.

Mr. PAGE. That is right.

Mr. CALKINS. All right; let us have the yeas and nays.

The SPEAKER. The question is upon the motion of the gentleman from Minnesota to reconsider the vote by which the House refused to adopt the report of the committee of conference.

Mr. McLANE. Mr. Speaker—

The SPEAKER. The Chair thinks the motion to reconsider is not debatable, because the previous question was operating on the main question, and that cuts off all debate.

Mr. McLANE. I desire to say but a few words.

The SPEAKER. The Chair thinks it is not debatable at this stage of the proceedings.

Mr. McLANE. Do I understand the Chair to rule that it is not in order to submit any remarks at this time?

The SPEAKER. The Chair thinks not at this time. The yeas and nays have been demanded on the motion to reconsider.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 77, not voting 95; as follows:

YEAS—117.

| | | | |
|------------------|--------------------|-------------------|--------------------|
| Aldrich, | Farwell, Sewell S. | Manning, | Singleton, Otho R. |
| Anderson, | Ford, | Martin, | Smalls, |
| Barbour, | Forney, | McClure, | Smith, Dietrich C. |
| Bayne, | Fulkerson, | McCoid, | Smith, J. Hyatt |
| Bisbee, | Garrison, | McLane, | Speer, |
| Blanchard, | George, | Moore, | Spooner, |
| Brewer, | Gibson, | Muldrow, | Stephens, |
| Buck, | Gunter, | Neal, | Stone, |
| Buckner, | Harmer, | Norcross, | Strait, |
| Butterworth, | Harris, Benj. W. | Oates, | Talbott, |
| Cabell, | Haseltine, | O'Neill, | Townsend, Amos |
| Calkins, | Hazelton, | Pacheco, | Upson, |
| Candler, | Henderson, | Page, | Urner, |
| Carpenter, | Hepburn, | Parker, | Valentine, |
| Caswell, | Herndon, | Payson, | Van Aernam, |
| Chace, | Hill, | Peterson, | Vance, |
| Chapman, | Hoblitzell, | Pettibone, | Van Horn, |
| Covington, | Hoge, | Pound, | Wait, |
| Cravens, | Horr, | Reagan, | Ward, |
| Crowley, | Houk, | Rice, William W. | Washburn, |
| Culbertson, | Hubbell, | Rich, | Webber, |
| Cullen, | Jones, George W. | Richardson, D. P. | Wellborn, |
| Darrall, | Jones, James K. | Robertson, | White, |
| Davis, George R. | Kelley, | Robeson, | Williams, Thomas |
| De Motte, | Kenna, | Robinson, Geo. D. | Willits, |
| Dowd, | King, | Rosecrans, | Wise, George D. |
| Dunn, | Latham, | Ross, | Wise, Morgan R. |
| Ellis, | Lewis, | Russell, | |
| Errett, | Lord, | Shallenberger, | |
| Evins, | Lynch, | Sherwin, | |

NAYS—77.

| | | | |
|--------------------|------------------|-------------------|-------------------|
| Armfield, | Dwight, | McMillin, | Skinner, |
| Atherton, | Ermentrout, | Mills, | Smith, A. Herr |
| Atkins, | Godshalk, | Morey, | Steele, |
| Belmont, | Hammond, N. J. | Morrison, | Stockslager, |
| Berry, | Hardenbergh, | Morse, | Taylor, |
| Blount, | Hardy, | Moulton, | Turner, Henry G. |
| Briggs, | Haskell, | Murch, | Tyler, |
| Browne, | Hatch, | Mutchler, | Updegraff, J. T. |
| Buchanan, | Hewitt, Abram S. | Peelle, | Updegraff, Thomas |
| Burrows, Julius C. | Hiscock, | Prescott, | Van Voorhis, |
| Caldwell, | Holman, | Ranney, | Wadsworth, |
| Carlisle, | Hutchins, | Ray, | Walker, |
| Cassidy, | Jacobs, | Reed, | Warner, |
| Clements, | Jadwin, | Rice, John B. | West, |
| Colerick, | Kasson, | Ritchie, | Whitthorne, |
| Cox, Samuel S. | Knott, | Robinson, Jas. S. | Willis, |
| Cutts, | Leedom, | Scales, | Wilson. |
| Dawes, | Le Fevre, | Scoville, | |
| Dingley, | Matson, | Shultz, | |
| | McKinley, | Simonton, | |

NOT VOTING—95.

| | | | |
|------------------|-------------------|-------------------|----------------|
| Aiken, | Cannon, | Dibrell, | Hewitt, G. W. |
| Harr, | Clardy, | Dugro, | Hoeker, |
| Beach, | Clark, | Dunnell, | House, |
| Belford, | Cobb, | Farwell, Chas. B. | Hubs, |
| Beltzhoover, | Converse, | Fisher, | Humphrey, |
| Bingham, | Cook, | Flower, | Jones, Phineas |
| Black, | Cornell, | Frost, | Jorgensen, |
| Blackburn, | Cox, William R. | Geddes, | Joyce, |
| Bland, | Crapo, | Grout, | Ketcham, |
| Bliss, | Curtin, | Guenther, | Klotz, |
| Bowman, | Davidson, | Hall, | Lacey, |
| Bragg, | Davis, Lowndes H. | Hammond, John | Ladd, |
| Brumm, | Deering, | Harris, Henry S. | Lindsey, |
| Burrows, Jos. H. | Deuster, | Heilman, | Low, |
| Camp, | Dezendorf, | Herbert, | Mackey, |

| | | | |
|-----------|---------------------|--------------------|--------------------|
| Marsh, | Orth, | Scranton, | Townshend, R. W. |
| Mason, | Paul, | Shackelford, | Tucker, |
| McCook, | Phelps, | Singleton, Jas. W. | Turner, Oscar |
| McKenzie, | Phister, | Sparks, | Watson, |
| Miles, | Randall, | Spaulding, | Williams, Chas. G. |
| Miller, | Rice, Theron M. | Springer, | Wood, Benjamin |
| Money, | Richardson, Jno. S. | Thomas, | Wood, Walter A. |
| Mosgrove, | Robinson, Wm. E. | Thompson, Wm. G. | Young, |
| Nolan, | Ryan, | Thompson, P. B. | |

So the motion to reconsider was agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. CANNON with Mr. RANDALL.

Mr. HARRIS, of New Jersey, with Mr. COX, of North Carolina.

Mr. LOWE with Mr. HOUSE.

Mr. KETCHAM with Mr. TOWNSHEND of Illinois.

Mr. LACEY with Mr. AIKEN.

Mr. FARWELL, of Illinois, with Mr. THOMPSON, of Kentucky.

Mr. HOUK. I am paired with my colleague, General DIBRELL; but as I know that if present he would vote "ay" upon this question, I have felt at liberty to vote in the same way.

Mr. COX, of New York. I have received a telegram from the gentleman from Pennsylvania, [Mr. RANDALL,] stating that the train on which he was coming to this city has been detained by an accident; that he desired to be paired on this question, and if present would vote against the adoption of the conference report.

Mr. ROBINSON, of New York. Mr. Speaker, I would like to have my vote recorded on this question. I was in the House, but happened to be speaking with my colleague, [Mr. HUTCHINS,] and therefore failed to answer when my name was called.

The SPEAKER. If the gentleman states that he was giving attention at the time his name was called, and could not hear it, his vote will be received.

Mr. ROBINSON, of New York. I simply state the fact that I was talking to my colleague and was also paying attention to the roll-call, but my name was called without my hearing it.

The SPEAKER. The Chair does not think the gentleman's statement brings him within the rule.

Mr. ROBINSON, of New York. On this question, if permitted to vote, I should vote "no."

The result of the vote was announced as above stated.

The SPEAKER. The question now recurs upon agreeing to the report of the committee of conference on the river and harbor appropriation bill. On this question the yeas and nays have been ordered. [Cries of "Regular order!"]

Mr. McLANE. I rise to a parliamentary inquiry. Is the operation of the previous question exhausted?

The SPEAKER. The previous question is still operating upon the question of agreeing to the report of the committee of conference.

Mr. O'NEILL. I thought the Speaker had indicated that the previous question would cease to operate if the motion to reconsider should prevail.

The SPEAKER. The Chair did not intimate anything of the kind.

Mr. O'NEILL. I merely wanted to say, Mr. Speaker—

The SPEAKER. The question is not debatable.

The question on agreeing to the report of the committee of conference was taken; and there were—yeas 112, nays 82, not voting 95; as follows:

YEAS—112.

| | | | |
|------------------|--------------------|-------------------|--------------------|
| Aldrich, | Evins, | Lord, | Sherwin, |
| Barbour, | Farwell, Sewell S. | Lynch, | Singleton, Otho R. |
| Bayne, | Ford, | Martin, | Smalls, |
| Bisbee, | Forney, | McClure, | Smith, Dietrich C. |
| Blanchard, | Fulkerson, | McCoid, | Smith, J. Hyatt |
| Bliss, | Garrison, | McLane, | Speer, |
| Brewer, | George, | Moore, | Spooner, |
| Buck, | Gibson, | Muldrow, | Stephens, |
| Buckner, | Gunter, | Neal, | Stone, |
| Butterworth, | Harmer, | Oates, | Strait, |
| Calkins, | Harris, Benj. W. | O'Neill, | Talbott, |
| Candler, | Haseltine, | Pacheco, | Townsend, Amos |
| Carpenter, | Hazelton, | Page, | Upson, |
| Caswell, | Henderson, | Parker, | Urner, |
| Chace, | Hepburn, | Payson, | Valentine, |
| Chapman, | Herndon, | Peterson, | Vance, |
| Covington, | Hill, | Pettibone, | Van Aernam, |
| Cravens, | Hoblitzell, | Pound, | Van Horn, |
| Culbertson, | Hoge, | Reagan, | Wait, |
| Cullen, | Horr, | Rice, William W. | Ward, |
| Darrall, | Hubbell, | Rich, | Washburn, |
| Davis, George R. | Jones, George W. | Richardson, D. P. | Webber, |
| Deering, | Jones, James K. | Robertson, | Wellborn, |
| De Motte, | Kelley, | Robeson, | White, |
| Dowd, | Kenna, | Rosecrans, | Williams, Chas. G. |
| Dunn, | King, | Ross, | Williams, Thomas |
| Ellis, | Latham, | Russell, | Willits, |
| Errett, | Lewis, | Shallenberger, | Wise, George D. |

NAYS—82.

| | | | |
|--------------------|----------------|------------------|-----------|
| Anderson, | Campbell, | Godshalk, | Jacobs, |
| Armfield, | Carlisle, | Hammond, N. J. | Jadwin, |
| Atherton, | Cassidy, | Hardenbergh, | Kasson, |
| Belmont, | Clements, | Hardy, | Knott, |
| Berry, | Colerick, | Haskell, | Leedom, |
| Blount, | Cox, Samuel S. | Hewitt, Abram S. | Le Fevre, |
| Briggs, | Cutts, | Hiscock, | Matson, |
| Browne, | Dawes, | Holman, | McKenzie, |
| Buchanan, | Dingley, | House, | McKinley, |
| Burrows, Julius C. | Dwight, | Hutchins, | McMillin, |
| Caldwell, | Ermentrout, | | Miller, |

| | | | |
|-----------|--------------------|------------------|-------------------|
| Mills, | Ray, | Simonton, | Updegraff, Thomas |
| Morey, | Reed, | Skinner, | Van Voorhis, |
| Morrison, | Rice, John E. | Smith, A. Herr | Wadsworth, |
| Morse, | Ritchie, | Steele, | Walker, |
| Moulton, | Robinson, Geo. D. | Stockslager, | Warner, |
| Murch, | Robinson, James S. | Taylor, | West, |
| Mutchler, | Robinson, Wm. E. | Turner, Henry G. | Whitthorne, |
| Norcross, | Scales, | Turner, Oscar | Willis. |
| Peelle, | Seoville, | Tyler, | |
| Prescott, | Shultz, | Updegraff, J. T. | |

NOT VOTING—95.

| | | | |
|------------------|-------------------|----------------|---------------------|
| Aiken, | Crapo, | Houk, | Phister, |
| Atkins, | Crowley, | Hubbs, | Randall, |
| Barr, | Curtin, | Humphrey, | Ranney, |
| Beach, | Davidson, | Jones, Phineas | Rice, Theron M. |
| Belford, | Davis, Lowndes H. | Jorgensen, | Richardson, Jno. S. |
| Beltzhoover, | Deuster, | Joyce, | Ryan, |
| Bingham, | Dezendorf, | Ketcham, | Seranton, |
| Black, | Dibrell, | Klots, | Shackelford, |
| Blackburn, | Dugro, | Lacey, | Singleton, Jas. W. |
| Bland, | Dunnell, | Ladd, | Sparks, |
| Bowman, | Farwell, Chas. B. | Lindsey, | Spaulding, |
| Bragg, | Fisher, | Lowe, | Springer, |
| Brunn, | Flower, | Mackey, | Thomas, |
| Burrows, Jos. H. | Frost, | Manning, | Thompson, P. B. |
| Cabell, | Geddes, | Marsh, | Thompson, Wm. G. |
| Camp, | Groat, | Mason, | Townsend, R. W. |
| Cannon, | Guenther, | McCook, | Tucker, |
| Claridy, | Hall, | Miles, | Watson, |
| Clark, | Hammond, John | Money, | Wilson, |
| Cobb, | Harris, Henry S. | Mosgrove, | Wise, Morgan R. |
| Converse, | Hellman, | Nolan, | Wood, Benjamin |
| Cook, | Herbert, | Orth, | Wood, Walter A. |
| Cornell, | Hewitt, G. W. | Paul, | Young, |
| Cox, William R. | Hooker, | Pheips, | |

So the report of the committee of conference was adopted.

The following additional pairs were announced:

Mr. McCook with Mr. COBB.

Mr. HOUK with Mr. DIBRELL.

Mr. BLACKBURN with Mr. HEILMAN.

Mr. CABELL with Mr. CROWLEY.

Mr. HOUK. As I have understood that General DIBRELL, with whom I am paired, would, if he were present, vote "no" on this question, I have refrained from voting. If at liberty to vote, I should vote "ay."

Mr. SPRINGER. I am paired with Mr. BINGHAM. If he were here, I would vote "no."

Mr. WISE, of Virginia. I am paired with my colleague, [Mr. DEZENDORF,] but as, if present, he would vote "ay," I have voted in the same way.

Mr. RANNEY. I was momentarily engaged. I did not hear my name called. If I had voted I should have voted "no."

The result of the vote was announced as above stated.

Mr. PAGE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PAGE. There was an error in the enrollment of this bill, which the Senate has, by unanimous consent, agreed to correct. I understand that the message of the Senate in reference to this matter is at the desk.

The SPEAKER. The Chair will call attention in this connection to the message of the Senate on the same subject.

Mr. PAGE. Yes; I ask that the request of the Senate be agreed to. I ask unanimous consent of the House to correct an error which occurred in transcribing the amendments to the bill adopted by the Senate. The item in regard to Echo Harbor, New Rochelle, was reported as amended by the engrossing clerk of the Senate, when the item preceding was the one which had been amended. In line 19, on page 3 of the bill, I ask to insert, where the word "ten" occurs, the word "fifteen," and further to disagree to the amendment numbered 5 to the bill, which is the one which was inaccurately made. It is a clerical error, and I am desired by the conference committee to have the correction made.

The SPEAKER. Is there objection to agreeing to the request of the Senate in that regard, and also in disagreeing to amendment numbered 5, and that the bill be enrolled accordingly? The gentleman from California will explain what amendment 5 is.

Mr. PAGE. It was a clerical error made by the engrossing clerk of the Senate. The bill as passed by the Senate is the correct bill of course, but in engrossing the amendments the engrossing clerk made a mistake in placing the amendment upon a wrong item in the bill. The change will reduce the amount of the appropriation \$2,000, and it corrects it in accordance with the action of the Senate.

The SPEAKER. The Chair understands this is outside of the conference report.

Mr. PAGE. Entirely.

The SPEAKER. The Chair hears no objection, and the request of the Senate is agreed to, and the correction in the enrolled bill is ordered to be made accordingly.

PERSONAL EXPLANATION.

Mr. DUNN. I rise to a question of privilege, and ask the Clerk to read from this morning's RECORD what I have marked.

The Clerk read as follows:

Mr. VEST. Mr. President, there is a great deal of very sound discretion in what the Senator from Indiana has said. It is more than probable that the best thing

the representatives of the people of the Mississippi Valley can do is to accept the report as it comes to us, but I do not propose that it shall be agreed to until I express my opinion in regard to the extraordinary conduct of a co-ordinate part of the Government, the House of Representatives and its conferees, in regard to this question. In the battle of epithets which raged here the other day, when the Senator from Kansas [Mr. INGALLS] attacked the conference committee, I took no part. I satisfied myself upon reflection to "let the galled jade wince," my "withers are unwrung." I had made no increase on the bill for the local interests of any portion of the State of Missouri, although I was a member of the Committee on Commerce. Five thousand dollars was placed in the bill at my instance for a river in Southeast Missouri, and that was stricken out by the committee of conference. I made no complaint of it; I let it go.

I devoted all my energies, all my strength, and what little ability I possessed in the Commerce Committee to the improvement of the Mississippi River and the Missouri River. For those great national highways I was willing to strike out every dollar for every local interest in Missouri if the Government would give its bounty to those great rivers, whose improvement is so necessary to the people of the Northwest and of this whole country.

Now, what is the result? The Senate of the United States, representing the sovereign States of the Union, by a unanimous vote, declared that \$5,000,000 should be given to the improvement of the Mississippi River, and \$1,000,000 to the Missouri River. The President of the United States, coming from the eastern portion of the Union, and one of the Atlantic States, never having been upon the banks of the Mississippi River, with no local influence about him, but induced by the overwhelming interests involved in the improvement of that great river, sent an extraordinary, a special message to the Senate and the Congress of the United States, recommending the appropriation made by the Senate, and even a larger one.

In the face of all these facts, after we had unanimously voted in favor of \$5,000,000 for the Mississippi River and \$1,000,000 to the Missouri River, the House of Representatives send us a bill for over \$17,000,000; and while the whole country indorses the Mississippi River appropriation, the press of the country, the public men of the country, the officials of the country without a dissenting voice, so far as I know, the House of Representatives says, we will strike down the appropriation for every river and harbor in the United States rather than put on \$1,000,000 more for the Mississippi River in accordance with the recommendation of the Mississippi River commission.

Sir, the Senate of the United States has come to this, that it must give up its deliberate judgment under an oath of office taken by each of us. If we are to give up our judgments thus to the House of Representatives, then we might as well abdicate all right and all part in any portion of the legislative power of the country.

The bill comes back to us with a million dollars struck off for the Mississippi River, and half of the \$100,000 added for the Missouri River which had been voted unanimously by the Senate struck off, and a provision put upon it which absolutely destroys the system recommended by Mr. Suter, the engineer for that river.

Mr. President, I have no official information of the fact, but I want to say that some potent influence is at work in the House of Representatives, subtle—I will not use the word of the Senator from Kansas, "sinister"—but most extraordinary. I have heard it said, I cannot believe it, but the air is rife with the rumor and the statement that members from States upon the banks of the Mississippi River have protested against the increase made by the Senate.

Mr. KASSON. I rise to a point of order, that in what has been read there is no question of privilege.

Mr. DUNN. Let it all be read.

Mr. KASSON. Mr. Speaker, I do not think it is right to take up the time of this House in reading a long Senatorial speech which raises no question of privilege.

Mr. DUNN. That is not the end of it; let it all be read.

Mr. KASSON. If the gentleman says there is something to follow that raises a question of privilege, then I withdraw my point of order.

The SPEAKER. The whole must be read before the Chair can pass upon it.

Mr. KASSON. I raise the point of order there is no question of privilege involved.

Mr. REED. It is a pity the very excellent speech which follows that cannot be read.

Mr. McLANE. Does the gentleman from Iowa say there is no question of privilege here? Why, sir, it is the grossest reflection on this House and the conferees of this House.

The Clerk continued to read, as follows:

I do not blame the conferees of the Senate; they have doubtless done their best; but I have heard it, and I believe it to be absolutely correct, that this opposition does not come from other sections, but it comes from the representatives of the people who are vitally interested in the improvement of that great river. Those representatives, I am proud to say, are not from the State of Missouri.

I want the people of this country to know who has done this thing. I want the people of the Mississippi Valley to know from my place in the Senate that my skirts and those of my colleague and of the Senators from Louisiana and of Mississippi and all the Senators representing those States are free from the responsibility of this reduction. It comes from another source, and let the people of those States hold to the strictest responsibility the men who have done it.

I shall vote probably in the last resort, if I can do no better, for this report, but I do it under protest. I do it remonstrating against the rank, the gross injustice perpetrated upon the people of the Mississippi Valley and upon the Senate. If my course were mapped out and pursued by myself without reference to anything but my own feeling, I would say to the Senate, "stand by the original amount of \$5,000,000. If the House of Representatives see proper to defeat the river and harbor bill rather than give us \$1,000,000 more for the Mississippi River, after they have appropriated over \$13,000,000 for all the minor improvements, let them take the responsibility and go back to their constituents and answer for it.

Mr. DUNN. Mr. Speaker, I call the attention of the gentleman from Iowa to the following language:

Mr. President, I have no official information of the fact, but I want to say that some potent influence is at work in the House of Representatives, subtle—I will not use the word of the Senator from Kansas, "sinister"—but most extraordinary. I have heard it said, I cannot believe it, but the air is rife with the rumor and the statement that members from States upon the banks of the Mississippi River have protested against the increase made by the Senate.

Then he goes on to say that the Representatives from Missouri did not do it. There remains on the banks of the Mississippi River, below Missouri, Tennessee, Arkansas, Mississippi, and Louisiana, and this is a direct aspersion on the Representatives of those States, designated by locality where they live; an accusation that is false in fact, and I have the right—

Mr. ROBINSON, of Massachusetts. And Kentucky and Illinois as well.

Mr. KASSON. Iowa also. I now insist on my point of order.

Mr. HISCOCK. I desire to inquire whether Iowa is sensitive on the subject?

Mr. KASSON. Iowa never appropriates to herself anything that is not aimed at her.

Mr. DUNN. I feel it to be my duty, living in the locality alluded to, to answer this charge. There is also a broad charge made against the House itself. Sir, the House can well afford to rest upon its record upon this great question, in contrast with the record of the Senate upon the same subject, meeting record with record—

Mr. BURROWS, of Michigan. Mr. Speaker, I hope the point of order will be ruled upon.

The SPEAKER. The Chair thinks the gentleman from Arkansas must confine himself strictly to the question which he claims to be one of privilege.

Mr. DUNN. That is exactly what I am going to do. The point I make is that the Representatives designated in those States are charged you may say by name, absolutely charged with dereliction of their duty; and I desire to answer that charge. Now, I say the difference between the action of the Senate and of this House upon this subject is one of record, and I am willing that the record of the House shall be placed against the record of the Senate—

Mr. KASSON. Mr. Speaker, I present this reason for making the point which I have made—

Mr. DUNN. I propose simply to answer with the record—

Mr. KASSON. I must insist upon the point of order. Now, we have limited by rule the specific questions of privilege which may be admitted, and to enlarge them would tend more to bring the House into ridicule than it would to preserve its dignity and respect. Unless, therefore, this be a question which affects the rights of the House collectively, its safety, dignity, and the integrity of its proceedings, it does not present a question of privilege. If it does not affect the rights, reputation, and conduct of members individually in their representative capacity only, it is not in order as a question of privilege. I claim that no member of the House is subjected, by that which has been read, to any imputation whatever. The attempt to construe it into anything insulting to the House exhibits a degree of sensitiveness that gentlemen, I think, ought not to manifest toward a co-ordinate branch of the Government in any such matters. I think myself that "potent influences" have been at work to secure the passage of this bill, and if there is anything in that of which complaint might be made it is that potent influence which I understand to be the great aggregated amount of the bill and the division or dispersion of it into so many Congressional districts. But under our rule of privilege, Mr. Speaker, it is very clear that nothing has been exhibited in what has been read here to present a question of personal privilege.

Mr. CANNON. Will the gentleman permit me to ask him a question?

Mr. KASSON. Certainly.

Mr. CANNON. I wish to ask the gentleman whether it is not true that anything which touches any one or more of the members of the House of Representatives, acting in their capacity as members of that House, does not touch the dignity of the whole, and in that respect present a question of privilege?

Mr. KASSON. I fail utterly to discover anything that applies to a single individual member of the House in what has been read, and I fail to discover anything that assails the dignity or integrity of the House as a body.

Mr. HASKELL. Permit me to ask a question or to make a suggestion in the line of that submitted by the gentleman from Iowa. The only thing here that can possibly be subject to the construction placed upon the language by the gentleman from Arkansas are the words used in that speech, "potent influence." There is not an intimation in that speech that may not be construed to mean that the potent influence referred to was not an entirely legitimate one; that it was a beneficent influence, and there is not a member on this floor that in any vote which will ever be cast upon the floor in the future but will, I hope, be actuated, impelled, and moved by just such potent influences.

Mr. KASSON. The "subtle" character of the influence is the contents of the bill itself, I will add, and its application to numerous districts. I see nothing else in the language which has been read to which the most sensitive nature could be presumed to attach any personal bearing.

Mr. DUNN. Mr. Speaker, the language which I have quoted charges that members of this House living along the Mississippi River below the State of Missouri have urged the reduction of the total amount, or rather opposed the addition of \$1,000,000 to the appropriation for the improvement of that river; that they have exerted some subtle if not sinister influence to prevent the addition of \$877,000 to the appropriation for the Mississippi River, as provided in the House bill.

Mr. KASSON. They had a perfect right to oppose it if they saw proper. There is nothing that can be charged against them of an improper nature for doing that.

Mr. DUNN. But the fact of the case is that they did not; and this goes before our constituents and presents grave, damaging charges

that their Representatives here upon the floor of this House have endeavored to defeat one of the most important objects which they have in view.

Mr. KASSON. But you have the record of the vote to which you can point.

Mr. DUNN. But I want to answer that statement so that the facts will go before the people as they really are and as they ought to go.

Mr. HASKELL. This appears to be a question of privilege with constituencies, and not one in which the members themselves appear to be interested.

Mr. KASSON. I do not think the gentleman from Arkansas ought to take that language to himself.

Mr. DUNN. It reflects upon all the members living along the Mississippi River below Missouri, and places them in a false position before the country and their respective constituencies, and to that extent affects them in their representative capacity.

The SPEAKER. The Chair does not think that in any sense a member of the House has a right to attack a member of the Senate for words spoken in debate in that body.

Mr. DUNN. I do not mean to make any such attack.

The SPEAKER. The Chair will direct the Clerk to read from the Manual, as bearing upon this question, pages 102 and 110.

The Clerk read as follows:

It is highly expedient, says Hatsell, for the due preservation of the privileges of the separate branches of the legislature that neither should encroach on the other or interfere in any matter depending before them so as to preclude, or even influence, that freedom of debate which is essential to a free council. They are therefore not to take notice of any bills or other matters depending or of votes that have been given or of speeches which have been held by the members of either of the other branches of the legislature, until the same have been communicated to them in the usual parliamentary manner. (Page 102.)

It is a breach of order in debate to notice what has been said on the same subject in the other house, or the particular votes or majorities on it there, because the opinion of each house should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two houses. (Page 110.)

The SPEAKER. The Chair thinks that these two rules are very salutary ones; and it is not for the Chair to go beyond their terms. The difficulty here is whether or not a member who thinks himself aggrieved by a statement of fact with reference to himself may not be allowed to answer, not by way of recrimination, but by way of stating the fact so as to set himself right before the House and the country. This is not quite a question of unfavorable comment upon what is said in the other body, because it is a personal matter relating to the individual and not to the general proceedings of the House. The Chair is inclined to sustain the point of order; but to the extent indicated will allow the gentleman from Arkansas, [Mr. DUNN,] if he desires, to state what he thinks is an answer to the charge, without making any charge himself of any kind against the Senate.

Mr. KASSON. Allow me to ask if the gentleman says that vote was such as is described by the Senator?

The SPEAKER. That is a matter for the gentleman himself.

Mr. KASSON. If it is it touches the point of order.

Mr. McLANE. Before the gentleman from Arkansas [Mr. DUNN] proceeds I desire to ask the Chair a parliamentary question. I want to know if the gentleman from Arkansas or any other member should feel the House was insulted, its privileges violated, its deliberations reflected upon, without any reference to himself individually, would he not have a right to call the attention of the House to it?

The SPEAKER. The Chair would rather not pass upon that question now.

Mr. KASSON. That is hypothetical.

Mr. McLANE. I want to know if the gentleman from Iowa denies my right, if I find in the RECORD an offensive reflection on the deliberations of this House by a Senator—does he deny my right to call the attention of the House to it?

Mr. KASSON. The gentleman might call the attention of the House to it, but not as a personal question.

Mr. McLANE. As a question affecting the privileges of the House. Now, here is certain language which the gentleman from Arkansas regards as offensive to the House.

Mr. KASSON. And I make the point that it is not offensive in its character.

Mr. McLANE. That is to the merits and would come in later. I submit to the Chair my inquiry whether if in the RECORD any member of this House finds reflections upon the House made by a Senator, is it not the privilege of the member to vindicate the rights of the House? I am amazed at the gentleman from Iowa. He would be the first if he had been reflected upon—

Mr. KASSON. Undoubtedly a member would have a right to call the attention of the House in that case to what was offensive for the action of the House. This is not that case.

The SPEAKER. When that question arises the Chair will try to rule on it. [Mr. O'NEILL rose.] For what purpose does the gentleman from Pennsylvania rise?

Mr. O'NEILL. I wish to know how much time is to be occupied with this matter, and whether the members from all these States are to be allowed to speak. I want to resume the floor, which I believe I had some time ago.

The SPEAKER. The gentleman from Arkansas [Mr. DUNN] is recognized.

Mr. DUNN. I am not so vain as to assume and take to myself all

that is implied in the language which has been read of the Senator from Missouri. I am not so self-conceited as to assume that I have been such an important figure in that matter as to have been singled out and referred to specially; but there is in that language a charge and aspersion upon all the members who live along the Mississippi River, and upon the whole House, that are not warranted by facts and is without foundation; and, sir, I am surprised, indeed amazed, to find that any one could be found anywhere reckless enough to make such a charge as this against the members of this House who represent the States along the Lower Mississippi River, whose long and faithful services in this House and whose steady fidelity to this great and important work are so well known to the whole country. Sir, their record in this House and upon this work of national importance is well known, and dates far back beyond the very recent date of that Senator's election to a seat in the Senate. For myself I do not claim any of the honors of paternity of this great measure, but I do claim for myself and my colleagues absolute and perfect fidelity to it since its origin and through every stage of its progress to the present hour.

Mr. Speaker, I repel that charge, so far as I and my colleagues are concerned, as being unjust and unwarranted in fact. I am ready to place our record and the record of all the members along that river with whom I stand and have stood during the Forty-sixth and Forty-seventh Congresses before the country, and upon that to rest our claims for the approval of the country and of our constituencies. What is that record? Since the committee upon which John C. Calhoun served as a member visited the Mississippi River in 1846, the great problem for this Government to solve has been to find a method for the improvement of that river, a method to overcome the obstacles that had baffled engineering genius and skill successfully for half a century or more.

Mr. HISCOCK. I rise to make a parliamentary inquiry. Is the gentleman from Arkansas in order in his present line of remark?

The SPEAKER. The Chair thinks the gentleman from Arkansas must confine himself to answering such portions of the charge as he complains of.

Mr. HISCOCK. I object to a question of this kind being turned into an occasion for gentlemen defining their position on the whole question of the Mississippi River improvement. Let them print.

Mr. DUNN. I do not intend to do anything of that sort.

The SPEAKER. The Chair did not intend to allow the gentleman from Arkansas to go beyond the mere statement of facts so far as he considered that was called for to vindicate his position assailed by the remarks which have been read.

Mr. HISCOCK. How does that question come here? Is there any motion pending in the House; any resolution offered?

The SPEAKER. The Chair understood the gentleman to raise a question of personal privilege.

Mr. DUNN. It is very difficult for gentlemen who have been out of the House and do not know the origin of this matter to perceive the application of my present line of remark.

Mr. HISCOCK. The gentleman has denied that this was a question of personal privilege. He brought it up, as I understand, as a matter of House privilege. Is it intended the motion shall be submitted to expel the gentleman from Missouri from the Senate, or that he be committed for contempt, or something of that sort?

Mr. DUNN. I might call the gentleman from New York to order. He is indulging in facetious remarks which amuse him perhaps, but I do not see that they amuse anybody else, nor do I see that they are dignified, courteous, or pregnant with the evidences of greatness.

The SPEAKER. The gentleman from Arkansas must proceed in accordance with the ruling of the Chair.

Mr. DUNN. I assume that these remarks amounted to a charge against these members. To answer that I have offered the record of the members living in those States, a brief résumé of the history of their labors here. Is not that in order?

Mr. HISCOCK. I object to that.

The SPEAKER. Objection is made.

Mr. DUNN. If the gentleman thinks he can state my proposition better than I can, perhaps I had better yield to him. But I have to answer for myself, and I will not answer, indeed I would scorn to answer, in his way for myself upon that question.

Now, I have stated that the origin of this legislation as to the settlement of a practical plan—

Mr. HISCOCK. I now call the gentleman to order.

The SPEAKER. The Chair sustains the point of order. The gentleman must not proceed to debate the question. He has only the privilege of answering that which he takes to himself.

Mr. DUNN. May I not be allowed to print that part of the record?

Mr. KASSON. Oh, yes.

Mr. SPEAKER. The Chair hears no objection to the printing.

Mr. DUNN. That record shows that—

Mr. HISCOCK. I object to its being given here; he can print it.

Mr. DUNN. I will not give you the record, for there is a great deal of it. I would be very much obliged, however, if gentlemen in common decency and courtesy would allow me to proceed. This is a matter that concerns me and those of us who live in those States referred to; and it is not courteous, it is not dignified, in gentlemen to jump in with facetious remarks.

Mr. HISCOCK. So far as the question of dignity is concerned,

"the gentleman from New York" is entirely capable of taking care of the matter in a manner satisfactory to himself.

The SPEAKER. The Chair did not hold that this presented a question of privilege any further than to allow the gentleman to make a correction of the statement made so far as it was applicable to himself.

Mr. DUNN. What I desired to say was that all the investigations and legislation that have led up to the development of the present great system of improvement of the Mississippi River and protection of its delta have originated in the House of Representatives, and were introduced and pressed to final passage by members representing States along the Lower Mississippi River.

The records of Congress show that the distinguished gentleman from Louisiana, [Mr. GIBSON,] on the 26th day of June, 1876, introduced a joint resolution (H. R. No. 134) authorizing and directing the President to appoint a commission to provide for the improvement of the navigation of the Mississippi River. This was during the Forty-fourth Congress. No action was taken upon this important measure during that Congress. But it is worthy of note here that this was, so far as I can find out, the first of the series of measures that followed and that finally resulted in the appointment of the Mississippi River improvement commission.

The same gentleman introduced several bills and joint resolutions for the same purpose during the Forty-fifth Congress, as did also Mr. Chalmers, of Mississippi, and Mr. ROBERTSON, of Louisiana, during the first and second sessions of that Congress.

On the basis of these various measures the bill (H. R. No. 4318) was formed by the Committee on Levees and Improvements of the Mississippi River and reported to the House by its chairman, Mr. ROBERTSON. This bill passed the House on the 5th day of February, 1879, and was reported to the Senate and there suffered to die for want of action.

A special session of the Forty-sixth Congress was called to meet on the 18th of March, 1879, and numerous copies of the same bill that had passed the House as before stated were introduced and referred to the Committee on Levees and Improvements of the Mississippi River, of which committee I had the honor to be a member during that Congress. I will here read the history of this legislation, as given by the distinguished gentleman from Louisiana [Mr. GIBSON] in a speech delivered by him upon this floor on June 3, 1882, and to the correctness of which I will add my own testimony:

This commission bill failed, falling between the two Houses, for the last session of the Forty-fifth Congress terminated the 4th of March, 1879. But an extra session of the Forty-sixth Congress was convened and legislation for the river was pressed vigorously. Several bills were offered for a Mississippi River commission, modeled on the bill from the committee in the Forty-fifth Congress, substantially like it, limiting the commission to Saint Louis, Alton, and Warsaw, on the same day and in the same call, by Messrs. ROBERTSON, Chalmers, and SINGLETON, as will be seen by comparing these bills with one another and the commission bill of the Forty-fifth Congress.

A few days after, another bill was introduced and referred to the committee, different from all these in its title and in the extent of jurisdiction conferred, and in adhering more closely to the commercial idea and to other bills previously introduced on the same subject by the same person in the Forty-fifth Congress, as follows:

"A bill to provide for the appointment of the Mississippi River commission for the improvement of the said river from the head of the passes, near its mouth, to its headwaters."

After this bill had been under discussion in the Committee on Levees and Improvement of the Mississippi River and certain amendments as to details made and accepted, at the suggestion especially of General Joseph E. Johnston and others, the author, when the hour of adjournment arrived, remained in the committee-room to perfect it so as to introduce it again without delay, and invited Mr. ROBERTSON and Mr. DUNN to remain with him for a few moments, and to assist him in incorporating the amendments and suggestions adopted by the committee and to arrange the order of the phraseology of the fourth section. Valuable aid was freely given by both gentlemen. Mr. DUNN's suggestions as to the arrangement of the phraseology of the fourth section were mainly adopted by the author, and, as thus perfected, the bill was reported the same morning to the House, referred again to the committee, and was adopted without change by the committee at the next meeting, as would naturally follow, from the fact that all changes agreed on in the committee had been embraced in the revision.

This bill constituting the commission became the law, and was approved June 28, 1879, and the members of the commission were appointed and began the work committed to their charge. They have submitted two reports to Congress, with their recommendations, plans, surveys, and estimates.

The last Congress voted \$1,000,000 to enable them to undertake the execution of their plans. This appropriation was placed in the regular river and harbor bill by the Committee on Commerce at the urgent solicitation of the member who had introduced the bill and carried it through the Committee on Levees and Improvement of the Mississippi River. If the Committee on Commerce had declined to incorporate the appropriation in this annual bill, all our efforts would have failed in the last Congress.

At the opening of the Forty-seventh Congress an energetic effort was made to secure for the Committee on Levees and the Improvement of the Mississippi River—which, under the new rules, had the authority to consider subjects relating to levees only—jurisdiction over questions relating to the improvement of the river, with the power to make appropriations and to report at any time, and we failed. It only remained then for the friends of the river to go, under the orders of the House, before the Committee on Commerce, where it was embraced in the bound volume of estimates, submitted by the Secretary of War with his approval, for the improvement of all the rivers and harbors of the country.

This committee not only considered the report but called before it the members of the Mississippi commission, and after thorough discussion they voted to allow \$1,123,000 to be expended by the Secretary of War in order, as the old acts recite, to afford "ease and safety" to the navigation and commerce of the river, in accordance with the plans and estimates and recommendations of the Mississippi River commission, from the passes to Cairo.

I have entered upon this sketch of the legislation to show the care and circumspection with which it has been conducted. In the Forty-sixth Congress, after the commission had submitted their plans, in order that they might be more fully understood and appreciated by Congress, a resolution was offered and adopted

directing a sub-committee to go down the river and to verify for themselves, as far as might be possible, by personal inspection and investigation the plans of the commission, to acquaint themselves with the phenomena of the river. Members from the North who went there incredulous and apprehensive came back enthusiastic advocates. The report of this committee should be read by every member of Congress. It constitutes a valuable addition to our knowledge of the river, and the character of the members who signed it entitles it to great weight and influence.

I may be pardoned if I add here that I had the honor to go as the chairman of that committee; and I shall ever take pride in the fact that the report of that committee received the sanction and approval of the whole Committee on Levees and Improvement of the Mississippi River and of Congress.

Now, Mr. Speaker, let honor be given where honor is due. I will not criticize here the long-apparent indifference of the Senate, nor characterize what some might term the new-born zeal of some Senators on this great and important measure which lately makes its first appearance. Sir, if I have been more earnest in any one great measure than another; if I have labored harder for any one than another, it has been for this improvement of the Mississippi River and the protection of its delta. And, sir, I can say the same for my colleagues and for all the Representatives of those States.

And so far as a sinister or subtle motive actuating members from those States along the river is concerned, it is untrue, it is absolutely untrue. We have desired to be practical. We have not desired to antagonize the Committee on Commerce, who had this measure in charge, but we have yielded to their views. We have in this matter deemed it wisest not to hazard a great interest by insisting upon what was thought by the committee and by some of the engineers to be a larger sum than could be expended during the remainder of the fiscal year. We have desired to be practical in this matter.

Now, so far as the action of the committee of conference is concerned, so far as the reasons which influence that committee in leaving out the million of dollars added by the Senate are concerned, my information has been, and is, that they did so because some member or members of that committee may have received information from General Gillmore himself—

Mr. KING. General Wright.

Mr. DUNN. Or the Engineer Corps, that the appropriation made by the House without that addition was all that probably could be expended during the year. So far as I am concerned, and so far as I know of the acts of members living in the region of country designated, I know of no influence on their part, and I deny that any influence on their part has induced the committee of conference to strike off that addition.

Mr. STEELE. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. STEELE. Are the remarks of the gentleman upon the question of privilege?

The SPEAKER. The Chair thinks not.

Mr. DUNN. This innuendo, this charge made generally, no one being named—

The SPEAKER. The Chair will state to the gentleman from Arkansas [Mr. DUNN] that this is not a subject to be debated; not a subject to be entered upon for discussion; only the personal matter that the gentleman was permitted to explain.

Mr. DUNN. So far as I am concerned then—

The SPEAKER. The Chair cannot allow the gentleman to make a speech.

Mr. DUNN. So far as I am concerned then, I desire to disclaim any and all responsibility for that action. I have voted with the Committee on Commerce in this matter, because it was the opinion of the committee and because I was brought to so understand and believe that unless we concurred in such action we would probably hazard the entire bill. I have voted for it as the best and the most that could be had, being made to understand that the committee were informed that that amount is probably as much as could be used this year.

Mr. ROBINSON, of Massachusetts. I now call for the regular order.

Mr. GIBSON. I rise to a question of personal privilege.

The SPEAKER. For what purpose does the gentleman rise?

Mr. GIBSON. So far as any criticism may have been made against any member or members of the Louisiana delegation, I feel that it is hardly worth while for us to notice it. Every member of this House knows, and I believe every man, woman, and child in the State of Louisiana feels that they have in each member of the Louisiana delegation in this House, on the Republican as well as on the Democratic side of the House, a Representative honest, faithful, and devoted at all times and under all circumstances to their best interests.

Mr. TURNER, of Kentucky. I rise to a question of personal privilege.

Mr. KING. I rise to a question of personal privilege.

Mr. TURNER, of Kentucky. I shall not detain the House but a few minutes.

Mr. KING. I rise to a question of personal privilege.

The SPEAKER. The gentleman from Louisiana [Mr. KING] cannot be recognized while another member is speaking. The Chair desires to state that in many instances gentlemen insist upon recognition and upon speaking when another member has the floor, which

is quite embarrassing to the Chair and certainly to the gentleman occupying the floor. The Chair makes this remark without any personal reference to the present case.

Mr. TURNER, of Kentucky. Mr. Speaker, I should not have referred to the remarks of the Senator from Missouri, for whom I entertain the highest regard, but for the fact that the gentleman from Arkansas has caused his remarks to be read and has commented upon them, and a member on the other side of this House in the colloquy referred to the fact that Kentucky was on the Mississippi River, leaving possibly the inference that the Senator may have alluded to myself or some member of the Kentucky delegation. Mr. Speaker, I represent the only district in Kentucky which touches on the Mississippi River, and when I read the Senator's remarks I went to him and asked him to whom he referred. He said he did not refer to me or any member from Kentucky. I told him that if he had his remarks would have been unjust to me, for I had upon all occasions advocated the improvement of the Mississippi and Ohio Rivers and had never advised or tried to cut down any appropriation to improve the Mississippi.

Mr. Speaker, this is all that I deem necessary to say. My position in regard to the improvement of the Mississippi River is well understood. I have upon various occasions at every session of Congress expressed upon this floor my views in regard to the improvement of the Mississippi, Ohio, and navigable rivers of this country. I have uniformly advocated the improvement not only of the Mississippi and Ohio but all of their navigable tributaries; but have opposed appropriations to streams that are not navigable and never will be, and the improvement of which will not benefit the commerce of the country, that have been incorporated in river and harbor bills. My remarks are to be found in the CONGRESSIONAL RECORD, made at every session of Congress when this question was under consideration since I have been a member of Congress. My remarks have been published in the Courier-Journal and other papers in the West. I have had some of my speeches on this question published and sent all over my district, and my position is well understood, except by those who do not want to understand them and desire to misrepresent me. I stand, sir, upon the record I have made upon this question, and rely upon it for a full vindication of my course with all fair-minded men.

Mr. KING. Mr. Speaker, I rise to indorse most emphatically the statements made by the gentleman from Arkansas [Mr. DUNN] and my colleague, [Mr. GIBSON.] I am sure every member of every delegation from the States bordering on the Lower Mississippi has done everything in his power to secure all the money possible to inaugurate and further the work of improvement of the river and to protect the people who live along it from overflow. I am further satisfied that the people living along that great stream are convinced of this fact, as are the members of this House.

The great work of the Congress is now complete. All that is necessary will be to annually appropriate sums to continue the improvement until completed. God grant that these people may get the full benefit of the vast sum now placed at the disposal of the Mississippi River commission, and that they may be saved from another such disaster as overwhelmed them in ruin this last spring and filled them with despair. In their name I appeal to the President to give his sanction to this wise and munificent legislation and make good the words of his patriotic message that carried courage and hope to so many millions of his countrymen.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendments of the House to the bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 327) for the relief of John W. Humphrey.

ORDER OF BUSINESS.

Mr. ROBINSON, of Massachusetts, and others called for the regular order.

Mr. O'NEILL. Mr. Speaker, before this proceeding commenced I had the floor upon a request for unanimous consent to pass a bill. I desire to resume the floor.

The SPEAKER. The regular order is called for, and unless the call be withdrawn the Chair must announce the unfinished business of yesterday.

Mr. ROBINSON, of Massachusetts. I will not withdraw the call, because I think that if we go on for half an hour we shall get out of this hole.

HEIRS OF THOMAS TOBY.

The SPEAKER. Yesterday at the conclusion of the morning hour, under the special rule, there had been called up by the Committee on the Judiciary for consideration the bill (S. No. 543) for the relief of the heirs of Thomas Toby. The bill had been read, and also, by unanimous consent, the accompanying report, the right to object being reserved. The question is now, Is there objection to the consideration of this bill?

The question being taken, six members objected.

Mr. CULBERSON. I ask unanimous consent to state the grounds on which this claim rests,

Mr. BURROWS, of Michigan. Let us have the regular order.

The SPEAKER. The regular order is in the nature of an objection. The next committee is—

Mr. CHACE. I rise to a question of personal privilege. [Laughter.]

The SPEAKER. The gentleman cannot interrupt the business of this hour.

Mr. CHACE. I rise to a question of personal privilege.

The SPEAKER. The House is proceeding now under the special rule.

Mr. CHACE. The Pound rule?

Mr. WILLIS. Mr. Speaker, would it be in order to set apart a day for the consideration of "questions of personal privilege?"

Mr. ELLIS. If we are proceeding regularly under the Pound rule, I wish to inquire what has become of the bill from the Committee on the Judiciary which came over from yesterday?

The SPEAKER. Six members objected, and of course it was not considered, under the rule.

The Speaker proceeded with the call of committees until the Committee on Foreign Affairs was reached.

WIDOW OF GENERAL STEPHEN A. HURLBUT.

Mr. WILLIAMS, of Wisconsin. By direction of the Committee on Foreign Affairs, I desire to call up Senate joint resolution No. 75, providing for the payment of the balance of the salary of the deceased American minister to Peru, General Hurlbut, to his family. I wish to follow this with a request for unanimous consent that Senate joint resolution No. 77, making similar provision for the family of General Kilpatrick, may be considered at this time.

The SPEAKER. The gentleman from Wisconsin, as instructed by the Committee on Foreign Affairs, calls up for present consideration Senate joint resolution No. 75, which the Clerk will read.

The Clerk read as follows:

Joint resolution (S. R. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary.

Resolved by the Senate and House of Representatives, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Mrs. Sophronia R. Hurlbut, the widow of General Stephen A. Hurlbut, late envoy extraordinary and minister plenipotentiary of the United States to Peru, one year's salary as said minister, from August 1, 1881, in addition to all legal allowances, deducting the amount of salary received by said Hurlbut since that date, and also to pay the necessary expenses incurred in the removal of his remains from Peru to the State of Illinois for interment, to be paid under the direction of the Secretary of State.

Mr. BURROWS, of Michigan. I wish to inquire whether any committee of this House has reported upon this matter?

Mr. WILLIAMS, of Wisconsin. This is a joint resolution passed by the Senate. It has been brought to the attention of the Committee on Foreign Affairs, and I am instructed by that committee to move that it be taken up and passed.

Mr. BURROWS, of Michigan. I would inquire whether a joint resolution of similar character has been acted upon by a committee of this House, as the rule requires.

Mr. WILLIAMS, of Wisconsin. The subject has been acted on by our committee.

Mr. BURROWS, of Michigan. The rule requires that the substance of the measure called up shall have been acted upon by a committee of this House and reported upon and the report printed. I only wished to know whether the rule had been complied with.

Mr. WILLIAMS, of Wisconsin. There has been no such action on the part of the committee of this House, but I suppose it is competent to take the joint resolution from the Speaker's table and put it on its passage under the new rule.

Mr. BURROWS, of Michigan. I do not think it comes within the rule, but I do not object.

Mr. HISCOCK. Cannot this joint resolution be amended by adding a provision in reference to a similar case?

The SPEAKER. The first question is, Will the House consider the joint resolution?

Mr. HOLMAN. Is not the question whether the subject is before the House under the rule referred to? I understand the gentleman from Michigan to state that this subject has not been considered by the Committee on Foreign Affairs. Perhaps I am mistaken in that.

Mr. WILLIAMS, of Wisconsin. It has been considered in this informal way. The attention of the committee has been called to this joint resolution on the Speaker's table. The subject-matter is fully and fairly considered as if it was a joint resolution reported from the committee. They have not considered it formally and reported any proposition.

Mr. HOLMAN. Has the subject been referred to the Committee on Foreign Affairs?

Mr. WILLIAMS, of Wisconsin. There has been no formal reference.

Mr. HOLMAN. The substance of the bill has not been referred to the committee and no report has been made from that committee?

Mr. WILLIAMS, of Wisconsin. Except in this informal way.

The SPEAKER. The only question which the Chair is to determine is whether the Committee on Foreign Affairs has considered a proposition similar to this.

Mr. HOLMAN. The gentleman states it has not.

The SPEAKER. And considered it favorably. That is the only question for the Chair.

Mr. WILLIAMS, of Wisconsin. I have already stated to the gentleman from Indiana that we have considered the substance of this joint resolution as carefully and fully as though it had been regularly referred to us. There has been no bill referred to us on which we acted perhaps under the strict letter of the rule.

The SPEAKER. The Chair does not think the matter of the bill is necessary, but the subject must have received a favorable consideration of the committee. Although this is a Senate bill, it would come within the rule.

Mr. HOLMAN. Would not the subject-matter in some form of joint resolution or bill have to be before the committee before it can be the subject of instruction?

The SPEAKER. The Chair will call the attention of the gentleman and the House to the language of the rule. After speaking of the House bills it refers to Senate bills and joint resolutions which are substantially similar measures to those which have received the favorable action by House committees.

Mr. McMILLIN. The gentleman from Wisconsin has stated that joint resolution was not referred to the Committee on Foreign Affairs.

The SPEAKER. The rule contemplates measures which have not been reported, but are upon the Speaker's table.

Mr. McMILLIN. But they must be the substance of measures considered and reported from the committee. This may be a meritorious claim, but we should construe this rule strictly.

The SPEAKER. The Chair is unable to answer the question.

Mr. WILLIAMS, of Wisconsin. The matter of these joint resolutions has been considered in the committee informally.

The SPEAKER. Favorably?

Mr. WILLIAMS, of Wisconsin. Yes, sir; they acted upon them favorably. Although they have not been referred to the committee, that Committee on Foreign Affairs has had them under consideration, and they directed me without a dissenting voice to make this motion.

Mr. RANDALL. If there is a point made against these joint resolutions the better way would be perhaps for the gentleman from Wisconsin to withdraw them, and immediately after the hour has expired he can call them up by unanimous consent, for it is not likely that anybody will object to them. We will thereby avoid a construction being placed on this new rule which may come up to plague us hereafter.

Mr. WILLIAMS, of Wisconsin. I am willing to accept the suggestion of the gentleman from Pennsylvania.

The SPEAKER. It will be better in another view, as the gentleman can then call up the two joint resolutions he has indicated, while under this rule only one can be considered.

Mr. RANDALL. I do not think any one will object.

Mr. WILLIAMS, of Wisconsin. I accept the suggestion, and with the permission of the House will withdraw my motion with the understanding at the close of the hour I shall ask unanimous consent to take up the joint resolutions.

Mr. RANDALL. I do not think anybody will object.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. BURROWS, of Michigan. I desire to say, Mr. Speaker, that if my objection obstructs the passage of this resolution I will withdraw it, if it be now in order to do so.

The SPEAKER. The Chair understands the matter is withdrawn by consent of the gentleman from Wisconsin, to be called up at the close of the hour.

Mr. WILLIAMS, of Wisconsin. I desire, Mr. Speaker, to ask permission to state in this connection that there are in my judgment no more pressing or meritorious matters pending before the House than those to which I refer.

Mr. HISCOCK. Let me suggest to the chairman of the Committee on Foreign Affairs, that when this matter shall come before the House for action he move an amendment to one of these bills including the widow of Dr. Henry H. Garnet, our late minister to Liberia. That, I think, is an amendment which should be put upon one of the bills. There is certainly no more meritorious case than that.

Mr. WILLIAMS, of Wisconsin. Unless there be objection to doing so, I shall certainly be glad to include an amendment for that purpose.

The SPEAKER. That question is not now before the House.

COMPANY B, FOURTEENTH INFANTRY.

The Committee on Military Affairs was called.

Mr. STEELE. By consent of the Committee on Military Affairs, I desire to ask present consideration of the bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad.

I will simply say that this takes no money whatever out of the Treasury.

The SPEAKER. It is not debatable. The bill will be read.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed to cause to be ascertained the actual value of the private property belonging to the officers and men of Company B, Fourteenth Infantry, as well as the company property belonging to said company, and the camp and garrison equipage and stores belonging to the United States, that were destroyed by fire on the

Nashville and Chattanooga Railroad on the 14th day of August, 1869, and certify such values when so ascertained to the proper accounting officers of the Treasury, who shall thereupon proceed to state an account in favor of the persons to whom any money may be so ascertained to be due; and the Treasurer shall pay the same to them out of any money in the Treasury not otherwise appropriated: *Provided*, That the aggregate sum so paid by virtue of this act for private property shall not exceed the sum of \$5,726.29, whatever may be the certified value of said property.

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to institute proceedings, either in the courts or otherwise, as he may deem best, to recover for the United States the value of the property so destroyed from the person, company, or corporation found liable therefor.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. McMILLIN. Reserving the right to object, I would like to have the report read.

Mr. STEELE. I can state briefly, if the gentleman will permit me, the exact substance of this claim. In 1870, when the Indian war broke out in Montana, a car with the baggage of these soldiers was being transported from Chattanooga to Nashville on the Nashville and Chattanooga Railroad. It was set off on a side-track and while there was destroyed by fire. The railroad company paid the amount of money for loss of baggage into the Treasury to reimburse the men for their loss. Now the Comptroller wants authority to pay the money out of the Treasury to the company. It will be seen, as I have stated, that this takes no money whatever out of the Treasury.

Mr. VAN VOORHIS. How much money does it involve?

Mr. STEELE. About \$5,000.

Mr. VAN VOORHIS. That is all right.

Mr. SHALLENBERGER. Mr. Speaker, I must object, for the reason—

The SPEAKER. Debate is not in order; the only question before the House is whether the bill shall be considered.

Mr. SHALLENBERGER. Then I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. SHALLENBERGER. This bill does not come before the House by instructions from the Committee on Military Affairs.

The SPEAKER. That is a matter of fact upon which the Chair is not called to rule. The Chair will, however, request the gentleman from Indiana to state the facts for the information of the Chair.

Mr. STEELE. I stated that I presented this by the consent of the Committee on Military Affairs. I have traveled around and seen every member of the committee personally, and obtained his consent to this bill. We have been unable to secure a quorum; but for the benefit of these men who have been kept out of their money for a long time, I have made personal efforts and conferred with every member of the committee and obtained his consent.

The SPEAKER. Since the adoption of the new rule?

Mr. STEELE. Yes, sir; this very day.

Mr. RANDALL. That is not technically a meeting of the committee.

The SPEAKER. It is not a meeting of the committee, it is true; but the Chair thinks the committee can determine its action.

Mr. STEELE. This has been pending since 1870—

The SPEAKER. The question is not debatable. The Chair will again submit to the House, Is there objection to the present consideration of the bill?

Mr. RANDALL. I think the Chair had better say now whether there should not be a regularly called meeting of the committee in each case authorizing or directing a member to submit these motions to the House.

Mr. MAGINNIS. The gentleman has tried to secure a meeting of the committee, but could not get a quorum.

Mr. RANDALL. I would like to have a construction by the Chair, so that we may know how we will be governed in these cases.

The SPEAKER. The Chair calls attention to this rule, for the reason that it is bound to take the statement of the member who calls up the subject for consideration. The Chair thinks it is for the committee itself to determine as to the manner in which it shall make the order or give its consent for calling up such matters. The Chair thinks, however, that to grant consent individually by members about and over the House is not strictly within the rule; but that, as the Chair has said, is for the committee to determine.

Mr. RANDALL. That is what I desired the Chair to say.

Mr. MAGINNIS. It has not been possible to secure a quorum of the committee.

The SPEAKER. The Chair cannot engage in controversy as to whether the committee ordered the matter to be presented or not.

Mr. MAGINNIS. I hope unanimous consent will be given to the gentleman from Indiana to take up this bill.

Mr. POUND. I dislike very much to raise a point of order upon this bill; but inasmuch as the precedent will be established under this rule, I feel compelled to do so. I therefore make the point of order that this is a private bill and does not properly come before the House under the provisions of that rule.

The SPEAKER. The Chair thinks that private bills are included under the rule.

Mr. POUND. I cannot so understand the rule. It provides for the consideration of public bills—

The SPEAKER. The Chair thinks, however, that private bills are also included, as the gentleman will find.

Mr. POUND. Then the committee have amended the rule in a manner of which I was not aware, and I ask that it be read.

Mr. BURROWS, of Michigan. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS, of Michigan. I think it ought to be understood whether it is necessary to call a meeting of the committee to take action on these matters as a committee, or whether it is enough to go around among members of the committee and get their consent in order to bring ourselves within the meaning of this rule.

The SPEAKER. The Chair has stated its view of that matter as well as it can. The committee must decide for itself what it regards as a meeting of the committee. The Chair thinks the committees should be called together and have a quorum in order to agree about calling up a measure; but when a member rises and says he is instructed by his committee to call up a bill the Chair cannot make inquiries beyond that.

Mr. BURROWS, of Michigan. But the gentleman from Indiana [Mr. STEELE] says a meeting of his committee was not called, but that he consulted members of the committee and got their consent. I hope the bill will pass, but I would rather it should pass by unanimous consent, so that the rule may not receive such a construction as is sought to be given to it.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MUTCHLER. I object.

The SPEAKER. But one gentleman objects. The question is on the engrossment and third reading of the bill.

Mr. HOLMAN. I rise to a question of order. It is whether under this rule the report may now be read?

The SPEAKER. The report could have been read if the gentleman had asked it in time.

Mr. HOLMAN. I rose to ask for the reading of the report, but the Chair had already begun to put the question.

The SPEAKER. If the gentleman states he rose in time, the Chair will direct the reading of the report.

Mr. HOLMAN. As soon as the Chair began to put the question I began to rise, and I rose as quickly as I could.

The SPEAKER. The report will be read.

The Clerk proceeded to read the report. Five minutes having been occupied in the reading,

Mr. HOLMAN said: I desire the reading of the report shall be finished as a part of the five-minute debate.

The SPEAKER. The gentleman from Indiana asks that the report be read in his time.

The Clerk resumed and concluded the reading of the report, which is as follows:

The Committee on Military Affairs, to whom was referred bill H. R. No. 6517, having duly considered the same, beg leave to report as follows:

That on the 14th day of August, 1869, certain officers and men of Company B, Fourteenth Infantry, with their baggage and sundry articles of public property, were being conveyed by order of proper military authority by the Nashville and Chattanooga Railroad Company, under a contract made by said railroad company with the United States, from Nashville to Chattanooga; that at Murfreesborough, Tennessee, while *in transitu* as aforesaid, the car containing said baggage and public property, while in charge of the agents of said railroad company and through their negligence, was, together with the baggage of said officers and men and said public property, destroyed by fire.

The officers and men by direction of the Quartermaster-General prepared itemized accounts of their losses, substantiated them by affidavit and the certificate of the commanding officer, and forwarded them to General Meigs, January 3, 1870. The Secretary of War, February 5, 1870, directed that officer to take measures to collect the amount of the losses from the company. General Meigs directed a stoppage of the amount of the losses, ascertained by him, \$5,723.29, for officers and men, and \$1,397.33 for public property destroyed, against the transportation accounts of the railroad company, and referred the claims to the Third Auditor with a recommendation for payment. The Third Auditor had doubts of his jurisdiction to liquidate the claims, and his scruples on this point have been the sole cause of the long delay in their settlement.

The Second Comptroller, Mr. Brodhead, on the contrary, strongly asserted the jurisdiction of the accounting officers of the Treasury.

The Secretary of the Treasury concurred with the Second Comptroller. In a letter to the Third Auditor June 21, 1870, Secretary Boutwell says:

"I suggest that the case be settled by you, deducting the value of goods lost from the amount found due the company. If the company is dissatisfied with this settlement, they still have the right to refuse to accept payment and carry their case to the Court of Claims."

November 14, 1871, General Meigs writes to the Third Auditor:

"I do not consider that these sufferers have individually any authority to enter suit against the railroad company. It has been taken from them and assumed by the War Department. They were at the time servants of the War Department, and that Department being satisfied that their claims were just, has taken upon itself to see that they are righted."

"The Court of Claims is open to the company if they should consider themselves wronged."

"I think that the strong arm of the Government should be brought into requisition to cope with this powerful corporation."

Judge-Advocate-General Holt, in an opinion delivered January 9, 1872, suggests to the Secretary of War that the passage of an act of Congress be procured indemnifying the claimants in amounts not exceeding a certain sum, or in such amounts as might be deemed just by the Secretary of War.

(A bill (S. No. 618) was introduced at the second session of the Forty-second Congress, and passed that body April 9, 1872, but was not reached in the House of Representatives.)

In the view thus arrived at, it is further held that the United States having itself contracted for the entire transportation, for the price of which it became immediately responsible, was the only party in privity with the company, and has therefore a just claim against the latter for the proper and reasonable value of all property lost."

The company having advanced some objections to the claims, General Meigs made a second and thorough examination, which he reported to the Secretary of War February 5, 1874. He wrote the railroad company for full information as to the circumstances attending the losses, caused a re-examination of the officers and men present at the fire and still to be found, and submitted to the company, for their examination, the statement of the officer in command of the troops at the time of the fire.

"The weight of testimony is to the conclusion that the fire originated from sparks from the engine, and the position of the car in the train being next after the tender to the locomotive adds weight to the testimony on this point, and I think there can be no reasonable doubt that the fire originated in this way."

This report further states that the charges made by the enlisted men are found to conform generally to the prices at which Army clothing was then issued, and that the officers adhere to the charges which they had originally made and supported by their oaths. That the passenger tariff of the railroad company did not restrict the passenger as to articles of baggage.

April 29, 1874, Judge-Advocate-General Dunn, having received this report of General Meigs, in an opinion delivered to the Secretary of War, asserts the liability of the company to the Government as common carriers, and renews the suggestion of his predecessor, General Holt, as to providing for a settlement with the claimants by special act of Congress.

January 17, 1878, the Secretary of War, Hon. George W. McCrary, called upon the Judge-Advocate-General for opinion upon the following points:

"First. Is it the duty of this Department to continue longer to retain the money withheld from the railroad company to meet the claims of officers and soldiers for loss of baggage?"

"Second. Does it appear from the papers now filed that proper legal steps have been taken by said officers and soldiers to have the amount of their several claims liquidated and determined so that they can be properly paid by the United States?"

January 21, 1878, Judge-Advocate-General Dunn, in reply, says:

"I am of the opinion that the United States is entitled to offset against the amount due to the company for transportation the reasonable value of the proper baggage of the military detachment lost by the fault of the company in August, 1869. The contract of the company was made not with the individual parties but with the United States, for the transportation not only of public property, but of the proper effects of its employees and servants, the troops in question. Between the company and the latter there was no privity of contract; indeed they had no right or power to contract, but were obliged to accept and abide by such contract as the United States should make for them. I think, therefore, that the company is equally liable to the United States for the proper personal baggage of these parties as for any public property lost by its fault."

"Second. It does not appear that any legal steps have been taken by the officers or soldiers in this case to have their claims liquidated or determined. But in my judgment they are not properly called upon to take such steps in regard to the loss of property which they were entitled to have transported by the United States, but it is for the United States to assume and make good the same."

February 4, 1878, the Secretary of War again referred these claims to the Second Comptroller with this indorsement upon the last report of the Judge-Advocate-General: "Respectfully referred, &c., in order that the matters involved may be duly and properly adjusted."

There the claims have since lain, laboring under the identical embarrassment which met them at the outset, the conviction of the accounting officers that they have not jurisdiction to liquidate the claims. In this connection is submitted a recent indorsement of the Second Comptroller:

Claim of Lieutenant Philo Schultze and others. No. 20497.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., June 10, 1882.

Respectfully returned to the honorable Third Auditor.

While in my opinion the accounting officers are fully justified in withholding payment of the Nashville and Chattanooga Railroad Company until such time as they shall deal justly with the claimants, I am unable to perceive (notwithstanding the recommendation of the Quartermaster-General and the favorable reports of Judge-Advocate-Generals Holt and Dunn) how any balance can be certified against the United States in favor of the claimants without adequate legislation by Congress in the premises.

The claims being for unliquidated damages for the destruction of private property, are not, under existing law, within the jurisdiction of the accounting officers.

W. W. UPTON, Comptroller.

A true copy:

JAS. S. DELANO, Deputy.

Therefore it is necessary that this bill be passed, which is identical with one which heretofore passed the Senate, except the additional words "and the Treasurer shall pay the same to them;" that, thus the accounting officers may be enabled to act, and these long-delayed obligations to public servants, whose duties at distant posts on the frontier preclude the personal presentation of their rights, may be promptly paid.

Your committee therefore recommend a favorable consideration.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STEELE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS G. CORBIN.

The Committee on Naval Affairs was called.

Mr. MORSE. I am instructed by the Committee on Naval Affairs to call up the bill (S. No. 14) for the relief of Thomas G. Corbin. It is identical with the bill (H. R. No. 917) which is now on the Calendar.

The bill (S. No. 14) was read, as follows:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to restore Thomas G. Corbin, now a captain on the retired list of the Navy, to the active list of the Navy, to take rank next after Rear-Admiral J. W. A. Nicholson, with restitution from December 12, 1873, to November 15, 1881, of the difference of pay between that of a captain retired on half pay and that of a commodore on the active list on waiting-orders pay, and with restitution from November 15, 1881, of the difference of pay between that of a captain retired on half pay and that of a rear-admiral on the active list on waiting-orders pay, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. NEAL. I would like to hear the report read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. McMILLIN. Before objection is called for I desire to know if the committee have acted on the bill?

Mr. MORSE. We have, and we reported it unanimously.

Mr. McMILLIN. It is a very peculiar bill.

Mr. HOLMAN. For the purpose of ascertaining what is to be the operation of this rule, I ask the Chair whether it contemplates the reading of the report prior to or after the asking for objections?

The SPEAKER. The reading of the report may be called for after consideration is entered upon.

Mr. HOLMAN. Does not this principle apply, that inasmuch as

the House is amenable to reason and the rule is founded upon that presumption it must admit of the interpretation that the report shall be first read? Otherwise the House cannot act intelligently.

The SPEAKER. The Chair thinks the rule does not admit of that interpretation. But the bill must be first read. The reading of the report is in the nature of debate, and the rule expressly states the time to be given to debate on each bill or resolution is to be limited to ten minutes, exclusive of five minutes which will be occupied in reading the reports of the committee, and that is after the time for objection. The Chair does not understand that objection is made.

Objection was made by Mr. McMILLIN, Mr. ANDERSON, Mr. BROWNE, and Mr. HOLMAN.

PUBLIC LANDS OF THE UNITED STATES.

The Committee on the Post-Office and Post-Roads was called, but did not present any measure for consideration.

The Committee on the Public Lands was next called.

Mr. POUND. The Committee on Public Lands have instructed me to call up from the House Calendar for present consideration the bill (H. R. No. 3493) relating to the public lands of the United States, and to require payment of costs in certain cases of trespass or conversion of material therefrom.

The bill was read, as follows:

Be it enacted, &c., That in all suits, civil or criminal, for any trespass on the public lands of the United States, or for any conversion of timber or material taken therefrom, the actual expense of the survey, scalement, or estimate necessarily incurred to ascertain the damages by reason of such trespass shall be proved and included in the costs of the suit and in the judgment entered therefor; and whenever any suit shall be abated or discontinued, under the provisions of section 1 of the act entitled "An act relating to the public lands," approved June 15, 1880, by reason of the entry of and payment of the Government price for the lands so trespassed upon, the costs required to be paid on such discontinuance or abatement shall include the expense of such survey, scalement, or estimate.

The SPEAKER. Is there objection?

Mr. HOLMAN. Before that question is put let me say this bill seems to be quite an important one, and perhaps is a very proper measure, but it could not be distinctly heard. I was unable, from the reading, to learn the purport of the bill. I ask unanimous consent that it be again reported.

The SPEAKER. If there be no objection the bill will be again read.

Mr. POUND. If the House will give attention it will require but the reading of the bill to secure the approbation and approval of the House.

Mr. HOLMAN. I hope it will be read and the gentleman from Wisconsin can explain it afterward.

The bill was again read.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HOLMAN. I presume there is a report accompanying the bill. I should like to have it read.

The SPEAKER. The gentleman's request is made too late. The question is now on the passage of the bill.

Mr. HOLMAN. I think the report should be read.

The bill was passed.

Mr. POUND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CREEK ORPHAN FUND.

Mr. HASKELL. I am directed by the Committee on Indian Affairs to call up for consideration in this hour Senate bill No. 126, to reimburse the Creek orphan fund. I desire to state to the House, before objection is called for, what the committee have directed me to ask to be done with this bill.

On Saturday last a bill similar to this was passed by the House, a House bill. I was unaware at that time that a Senate bill for a similar purpose was on the Speaker's table. The Committee on Indian Affairs instruct me to ask that the Senate bill be now called up, and to move to strike out all after the enacting clause and insert in lieu thereof the provisions of the House bill as it passed last Saturday, and to ask for the passage of the Senate bill thus amended. That will enable us to have a conference at once upon the bill, and save action by the Senate on the House bill.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, &c., That the sum of \$247,555.97, with 5 per cent. interest on \$176,755.97 from April 6, 1872, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the Creek orphan fund, which sum has been diverted from the said fund and is due to the Creek orphans and their heirs, under the treaty of March 24, 1832: *Provided,* That said sum shall, in the discretion of the President, be paid to the Creeks who were orphans on March 24, 1832, and their heirs, under the direction of the Secretary of the Interior: *Provided further,* That it shall be the duty of the Secretary of the Interior to ascertain who are entitled under the aforesaid treaty of March 24, 1832, and the provisions of this act, to receive the money hereby appropriated; and it shall be his duty to see that said moneys are deposited in the Treasury as now provided by law for Indian trust funds, and the interest thereon only shall be paid to the actual beneficiaries under said law, the orphans and their heirs, to the exclusion of all claims by attorneys for fees, except such reasonable attorneys' fees as shall be approved by the Secretary of the Interior after the pas-

usage of this act: *Provided further*, That all bonds heretofore purchased with moneys belonging to this fund shall be the property of the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and instructed to charge the sum of \$176,755.97, and the interest accruing thereon, used for general purposes of the Creek Nation, against the general fund of said nation, and said sum shall be retained by the Secretary of the Interior in such installments as shall not seriously embarrass the object of the annual appropriations for the support and necessities of the Creek Nation.

Mr. HOLMAN. This is a Senate bill?

The SPEAKER. It is.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. It is whether this bill, or a bill containing the same matter, has been considered by a committee of this House?

Mr. HASKELL. Let me state the proposition.

The SPEAKER. The question is whether there is objection to the consideration at this time of the bill which has been read.

Mr. HASKELL. Let me state the proposition which the committee have directed me to submit to the House.

The SPEAKER. The gentleman from Kansas will be patient; he cannot amend the bill until it is before the House. When the Senate bill shall be before the House he will be recognized for the purpose of submitting a motion to amend, if he so desires. The question now is whether the House will consider the bill.

Mr. HOLMAN. There is a question of order, which is whether or not this bill or one containing the substance of it has been heretofore considered by the Committee on Indian Affairs of this House.

The SPEAKER. The gentleman from Kansas has answered that question by stating that he is instructed by his committee to call up this bill.

Mr. HASKELL. It was considered by the committee.

Mr. HOLMAN. I ask unanimous consent, in view of the peculiarity of the present rule, that the report be first read.

The SPEAKER. Is there objection to reading the report?

Mr. HASKELL. Will the Chair now allow me to state to the House that on last Saturday—

The SPEAKER. This is not a debatable proposition.

Mr. HASKELL. I do not want to debate it. I want to state that the report does not fit the bill, and I want to put before the House that which the committee asks me to submit to the House.

The SPEAKER. That does not come within the rule.

Mr. HASKELL. I ask unanimous consent to submit the statement. On Saturday last a bill passed this body which had been agreed to by several committees of the House as well as of the Senate; that was a House bill. At that time the chairman of the Committee on Indian Affairs was not aware that a Senate bill covering about the same ground was on the Speaker's table.

The Committee on Indian Affairs have instructed me now to call up the Senate bill, and move to strike out all after the enacting clause and to insert the provisions of the House bill which was passed last Saturday, in order that it may go to the Senate as an amendment to the Senate bill. That is the proposition that I am trying to get before the House for its consideration.

The SPEAKER. Is there objection to the present consideration of the Senate bill, which has been read? [After a pause.] The Chair hears none.

Mr. HASKELL. I now move to strike out all after the enacting clause and to insert the provisions of House bill No. 307, passed last Saturday.

The substitute was read, as follows:

That the sum of \$251,055.97, with 5 per cent. interest on \$176,755.97, from April 6, 1882, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the Creek orphan fund, which sum has been diverted from the said fund and is due to the Creek orphans and their heirs under the treaty of March 24, 1832: *Provided*, That said sum shall, in the discretion of the President, be paid to the Creek orphans and their heirs, under the direction of the Secretary of the Interior: *Provided further*, That it shall be the duty of the Secretary of the Interior to ascertain who are entitled under the aforesaid treaty of March 24, 1832, and the provisions of this act to receive the money hereby appropriated; and it shall be his duty to see that said moneys shall be paid to the actual beneficiaries under said law, the orphans and their heirs, to the exclusion of all claims by attorneys for fees, except such reasonable attorneys' fees as shall be approved by the Secretary of the Interior after the passage of this act: *Provided further*, That all bonds heretofore purchased with moneys belonging to this fund shall be the property of the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and instructed to charge the sum of \$69,956.68, used for general purposes of the Creek Nation, against the general fund of said nation, and said sum shall be retained by the Secretary of the Interior in such installments as shall not seriously embarrass the object of the annual appropriations for the support and necessities of the Creek Nation.

The substitute was agreed to.

The bill as amended was then ordered to a third reading, read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HASKELL. I now move that the Senate be requested to return to the House the bill passed last Saturday, House bill No. 307, and which has been rendered nugatory by the action of the House at this time.

The SPEAKER. The Chair thinks that is not necessary; it is not likely the Senate will take any action on that bill.

Mr. HASKELL. Very well.

OREGON SHORT-LINE RAILWAY COMPANY.

Mr. HAZELTON. I am instructed by the Committee on the Pacific Railroad to call up for consideration at this time Senate bill No. 972, creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes. It is identical with House bill No. 2381, now on the Calendar.

The SPEAKER. The Clerk will read the bill.

Mr. BURROWS, of Michigan. May I inquire of the gentleman from Wisconsin [Mr. HAZELTON] whether there has been a regular meeting of his committee at which he was authorized to call up this bill?

Mr. HAZELTON. Certainly.

Mr. BURROWS, of Michigan. In this hour?

Mr. HAZELTON. I would suggest to the gentleman from Michigan [Mr. BURROWS] that the Committee on Territories would be a good committee for him to look after. [Laughter.]

The bill was read, as follows:

Be it enacted, &c., That the Oregon Short-Line Railway Company, a corporation of that name duly incorporated and organized under the laws of the Territory of Wyoming, the amended articles of incorporation of which were duly filed in the office of the secretary of the said Territory on the 12th day of July, A. D. 1881, be, and the same is hereby, made a railroad corporation in the Territories of Utah, Idaho, and Wyoming, under the same conditions and limitations and with the same rights and privileges that it now has and enjoys under said articles of incorporation within the said Territory of Wyoming, and with all the rights and privileges within said Territories of Wyoming, Utah, and Idaho which are secured to railway companies by the act of Congress approved the 3d day of March, A. D. 1875, entitled "An act granting to railroads the right of way through the public lands of the United States:" *Provided*, That the said corporation shall at all times hereafter be subject to all the laws and regulations in relation to railroads of the United States, or of any Territory or State through which its line of road may pass. And suits against such corporation may be instituted in the courts of said Territories, or either of them having jurisdiction by the laws of such Territory.

SEC. 2. That Congress may at any time add to, alter, or repeal this act.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. ANDERSON. I object for one.

The SPEAKER. The Chair hears but one objection. The bill is before the House.

Mr. HAZELTON. Let the report be read.

The Clerk read as follows:

The Committee on Pacific Railroads, to whom was referred the bill (H. R. No. 2381) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes, have had the same under consideration, and report as follows:

The Senate Committee on Railroads, having had Senate bill 972, almost identical with this, under consideration, and having reported thereon, your committee have adopted the language of said report, which is as follows, as their report on said House bill:

"That the Oregon Short-Line Railroad Company, as appears by a certified copy of the articles of incorporation exhibited to the committee, is a corporation duly organized under the laws of the Territory of Wyoming, for the purpose of constructing a railroad from Granger, on the Union Pacific Railroad, in a north-westerly direction from Wyoming over the northeast corner of Utah, and across Idaho, on the most eligible route to Baker City, in the State of Oregon, or to such other point in said State as the company may determine, and thence to such point on the Columbia River or the Pacific Ocean as the company may select.

"As the proposed line of road crosses the Fort Hall Indian reservation, your committee have made inquiry of the Secretary of the Interior in regard to the matter, and have learned that an agreement has already been made with the Indians occupying said reservation for the right of way, as will more fully appear by reference to Executive Document H. R. No. 18, first session of the Forty-seventh Congress, in which the agreement, maps of the line of the road through the reservation, and the bill for ratifying the agreement will be found. (This bill has passed the House of Representatives.) The fact that the line of the road crosses this reservation is therefore no objection to the passage of this bill.

"From an examination of the map it will be seen that this road, when constructed, will pass through a region wholly destitute of railroad facilities, excepting that it crosses the Utah and Northern Railroad in the Fort Hall reservation. It will open to settlement a vast region of country that is now comparatively inaccessible; it will undoubtedly be of great advantage to the Government, not only by aiding in developing the country through which it passes, but in the matter of transportation; by the connection with the Union Pacific road it will add to the business of the latter, and thereby enhance the value of the security of the Government for the indebtedness of the last-named company to the Government.

"The company asks for the passage of this bill for the reason that there is no law in the Territory of Idaho under which a railroad company can be organized. There will be no session of the Legislature of that Territory until next winter, and consequently if the company must wait until Territorial legislation can be had a year will elapse before any work can be done in that Territory. In view of this the company has applied to the governor of the Territory to convene the Legislature, but while he expresses a desire for the construction of the road on account of the great advantage it would be to the Territory, he declines to do this, among other reasons, because of the expense, but chiefly because the act constituting the Territory gives no power in the premises.

"Your committee has conferred with the Delegates from the Territories named in the bill, and they strongly urge the enactment as one that would be greatly promotive of the public welfare.

"If this bill is not passed the work will be retarded for at least a year. About sixty miles have been completed from Granger, and one hundred miles more are nearly completed. The company is undoubtedly proceeding in good faith with the work. It asks no aid from the Government.

"The act of March 3, 1875, grants to all railroad companies organized under State, Territorial, or Congressional legislation the right of way through the public lands, &c., and if this act is passed that is the only material advantage the company will acquire from the Government, and this it would equally receive if organized a year or more hence under some general or special law of Idaho.

"The bill in general is similar in its provisions to the act declaring the Utah and Northern Railroad Company a corporation in the Territories of Utah and Montana, under which the road of the last-named company was constructed. (See 20 Statutes, page 241.)

"In view of the detention that must ensue in the construction of this important line of road if this bill is not enacted into a law, and especially in view of the manifest public advantage to be derived from its speedy construction, your committee report said bill with a recommendation that it do pass."

Mr. HOLMAN. I desire to inquire of the gentleman calling up this bill whether the committee is informed that the Indians whose lands are to be affected by this bill consent to its passage?

Mr. AINSLIE. A bill has already been passed granting this right of way and providing payment therefor to the Indians.

Mr. HAZELTON. I understand that this is entirely satisfactory to the Indians.

Mr. HOLMAN. The Indians have been paid for the right of way?

Mr. AINSLIE. Yes, sir. A bill for that purpose passed both Houses of Congress two or three months ago.

Mr. HOLMAN. And under that bill, as I understand, payment has actually been made to the Indians for the right of way?

Mr. AINSLIE. I so understand.

Mr. MAGINNIS. The bill provided for payment of the money into the Treasury for the benefit of the Indians.

Mr. AINSLIE. The payment was at the rate of \$7 an acre or a little more.

Mr. HOLMAN. This bill affects also in some degree lands not owned by the Indians, but by the Government. As to such lands does the bill embrace more than the mere right of way?

Mr. HAZELTON. Not at all.

Mr. MAGINNIS. It embraces only what is allowed under the general statute.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. HAZELTON moved to reconsider the motion by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPORT OF COMMON SCHOOLS.

The SPEAKER proceeded with the call of committees until the Committee on Education and Labor was reached.

Mr. UPDEGRAFF, of Ohio. By instruction of the Committee on Education and Labor, I offer for adoption the resolution which I send to the desk, setting apart a day in next December for the consideration of important bills from that committee.

The SPEAKER. Has this resolution been reported to the House?

Mr. UPDEGRAFF, of Ohio. It has not been. I report it now.

Mr. McMILLIN. It cannot be reported in this hour.

The SPEAKER. The Chair does not think that resolutions of this character come within the rule. This resolution has not been previously reported.

Mr. UPDEGRAFF, of Ohio. But the bill to which the resolution refers has been reported and the report printed.

The SPEAKER. Does the gentleman call up the bill?

Mr. UPDEGRAFF, of Ohio. Yes, sir; I send the bill to the desk.

The SPEAKER. Has the gentleman been instructed by his committee to call up this bill?

Mr. UPDEGRAFF, of Ohio. I have been.

The SPEAKER. The gentleman from Ohio, under instructions from the Committee on Education and Labor, calls up for present consideration the bill which will be read.

Mr. UPDEGRAFF, of Ohio. I ask that the reading of the bill be waived, as I propose to move that its consideration be postponed until a designated day.

The SPEAKER. The bill is not yet before the House. The Clerk will read the bill.

The Clerk proceeded to read the following bill:

A bill (H. R. No. 6158) to aid in the support of common schools.

Whereas it appears from the tenth census that one-eighth of the people of the United States are totally illiterate, and it seems that those States in which illiteracy exists to the greatest extent are not at present able to provide by local and State taxation for the adequate support of common schools to meet the emergency; and

Whereas the general welfare and perpetuity of our whole country depend upon the intelligence of all its citizens, and it is deemed to be the duty of the General Government to aid temporarily in the support of common schools: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for five years next after the passage of this act there shall be annually appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000,000 to aid in the support of free common schools, which amount shall be known as the common-school fund.

SEC. 2. That the Secretary of the Treasury shall annually apportion to the several States and Territories the said sum of \$10,000,000, according to the number of their respective populations of ten years old and upward who cannot read and write, as shown by the tenth census of the United States, which report shall be submitted to the Commissioner of Education.

SEC. 3. That before any State or Territory shall be entitled to receive its share of said fund it shall have provided by law for the free common-school education of all its children of school age, without distinction of color, for at least three months in each year, from the funds provided for schools under the laws of said State or Territory; and in no case shall any State or Territory be allowed out of said fund a greater sum than such State or Territory shall have expended during the previous year for the common-school education of the children of such State or Territory exclusive of the amount received from the United States, and exclusive of the sums paid for grounds, school buildings, or repairs on the same: *Provided*, That separate schools for white and colored children shall not be considered a distinction of color.

SEC. 4. That an amount not exceeding 5 per cent. of the sum apportioned to each State and Territory may be used by them for the education of teachers in normal schools, teachers' institutes, or otherwise.

SEC. 5. That it is hereby further provided that before any State or Territory shall be entitled to receive its share of said fund it shall have complied with the following conditions:

First. That it shall have applied all moneys by it previously received under the provisions of this act in accordance therewith.

Second. That it shall have caused to be made such reports to the Commissioner

of Education concerning the condition of the schools in the same, on or before the 1st day of August in each year, as said Commissioner of Education, under the direction of the Secretary of the Interior, shall deem desirable; and shall especially report for each county as follows: The number of public schools of every grade; the whole number of days actually taught in each during the year preceding; the total amount received from State taxes and from local taxes, and the total amount expended for educational purposes in the preceding year; the total amount expended for white and colored schools separately; the number of public-school buildings owned and hired, and the character, condition, and value of the same; the number of children, white and colored, male and female, in attendance on the public schools, and the length of attendance; the number of male and female teachers, white and colored, employed at the same time and at different times in the same year, with particulars as to qualifications of same; the number of school libraries, and the number of volumes therein; the branches taught and the text-books used; the total amount of wages paid to teachers, male and female, white and colored.

SEC. 6. That the Commissioner of Education shall prepare forms of such blanks as shall facilitate the making of the reports herein provided for, and transmit the same to the State and Territorial authorities.

SEC. 7. That in such States or Territories as shall maintain separate schools for white and colored children the money so apportioned shall be divided according to the respective number of such white and colored children in such State or Territory.

SEC. 8. That no part of the money so received from the United States shall be expended in the purchase of real estate, the construction or repair of school buildings, or in paying the salary of any public officer not engaged in teaching.

SEC. 9. That in case any State or Territory shall misapply or misappropriate the money, or any part thereof, received under this act, or shall fail to comply with the conditions thereof, or to report as herein prescribed, such State or Territory shall forfeit its right to any subsequent apportionment by virtue hereof until the amount so misapplied or misappropriated shall have been replaced by such State or Territory and applied as herein required; and until such report shall have been made all money so retained and not paid to such State or Territory shall be kept separate in the Treasury until disposed of by Congress.

SEC. 10. That on or before the 1st day of September of each year the Commissioner of Education, under the direction of the Secretary of the Interior, shall certify to the governor of each State and Territory whether it is entitled to receive its apportionment under this act, and, if so entitled, the amount of such apportionment, and it thereupon shall be entitled to receive the same; but such certificate shall not be issued until all the requirements of this act referring to the duties of the officers of such State or Territory shall have been complied with.

SEC. 11. That the amount apportioned to any State or Territory and certified as herein provided, shall be paid on or before October 1 of each year, upon the warrant of the Commissioner of Education, countersigned by the Secretary of the Interior, out of the Treasury of the United States, to such officer as shall be by the laws of such State or Territory entitled to receive the same.

SEC. 12. That the Commissioner of Education shall annually report to Congress the information received by him from the reports of the school officers of the several States and Territories provided for herein, together with such recommendations as will in the judgment of the Commissioner subserve the purposes of this act.

SEC. 13. That there is hereby appropriated the sum of \$10,000,000 for the year commencing September 1, 1882, which shall be apportioned as directed herein; and those States and Territories which have provided by law for the free common-school education of their children of school age, without distinction of color, shall be entitled to their apportionment of said sum, all other requirements precedent to the right to receive such apportionment being hereby waived for the year 1882.

SEC. 14. That any State signifying its desire that the amount allotted to it under the provisions of this act shall be appropriated in any other way for the promotion of common-school education, in its own borders or elsewhere, its allotment shall be paid to such State to be thus appropriated: *Provided*, That its Legislature shall have first considered the question of its appropriation to the general fund for use under the provisions of this act in States and Territories where the proportion of illiterate persons is more than 5 per cent. of the whole population.

Before the reading of the bill was concluded,

The SPEAKER said: The hour has expired. This matter will go over until to-morrow.

Mr. RANDALL. The right of objection is reserved.

The SPEAKER. Undoubtedly. The time has not yet come for the presentation of objections.

WIDOW OF GENERAL STEPHEN A. HURLBUT.

Mr. WILLIAMS, of Wisconsin. I ask unanimous consent to have taken from the Speaker's table and put upon its passage the joint resolution (S. R. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary.

The SPEAKER. This resolution has been read once to-day.

Mr. HOLMAN. I ask that it be read again, reserving the right to object.

The Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Mrs. Sophronia R. Hurlbut, the widow of General Stephen A. Hurlbut, late envoy extraordinary and minister plenipotentiary of the United States to Peru, one year's salary as said minister, from August 1, 1881, in addition to all legal allowances, deducting the amount of salary received by said Hurlbut since that date, and also to pay the necessary expenses incurred in the removal of his remains from Peru to the State of Illinois for interment, to be paid under the direction of the Secretary of State.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. Reserving the right to object, I wish to make an inquiry. I believe it has been the custom for a considerable number of years to appropriate the money necessary to bring home from foreign countries the remains of deceased American ministers. It has also been customary within the last ten or twelve years to appropriate the balance of the current year's salary to the widows of naval and military officers who have died while in the performance of their duties. The question I wish to ask of my friend from Wisconsin is whether prior to the present session of Congress there has been any precedent for appropriating to the family of civil officers of the Government the balance of the current year's salary?

Mr. WILLIAMS, of Wisconsin. In view of the small time I have had in which to examine this question, not anticipating that there

would be any objection, I can only say to the gentleman that there is a precedent in the Thirty-third Congress in a case which I understand is parallel to this.

Mr. McMILLIN. Is it customary?

Mr. WILLIAMS, of Wisconsin. I do not know of other precedent.

The SPEAKER. Is there objection to the consideration of the joint resolution?

Mr. COX, of New York. Yes; there is a precedent in the case of the minister to Bolivia.

The joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WIDOW OF GENERAL JUDSON KILPATRICK.

Mr. WILLIAMS, of Wisconsin. I now move to take from the Speaker's table joint resolution (S. R. No. 77) allowing the widow of General Judson Kilpatrick, late minister to Chili, one year's salary.

The SPEAKER. Is there objection?

There was no objection, and the joint resolution was taken up and read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Mrs. Louisa V. De Kilpatrick, the widow of General Judson Kilpatrick, late envoy extraordinary and minister plenipotentiary of the United States to Chili, one year's salary as said minister, from June 21, 1881, in addition to all legal allowances, deducting the amount of salary received by said Kilpatrick since that date.

Mr. McMILLIN. Is the proposition to pay the remainder of the salary undrawn?

Mr. WILLIAMS, of Wisconsin. That is it.

Mr. McMILLIN. No more than that.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WIDOW OF DR. HENRY H. GARNET.

Mr. COX, of New York. Mr. Speaker, I ask unanimous consent to offer a resolution similar to the one just passed for the widow of Dr. Garnet, our late minister to Liberia.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c., That there be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to Sarah J. S. Garnet, widow of Dr. Henry H. Garnet, one year's salary as said minister in addition to all regular allowances, deducting the amount of salary received by said Henry H. Garnet since the date of his appointment.

Mr. BROWNE. Is it not in order to refer this joint resolution to the Committee on Foreign Affairs?

The SPEAKER. The gentleman from New York [Mr. Cox] asks unanimous consent for the introduction and present consideration of the joint resolution. Is there objection?

Mr. McKENZIE. I hope the color line will not be drawn here.

Mr. HOLMAN. Before that is done, I wish to say that this resolution seems to stand upon the same footing as those we have already passed.

Mr. COX, of New York. We all recollect Dr. Garnet, the eminent divine, was appointed minister to Liberia and went to his post this spring. He died, as the House and country know, in Liberia, leaving a widow in impecunious and straightened circumstances. I hope that by unanimous consent I will be permitted to introduce this joint resolution, and that it will be passed at once. This widow, who is very poor, desires to be paid what remains thus far unpaid of the first year's salary belonging to her husband.

Mr. KASSON. That is eminently just.

The SPEAKER. The Chair hears no objection, and the gentleman is permitted to introduce his joint resolution.

Mr. COX, of New York. I introduce then the joint resolution (H. R. No. 270) for the relief of Sarah J. S. Garnet, widow of Henry H. Garnet, late minister to Liberia.

The joint resolution was read a first and second time, ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUSSIAN HEBREW REFUGEES.

Mr. BUTTERWORTH. I ask by unanimous consent to introduce a joint resolution (H. R. No. 271) authorizing the Secretary of War to loan twenty-five wall tents to the colony of Russian Hebrew refugees at Cimarron, Foote County, Kansas.

There was no objection, and the joint resolution was read the first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized to loan to the Russian Hebrew refugees twenty-five wall-tents for the use of said refugees, said tents to be loaned to said colony under such arrangement as to use and return of the same as the Secretary of War may deem it proper to make.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House adjourn.

The House divided; and there were—ayes 27, noes 63.

So the House refused to adjourn.

Mr. HOLMAN. I call for the regular order of business.

Mr. BLOUNT. I hope the gentleman from Indiana will allow me to introduce a resolution similar to those that have already passed.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

Mr. HASKELL. Does that take precedence of the order for the continuance of business from the Indian Committee?

The SPEAKER. It does, the language of that order being "after the morning hour."

Mr. BLOUNT. The gentleman from Indiana withdraws his demand for the regular order to enable me to submit this resolution.

The SPEAKER. The regular order has been demanded by several gentlemen.

Mr. BROWNE. There are three or four pension bills on the Speaker's table with amendments of the Senate, and until the House consents that they shall be taken up and the amendments concurred in I shall have to object to any other business than the regular order.

Mr. BLOUNT. I have no objection to that, and I hope the gentlemen will yield for a moment to permit this resolution to be read at all events for information.

Mr. VALENTINE. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. WASHBURN. I move to dispense with the morning hour.

Mr. RAY. I hope that will not be done.

The House divided and there were ayes 42; noes 36.

So (two-thirds not voting in favor thereof) the motion to dispense with the morning hour was not agreed to.

EXPORTATION OF IMITATION BUTTER.

Mr. HERR, from the Committee on Commerce, reported back the bill (H. R. No. 4909) to regulate the exportation of imitation butter and cheese; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

A. S. STREAM.

Mr. WILLIAMS, of Wisconsin, from the Committee on Foreign Affairs reported a joint resolution (H. R. No. 272) granting permission to A. S. Stream to accept a medal from the British Government; which was read a first and second time, referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY VIGNAUD.

Mr. WILLIAMS, of Wisconsin, also, from the same committee, reported a joint resolution (H. R. No. 273) granting permission to Henry Vignaud to accept the National Order of the Legion of Honor from the president of the Republic of France; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

UNITED STATES ARSENAL GROUNDS, BRIDGESBURGH, PENNSYLVANIA.

Mr. DAVIS, of Illinois, from the Committee on Military Affairs, reported back with amendments the bill (H. R. No. 4388) granting the right of way for railroad purpose through the United States arsenal grounds at Bridesburgh, Pennsylvania, to connect the manufacturing establishments of Bridesburgh with the Philadelphia and Trenton Railroad; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

EDWARD K. WINSHIP.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported back the bill (H. R. No. 93) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

DES MOINES RIVER LANDS.

Mr. DWIGHT, from the Committee on Public Lands, submitted the views of the minority on the bill (H. R. No. 6597) to quiet the title of settlers on the Des Moines River lands in the State of Iowa and for other purposes; which were ordered to be printed with the majority report, and referred to the House Calendar.

HOMESTEAD AND PRE-EMPTION SETTLERS, CALIFORNIA.

Mr. RICE, of Missouri, from the Committee on the Public Lands, reported back with amendments the bill (H. R. No. 3559) for the relief of certain pre-emption and homestead settlers in California; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. MATTHEWS.

Mr. WADSWORTH, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (S. No. 2026) granting a pension to Mary E. Matthews; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

KATE QUILLIGAN.

Mr. RAY, from the Committee on Invalid Pensions, reported, as a substitute for House bill No. 4060, a bill (H. R. No. 6833) granting a pension to Kate Quilligan; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAROLINE FRENCH.

Mr. RAY also, from the same committee, reported back with favorable recommendation the bill (S. No. 2089) granting a pension to Caroline French; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH E. MOORE.

Mr. HILL, from the Committee on Claims, reported back the bill (H. R. No. 1042) for the relief of Joseph E. Moore; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REBECCA BIRDSALL.

Mr. HILL also, from the same committee, reported back with adverse recommendation the bill (H. R. No. 4024) for the relief of Rebecca Birdsall; which was laid on the table, and the accompanying report ordered to be printed.

CHARLES L. DAHLER.

Mr. RAY, from the Committee on Claims, reported back the bill (H. R. No. 1918) for the relief of Charles L. Dahler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FREDERICK W. RUGGLES.

Mr. RAY also, from the same committee, reported, as a substitute for House bill No. 606, a bill (H. R. No. 6834) for the relief of Frederick W. Ruggles; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VICKSBURG AND MERIDIAN RAILROAD.

Mr. RAY also, from the same committee, reported back the bill (H. R. No. 5860) to provide for the settlement of accounts with the Vicksburg and Meridian Railroad Company, for internal-revenue taxes, and to refund the amount of said taxes erroneously assessed and collected; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DAVID WEBSTER.

Mr. RAY also, from the same committee, reported a bill (H. R. No. 6835) for the relief of David Webster; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES W. HARVEY.

Mr. RAY also, (for Mr. THOMPSON, of Iowa,) from the same committee, reported a bill (H. R. No. 6836) for the relief of James W. Harvey; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANKLIN CROCKER.

Mr. BOWMAN, from the Committee on Claims, reported a bill (H. R. No. 6837) for the relief of Franklin Crocker; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN FRASER.

Mr. BOWMAN also, (for Mr. CROWLEY,) from the same committee, reported back with a favorable recommendation the bill (H. R. No. 5680) for the relief of John Fraser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES G. WILLIAMS.

Mr. RANNEY. I am instructed by the Committee on War Claims to ask that the bill (H. R. No. 5578) for the relief of James G. Williams be taken from the Private Calendar and recommitted to the Committee on War Claims.

There was no objection, and it was so ordered.

W. E. TOMLINSON.

Mr. ROBERTSON, from the Committee on War Claims, reported a bill (H. R. No. 6838) for the relief of W. E. Tomlinson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. JADWIN, from the Committee on War Claims, reported back with adverse recommendations the following petitions; and they were severally laid on the table, and the accompanying reports ordered to be printed:

The petition of John T. Stratton and others; and
The petition of Z. C. Nolen.

WILLIAM G. FORD.

Mr. WISE, of Virginia, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. No. 6039) for the relief of William G. Ford; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

Mr. WISE, of Virginia, also, from the same committee, reported a bill (H. R. No. 6839) for the relief of William G. Ford, administrator; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CLAIM OF SCHUYLKILL COUNTY, PENNSYLVANIA.

Mr. UPDEGRAFF, of Iowa, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. No. 1463) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," approved July 22, 1861; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PETER MARCH AND OTHERS.

Mr. UPDEGRAFF, of Iowa, also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 1328) for the relief of Peter March and others; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RICHARD MAYES.

Mr. UPDEGRAFF, of Iowa, also, from the same committee, reported back with an adverse recommendation the bill (H. R. No. 4039) for the relief of Richard Mayes; which was laid on the table, and the accompanying report ordered to be printed.

THOMAS CHADWELL.

Mr. HOUK, from the Committee on War Claims, reported back with a favorable recommendation the bill (H. R. No. 2702) for the relief of Thomas Chadwell, administrator of the estate of E. H. Childress, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. HAZELTON, from the Committee on Private Land Claims, reported, as a substitute for House bill No. 3149, a bill (H. R. No. 6840) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

OCCUPYING CLAIMANTS IN THE DISTRICT.

Mr. NEAL, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. No. 6156) for the relief of occupying claimants in the District of Columbia; which was referred to the House Calendar, and the report and amendments ordered to be printed.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. HUTCHINS, from the Committee on Claims, reported back with a favorable recommendation the joint resolution (H. R. No. 191) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees for reports is now completed. The gentleman from Kansas [Mr. HASKELL] is recognized. Mr. HASKELL. The regular order I believe is a continuation of the execution of the special order for the consideration of business called up by the Committee on Indian Affairs. I ask consent of the House, inasmuch as it is getting near the hour of adjournment, that such portion of the three and a half hours remaining to the committee as may not be used to-day may be allowed to-morrow and next day. In other words, I ask that this shall hold its place as a continuing order until the day is used up.

There was no objection, and it was so ordered.

CLERK OF COMMITTEE ON INDIAN AFFAIRS.

Mr. HASKELL. If the House will be patient with me I desire to hold it in session for only about an hour longer. I now call up a resolution which I have been instructed by the Committee on Indian Affairs to offer in reference to the clerk of our committee.

The resolution was read, as follows:

Resolved, That the clerkship of the Committee on Indian Affairs of this House be and is hereby, declared an annual clerkship, with compensation fixed at \$2,000 per annum; and the Clerk of this House is hereby directed to pay the clerk of said committee such compensation for the fiscal year 1883 from the contingent fund.

The SPEAKER *pro tempore*, (Mr. BURROWS, of Michigan.) The question is upon the adoption of the resolution which has been read.

Mr. HOLMAN. I think that we ought not to be increasing the salaries of our employés. It is somewhat a matter of regret that in the present Congress the House of Representatives has so largely increased the number of its employés and in some instances the compensation of its employés, when it is well known that a very large number of the employés of the House cannot be profitably employed all the time; and when it is borne in mind also, as to the clerkships, that they are exceedingly well paid as they now are.

Almost all the clerks are employed only during the sessions of Congress. During a term of two years, for almost one-half of that period they are unemployed. I do not think that any of these salaries ought to be increased; I think that in many instances they could very properly be diminished. I know that the number of employés about this House could be greatly diminished without any possible injury to the public service. I have never yet known an employé of the House whose compensation was not ample, and I could mention some persons who have not been compelled on account of their employment to remain at the Capitol during all of the present session.

Mr. HASKELL. This does not propose any increase of compensation; it is simply making the clerkship an annual one.

Mr. HOLMAN. That increases the compensation.

Mr. HASKELL. The gentleman is right in this: that it increases somewhat the amount of money that the clerk could earn in the year, because it provides for his employment throughout the year. But at the rate per month which he is now paid under present regulations he would receive over \$2,200 a year, while this resolution proposes to fix his compensation at \$2,000 a year. Take this present year, with its long session, and this resolution would give him little or nothing in addition to what he now receives.

Mr. HOLMAN. But it would be an increase of compensation for three-fourths of next year.

Mr. HASKELL. His compensation would be greater next year. But the committee is very anxious to keep its affairs within its own charge and custody, as can be done only with an annual clerk.

The Committee on Agriculture of this House, the Committee on Public Lands of this House, and by a recent report from the Committee on Accounts the Committee on Military Affairs have been given annual clerks. Now, the gentleman from Indiana will agree with me that the Committee on Indian Affairs has before it more important measures, and measures greater in number, than those other committees.

The Committee on Indian Affairs have unanimously expressed a desire to leave its room and business in the custody of a clerk until the expiration of this term of Congress. I believe it to be in the best interests of good legislation that the important interests pending before that committee, the papers and bills and great mass of correspondence, should be kept in our hands rather than during the vacation of Congress allowed to be open to the inspection of anybody and everybody, and then tumbled into a basket and sent up to the file room in the promiscuous condition they are always in when there is only a session clerk.

I will refer to the former chairman of the Committee on Indian Affairs [Mr. SCALES] to sustain me in the assertion that the first month of every session, if not the first six weeks of the session, is consumed in getting the business of the committee in shape so that it can proceed properly.

Mr. SCALES. I agree with what the gentleman from Kansas [Mr. HASKELL] says upon this subject. As the Chair well knows, on Saturday last I objected to this resolution because I thought it ought to receive further consideration, not that I supposed that an annual clerk should not be allowed to the Committee on Indian Affairs. I have been on that committee long enough to know and to believe that the best interest of the business before the committee requires that it should have an annual clerk. For that reason I withdraw my objection to the resolution, and am ready to support it.

Mr. HOLMAN. I wish to say further that, judging from my experience in this House, I believe there are but three committees of the House which can profitably employ a clerk during the entire year; the Committee on Appropriations, the Committee on Claims, and the Committee on War Claims. I concede that as to those committees permanent clerks are very desirable.

But I contend that the number of employés of this House, even in this Congress, is greatly beyond any public necessity or demand. I must say that I look with great regret on the constant tendency of this House to increase the number and compensation of its employés. The example is a bad one. If anywhere in this Government there should be a spirit of economy it should be displayed right here in the House, where the people themselves are most directly represented. And yet right here the tendency is in favor of extravagance.

And unhappily I may say that this tendency is not confined to one side of the House only. We have demanded economy, especially on

my own side of the House. Yet I find that under the influence of our social relations and pleasant surroundings we yield very generally to the requests of our friends for increased compensation.

Mr. UPSON. The gentleman from Indiana [Mr. HOLMAN] has designated the Committee on War Claims as one committee that should have a permanent clerk.

Mr. HOLMAN. Yes.

Mr. UPSON. How many bills does the gentleman suppose that committee has reported at this session?

Mr. HOLMAN. I should not suppose more than sixty or seventy.

Mr. UPSON. Not more than sixty or seventy?

Mr. HOLMAN. I should suppose not.

The resolution as reported from the Committee on Indian Affairs was adopted.

Mr. HASKELL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF OMAHA INDIAN RESERVATION.

Mr. HASKELL. I now call up and ask to have passed, with the amendment reported by the Committee on Indian Affairs, the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes. The amendment is in the form of a substitute.

Mr. VALENTINE. The bill was read on last Saturday, and was published in the proceedings of that day.

Mr. SCALES. Let it be read again. A great many members are here now who were not here on Saturday.

The Clerk read the proposed substitute, as follows:

Strike out all after the enacting clause and insert the following:

"That with the consent of the Omaha tribe of Indians, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, all that portion of their reservation in the State of Nebraska lying west of the right of way granted by said Indians to the Sioux City and Nebraska Railroad Company under the agreement of April 19, 1880, approved by the Acting Secretary of the Interior July 27, 1880. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Omaha tribe of Indians, and the other two shall be appointed by the Secretary of the Interior."

SEC. 2. That after the survey and appraisal of said lands the Secretary of the Interior shall be, and he hereby is, authorized to issue proclamation to the effect that all unallotted lands are open for settlement under such rules and regulations as he may prescribe. That at any time within one year after the date of such proclamation each *bona fide* settler occupying any portion of said lands, and having made valuable improvements thereon, or the heirs at law of such settler, who is a citizen of the United States or who has declared his intention to become such, shall be entitled to purchase, for cash, through the United States public land office at Neligh, Nebraska, the land so occupied and improved by him, not to exceed one hundred and sixty acres in each case, according to the survey and the appraised value of said lands as provided for in section 1 of this act: *Provided*, That the Secretary of the Interior may dispose of the same upon the following terms as to payments, that is to say: one-third of the price of said land to become due and payable one year from the date of entry, one-third in two years, and one-third in three years from said date, with interest at the rate of 5 per cent. per annum; but in case of default in either of said payments the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased and any payment or payments he might have made: *And provided further*, That whenever any person shall, under the provisions of this act, settle upon a tract containing a fractional excess over one hundred and sixty acres, if the excess is less than forty acres, is contiguous, and results from inability in survey to make township and section lines conform to the boundary lines of the reservation, his purchase shall not be rejected on account of such excess, but shall be allowed as in other cases: *And provided further*, That no portion of said land shall be sold at less than the appraised value thereof, and in no case for less than \$2.50 per acre: *And provided further*, That all land in township twenty-four, range seven east, remaining unallotted on the 1st day of June, 1885, shall be appraised and sold as other lands under the provisions of this act.

SEC. 3. That the proceeds of such sale, after paying all expenses incident to and necessary for carrying out the provisions of this act, including such clerk hire as the Secretary of the Interior may deem necessary, shall be placed to the credit of said Indians in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

SEC. 4. That when purchasers of said lands shall have complied with the provisions of this act as to payment, improvement, &c., proof thereof shall be received by the local land office at Neligh, Nebraska, and patents shall be issued as in the case of public lands offered for settlement under the homestead and preemption acts: *Provided*, That any right in severalty acquired by any Indian under existing treaties shall not be affected by this act.

SEC. 5. That with the consent of said Indians as aforesaid the Secretary of the Interior be, and he is hereby, authorized, either through the agent of said tribe or such other person as he may designate, to allot the lands lying east of the right of way granted to the Sioux City and Nebraska Railroad Company, under the agreement of April 19, 1880, approved by the Acting Secretary of the Interior July 27, 1880, in severalty to the Indians of said tribe in quantity as follows: to each head of a family, one-quarter of a section; to each single person over eighteen years of age, one-eighth of a section; to each orphan child under eighteen years of age, one-eighth of a section; and to each other person under eighteen years of age, one-sixteenth of a section; which allotments shall be deemed and held to be in lieu of the allotments or assignments provided for in the fourth article of the treaty with the Omahas concluded March 6, 1865, and for which, for the most part, certificates in the names of individual Indians to whom tracts have been assigned have been issued by the Commissioner of Indian Affairs, as in said article provided: *Provided*, That any Indian to whom a tract of land has been assigned and certificate issued, or who was entitled to receive the same under the provisions of said fourth article, and who has made valuable improvements thereon, and any Indian who, being entitled to an assignment and certificate under said article, has settled and made valuable improvements upon a tract assigned to any Indian who has never occupied or improved such tract, shall have a preference right to select the tract upon which his improvements are situated for allotment under the provisions of this section: *Provided further*, That all allotments made under the provisions of this section shall be selected by the Indians, heads of families selecting for their minor children, and the agent shall select for each orphan child; after which the certificates issued by the Commissioner of Indian Affairs as aforesaid shall be deemed and held to be null and void.

SEC. 6. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior he shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect and declare that the United States does and will hold the land thus allotted for the period of twenty-five years in trust for the sole use and benefit of the Indians to whom such allotment shall have been made, or, in case of his decease, of his heirs according to the laws of the State of Nebraska, and that at the expiration of said period the United States will convey the same by patent to said Indian or his heirs as aforesaid, in fee discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void: *Provided*, That the law of descent and partition in force in the said State shall apply thereto after patents therefor have been executed and delivered.

SEC. 7. That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of said tribe of Indians shall have the benefit of and be subject to the laws, both civil and criminal, of the State of Nebraska; and said State shall not pass or enforce any law denying any Indian of said tribe the equal protection of the law.

SEC. 8. That the residue of lands lying east of the said right of way of the Sioux City and Nebraska Railroad, after all allotments have been made, as in the fifth section of this act provided, shall be patented to the said Omaha tribe of Indians, which patent shall be of the legal effect and declare that the United States does and will hold the land thus patented for the period of twenty-five years in trust for the sole use and benefit of the said Omaha tribe of Indians, and that at the expiration of said period the United States will convey the same by patent to said Omaha tribe of Indians, in fee discharged of said trust and free of all charge or incumbrance whatsoever: *Provided*, That from the residue of lands thus patented to the tribe in common allotments shall be made and patented to each Omaha child who may be born prior to the expiration of the time during which it is provided that said lands shall be held in trust by the United States, in quantity and upon the same conditions, restrictions, and limitations as are provided in section 6 of this act touching patents to allottees therein mentioned. But such conditions, restrictions, and limitations shall not extend beyond the expiration of the time expressed in the patent herein authorized to be issued to the tribe in common: *And provided further*, That these patents when issued shall override the patent authorized to be issued to the tribe as aforesaid, and shall separate the individual allotment from the lands held in common, which proviso shall be incorporated in the patent issued to the tribe.

SEC. 9. That the commissioners to be appointed by the Secretary of the Interior under the provisions of this act shall receive compensation for their services at \$5 for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual traveling and other necessary expenses.

SEC. 10. That in addition to the purchase, each purchaser of said Omaha Indian lands shall pay \$2, the same to be retained by the receiver and register of the land-office at Neligh, Nebraska, as their fees for services rendered.

Mr. SCALES. I hope that we shall have some explanation of this bill.

Mr. HOLMAN. I rise to a question of order: that this bill makes an appropriation of money, and must receive its first consideration in the Committee of the Whole. I call attention to the first section of the substitute on page 5, which provides for the appointment of commissioners, and also to section 9, which is in these words:

That the commissioners to be appointed by the Secretary of the Interior under the provisions of this act shall receive compensation for their services at the rate of \$5 for each day actually engaged in the duties herein designated, in addition to the amount paid by them for actual traveling and other necessary expenses.

The bill seems clearly to involve an appropriation of money; but I shall be glad to reserve the question as to the right to consider the bill in the House until the gentleman from Kansas [Mr. HASKELL] and the gentleman from North Carolina [Mr. SCALES] have been heard. Upon explanation the bill may appear to be so clearly right that it ought to be passed without further delay. But it is manifestly a very important measure. It involves a principle to which I am irrevocably hostile—speculation in the public lands. I do not care what this Government may have to pay to the Indian tribes for their lands, I wish those lands when acquired to be held by the Government for the benefit of its landless people. I regret to see any bill brought in here which tends to furnish facilities for the transfer of these lands to the hands of speculators. Still I wish to reserve the question of order until gentlemen have been heard in support of the bill.

The SPEAKER *pro tempore*. The point of order is reserved.

Mr. HASKELL. Mr. Speaker, I am very glad to have the opportunity to say a word or two in behalf of this bill. As it stands before the House every provision referring to the rights of the Indians, the disposition of their lands, their location, &c., has been drafted on their behalf by their representatives and at their suggestion absolutely.

Mr. Speaker, if there is one tribe in the United States that has earnestly desired a severalty selection law and that they might receive from the United States patents and an absolute title to their lands, these Omaha Indians are pre-eminently such a tribe. Not a single Indian nation out of the dozens that have applied to us has so unanimously asked this character of legislation as have these Omaha Indians. They are a tribe living without annuities, farming their own lands, making their own living, managing their own affairs. The money that is paid to them on behalf of the Government is paid merely to support an agency school, with the expenses of the surrounding agency. These Indians themselves are intelligent, capable, hard working, and upright. It has been stated with a great deal of truth that they are the most advanced and enlightened of the Indian tribes west of the Missouri River.

Now, these Indians, numbering about 1,200, have a reservation of 150,000 acres. They have asked that a portion of this reservation west of the Sioux City and Nebraska Railroad may be sold at an appraised value in order that a national fund may be created upon which they may draw. They have a great deal more land than they need, and if this bill passes a portion of their land will be sold at an appraise-

ment. One of the appraisers is to be appointed by the Indians and one by the Interior Department, and in no case is the appraisement to be less than \$2.50 an acre. This is the protection of the Indians in the sale. Before any land is sold they are at liberty to make their individual selections of one hundred and sixty acres to every head of a family, eighty acres to every widow, and forty to every child. These severalty selections are to be held in trust by the Government for the sole use of the Indians for twenty-five years, at the end of which time patents are to be issued in fee-simple. All the lands not allotted are to be patented under the broad seal of the United States to the tribe in common, so as to give them an absolute, indefeasible title to about 100,000 acres. These are the features of the bill as it respects the Indians. It is their earnest desire and prayer, as appears by their petitions appended to the report which I have made to the House, that a measure of this kind be adopted.

Now, as to the other side of the case—the disposition of the lands to white settlers. This portion of the bill I drew myself with special care, having some knowledge of the disposition of public lands, so that not an acre of this land shall go to any white person by purchase, unless he be the actual occupant of it, living upon it, improving it, making it his home. In no case can any one man secure more than one hundred and sixty acres. Thus all speculation is cut off, and the 49,000 acres contemplated to be sold are opened up to the actual *bona fide* settler. With these guards to prevent the disposition of these lands to speculators, and securing absolutely the right and title of the Indians, with an abundance of land allowed to them over and above their allotments, and patented to them *in solido*, we present to the House this bill as a measure absolutely in the interest of these Indians, with every possible loophole carefully guarded, and a bill which the Indians earnestly desire to see passed.

Mr. HOLMAN. May I inquire what portion is proposed to be sold?

Mr. HASKELL. The western portion or all that lying west of the Sioux City and Nebraska Railroad, which runs through their reservation.

Mr. HOLMAN. How many acres?

Mr. HASKELL. About 45,000. The total reservation is about 150,000 acres. It will leave some 100,000 acres to these Indians. They are to have their severalty allotments patented after twenty-five years, during which time they are to be held in trust by the Government for these Indians. The remaining portion of their lands, not taken by severalty allotments, is to be patented to them *in solido*. It is the perfection of Indian legislation as recommended by Secretary Kirkwood, and the present Secretary and by all the Indian officials who have been connected with the business. It was the intention of the Committee on Indian Affairs, and I believe this bill does embody every valuable suggestion which comes from the Indian Office in reference to the handling of Indian lands and similar questions.

Mr. HOLMAN. The selection of the tracts by the Indians is to be a voluntary act of their own and not of the commissioners.

Mr. HASKELL. They make their own selections in their own behalf and for their own children. I wish to say, further, the right of severalty selection is specifically laid down in their treaty. They asked for it themselves, and the whole scheme of severalty allotment is stipulated in their treaty. They have taken out certificates of allotment, which are provided for in the bill. We wish to go further, and protect every Indian selection so as to secure to him an absolutely indefeasible title.

Mr. WELLBORN. Can those severalty selections be made anywhere in the reservation?

Mr. HASKELL. Yes, sir; anywhere within the reservation.

Mr. WELLBORN. Before the sale takes place?

Mr. HASKELL. The treaty stipulation in reference to severalty is not to be affected by this.

Mr. SCALES. The gentleman is mistaken as to that.

Mr. TOWNSHEND, of Illinois. I ask the gentleman from Kansas what proportional part of the lands are asked to be sold?

Mr. HASKELL. About one-third.

Mr. TOWNSHEND, of Illinois. How much land per capita is there now belonging to these two tribes of Indians?

Mr. HASKELL. As much as 1,200 will go into 150,000.

Mr. TOWNSHEND, of Illinois. That would be about one hundred and twenty-two acres each. I think there are about 2,400 Indians.

Mr. HASKELL. No; there are between 1,100 and 1,200.

Mr. SCALES. In the Winnebago tribe and this together?

Mr. VALENTINE. The Winnebago tribe has nothing to do with this reservation. They live in my county and I know about them.

Mr. TOWNSHEND, of Illinois. Is it not a fact that the Indian agent has reported to the Indian Department that these lands lying west of the Sioux City and Nebraska Railroad are very valuable?

Mr. HASKELL. They are. The tract sought to be sold is one of the best in the country.

Mr. TOWNSHEND, of Illinois. If that is the most valuable part of their lands why do you seek to sell it. Is it prudent for men owning property to sell the most valuable portion of it?

Mr. HASKELL. We let the Indians take their severalty allotments in the most valuable part. The fact is, the timber, which is the great desideratum in Western lands, lies where they are now located. Many of them have good farms and fields well fenced, with

cattle, &c., and they wish to take their severalty allotments where they now have their homes. Any Indian, however, who wishes to take his piece of land to the west of the railroad can do so.

Mr. SCALES. My friend does not mean to say after this land is sold there can be any allotment?

Mr. HASKELL. Before any is sold that right of allotment is specially guaranteed, and they can make their selections wherever they choose.

Mr. VALENTINE. I desire to say there is now a law authorizing the Secretary of the Interior to sell 50,000 acres of that land. It embraces all the land mentioned in this bill and some other land in addition; and that land may be sold indiscriminately to any persons. It may be sold to persons not expecting to become actual settlers.

After this railroad was built through there the Indians then asked that he sell no land under the law as it now exists, and made their petitions for a bill of this character, the one which is now pending before the House, and which was framed in accordance with their wishes.

Speaking as to whether it is the best agricultural lands or not, I will state in reply to gentlemen that it is just such lands west of the road that are offered for sale as are east of the road for a considerable distance; but, as stated by the gentleman from Kansas, the agency buildings are over nearer the Missouri River among the timber where most of the Indians have their homes and have made their selections. These Indians I know very well, and they are anxious to sell this portion of the reserve and have allotments made to them in severalty of the remainder. It is at their request, as I have stated, that the bill was drawn, and it is in my judgment the best bill I have ever seen brought into the House for the sale of Indian lands.

Mr. HASKELL. I desire to take the floor again in order to make a statement, for when I referred before to the total amount of the land belonging to this reserve I was not sure that I was correct. The Commissioner, as I understand it, says that there will be remaining after this sale, when the allotments are provided for, 143,000 acres, so that instead of the entire reserve being 150,000 acres, after this sale and these allotments are made there still remain 143,000 acres.

Mr. VALENTINE. I think it is considerably over 100,000; the report will show, however.

Mr. NEAL. I would like to ask the gentleman from Kansas a question.

Mr. HASKELL. Certainly.

Mr. NEAL. As I understand it the minimum price fixed for this land is \$2.50 an acre.

Mr. HASKELL. Yes, sir; and it cannot be appraised for less than that. It must be appraised by the joint action of the Interior Department and the Indians themselves, and the settlers pay the appraised value for the land, every dollar of which goes to the Indians to be invested for their interest.

Mr. NEAL. Now, still further, let me ask why you make the minimum price \$2.50?

Mr. HASKELL. Let me state first that I find, according to the report of the Commissioner, there will be over 100,000 acres of this land remaining—

Mr. NEAL. The question I was going to ask the gentleman is whether or not that land is not very rapidly appreciating in value, so that it will be worth three or four or five times as much in a few years from now as it is now worth?

Mr. VALENTINE. Not while it remains in the possession of the Indians.

Mr. NEAL. It has appreciated though, in late years.

Mr. HASKELL. I will answer the gentleman. As a general proposition covering the wild lands of the West, unless it happens that a man makes a selection where a town subsequently springs up, no man in the world ever had wild lands to appreciate in value on his hands to such an extent that it could pay 5 or 6 per cent. interest; never in the world. And if I owned this Omaha reservation myself to-day I would prefer to have it sold under the terms of such a bill as this at an appraised value, as fixed in this bill, and would be sure to get an interest on that money, at Government rates, far in excess of any possible increase of the value of the lands while they remained in my possession.

I think that is a proposition in which every man who has cognizance of the value of these western lands will bear me out. It is only those lands which are improved by having a town spring up upon them, or by having railroads passing through them, where any considerable increase in value takes place; and if these lands remain in the possession of the Indians who now occupy them there is no possible chance of any such increase of value. So if we put the minimum at \$2.50 an acre, and then appropriate every dollar received from the sale of them for the benefit of these Indians, after they have received their allotments, their interests will be greatly increased rather than by permitting them to retain the land in their own possession. They see the wisdom of this themselves and urge its adoption.

Mr. NEAL. The answer of the gentleman, so far as I am concerned, is perfectly satisfactory.

Mr. VALENTINE. I desire, Mr. Speaker, to say a word as to the amount of lands that will remain after the allotment and sale not

exceeding 50,000 acres lying west of the railroad, as provided by this bill, and I will read here from the report of the Committee on Indian Affairs, page 2, where it is shown:

There then remained of the unallotted lands (outside of the lands to which the provisions of the present bill authorizing the sale of not exceeding 50,000 acres extend) an area of 100,526.66 acres.

Mr. SCALES. Mr. Speaker, I beg the attention of the House for a few moments while I make some statements I think they should be in possession of before acting upon a bill of this importance. When I objected to the consideration of this bill on Saturday last I did not then know that I would upon examination be opposed to it. Upon going to my room, however, I examined into the effect of it, and became well satisfied that whatever the object of the Committee on Indian Affairs was, or whatever might be the object the gentleman from Nebraska had in view, this in effect if passed by this House would be nothing more nor less than a swindle upon the Indians; and I say this, sir, without meaning any personal offense to anybody who is interested on the other side.

Now, so far as that part of the bill is concerned which proposes to allot the lands in severalty, I am in hearty accord with it. I believe those provisions of the bill are the best I have ever seen. I believe that they ought to be passed and hope they will pass, but I do ask this House, in the interest of the Indians to whom these lands now belong, before you make this allotment, not to say that you will sell the very best part of the lands that belong to them, and that you will sell only that part which is fit for farming purposes. That is all I ask. And to sustain my position on that point I have only to read to this House what I have read for myself. Taking up the report of the Commissioner of Indian Affairs on last Saturday I find a report from the agent who has just gone to that agency, and I ask the House to bear with me while I read it.

Now, mind you, the first clause is that 40,000 acres of the western part of this land are to be sold. Why sell it? Why sell it now upon the eve of dividing that land among the Indians and allowing a commission to give to them that which is best for them and for those who come after them? Why not, I appeal to members, allot first and sell afterward, if sell you must?

Gentlemen say it is in the interest of Indians. I apprehend it will appear here from the facts in this case it is in the interest of the white people of Nebraska; and my sole object—I have none other in view—is to protect the Indians, who in this particular, the disposal of their lands, have been swindled by permission of the Government almost, I blush to say, without exception from its foundation.

Much has been said by sensationalists of the treatment of the Indians by this Government—much unjustly and much that is well founded. The Government is criminally indulgent and generous in feeding and clothing and schooling these Indians year after year, without forcing them to work or their children to attend schools that they may become self sustaining. The money is wasted and no improvement in the Indian. But the special ground of complaint is in the disposal of their lands. Here they are always swindled, and by permission of Government, and we see step by step, acre by acre, they are driven, under the authority of treaties too, until they have been swept away from the Territories, even to the very shores of the Pacific. A few here and there can be found in the Territories, but they are fast disappearing and will eventually be pushed to the Pacific. Why, sir, is this? It is because these Territories have been settled up; the white man has come upon the stage; the white man is blinded by greed and avarice; the white man must have the benefit of these fertile lands. And lo, the poor Indian who has westward taken his way, must go still farther westward to find a home in a less favored clime, with less fertile lands.

What I ask is, that where they have lands, while we have the power, we shall keep them in possession of these lands until they are allotted in severalty, until each individual has his home protected by the laws of this great Government, and then you can sell what they do not require. The Government feeds and clothes them annually. The great object in view is to make them self-supporting and stop this heavy drain. How can this be done if the best lands are taken and they left to barren rocks and steep and rugged cliffs to learn a remunerative system of agriculture?

Now, let me read to the House this report. I ask the House to look at the two pictures. This is the report of the agent, who says:

This large body of land is better adapted to the raising of stock than for farming purposes, it being much broken and mountainous, especially that part of it lying on the Missouri River.

Now, the other picture:

The western part of both reservations and through which the Logan runs is more level and well adapted to farming purposes, and it is said to be equal in fertility to any land in the State of Nebraska.

That is the part they want to sell. The eastern part is broken; it is mountainous; it is unfitted to farming purposes, and that is the part we are told here by the Indian Committee in the interest of the Indian that the Indian ought to keep. But hear further what he says; and I ask the special attention of the House to this:

In traveling over the reservation the other day, especially that part lying on the Logan, I could not help being impressed with the untold wealth that lay before

me; pasturage sufficient for thousands and thousands of head of stock; a fine stream of water running at my feet, and hardly a tree in sight; grass from two to four feet in height; and all this treasure in a month or two, instead of being gathered into barns, to be consumed by the annual prairie fire.

Mr. HASKELL. Will the gentleman allow me to interrupt him?
Mr. SCALES. In a moment.

There is no end to grass anywhere except on the border of the Missouri. The reservation is one grand prairie—one great stock-raising country, where if a white man had a title—

Mr. Speaker, here I think is the milk in the cocoanut—

The reservation is one grand prairie—one great stock-raising country, where if a white man had a title to three hundred acres of land he could not help becoming wealthy in a very few years.

That, Mr. Speaker, is the land described by your own agent, that you are asked to sell in the interest of the Indian, and to reserve for them the bleak and barren mountains on the Missouri River, where this agent says no grass grows.

Mr. HASKELL. Now, let me state that letter is written by the agent with reference to the old bill of 50,000 acres east of the railroad. It does not apply to the present bill, and of that beautiful Logan Valley the gentleman refers to—I leave it to the map; I state it on my honor—from one-half to three-fourths of that beautiful Logan Valley, instead of being sold, is left in the reserve. And that was the special care of the committee to see that that beautiful piece of land, a large portion of it, all the Indians would want, was reserved to them, and it is reserved to them by this bill.

Mr. SCALES. Let us see how that is by the report of this same agent. I gather my information from him. I take it the agent knew what he was talking about. He is on the ground and has the knowledge. He says:

A large number of the Omaha tribe are thinking very strongly of disposing of 50,000 acres of this western portion of their reservation—

The part he had just described of that reservation—

though while in Washington and when asked by the honorable Secretary of the Interior whether they would sell 20,000 acres of their reservation to the Poncas, they replied that they would not, but might be induced to dispose of it to the white settlers.

Mr. VALENTINE. Exactly; that is right.

Mr. SCALES. Induced to sell to white settlers! What does that mean? Shall I tell this House? Shall I tell the country what that means? Shall I call the attention of this House to transactions occurring every day in negotiating treaties, and which ought to call the flush of shame to the brow of every man who had anything to do with it?

Not more than from four to six years ago a treaty was made with the Ute Indians in regard to their reservation, and to induce the agreement the commissioners provided a pound of striped candy for each buck Indian in order to be certain of his assent. I do not refer to the last Ute agreement or to that commission. But I believe it is done more or less in all cases. What does assent mean? Will you tell me that you do not know? You do know what it means. In these transactions assent is obtained too often by whisky, striped candy, a few dollars, and such gewgaws and trifles as catch the eye of the savage, without an equivalent, and you all from the West know it; my Kansas friend knows that is what it means.

Talk about getting their assent! No, sir; there is no assent in it, and if there was, if you did secure their assent, let me appeal to you in the name of that justice which has been so long postponed, delayed, and that good faith this Government should observe—let me ask you to stop to-day this system of getting assent. Give the Indians the best lands in their reservation and put them upon it. This agent, fortunately, says these 40,000 acres west are the very lands to be sold, and coming as it does, it settles absolutely the locality.

If you are going to do justice to these Indians, send out your commission and let that commission select lands for the Indians which are suitable for farming purposes. If they are willing to give up those lands for money, or whisky, or striped candy, or ear-rings, or gewgaws, or even for a small price in money, ought we to allow them to do it? In the name of God, I say no; in the name of justice, I say no; in the name of the down-trodden Indian, I say no.

Mr. WELLBORN. I desire to ask the gentleman from North Carolina [Mr. SCALES] a question.

Mr. SCALES. Very well.

Mr. WELLBORN. I ask the gentleman, not in the way of controversy, but simply for information in view of the reference made by the gentleman to the sale of the Ute lands for candy some four years ago, does the gentleman think that this bill does not adequately provide for the sale of this land at its real value?

Mr. SCALES. I am not objecting so much to that now, though in this respect it is not sufficiently guarded; the minimum price is too small. If my friend had listened to me he would have found that the object of my remarks was not at all as against that portion of the bill giving the lands in severalty to the Indians, but merely to that part which provided for the sale of these lands. My idea is this: if you want this allotment, appoint your commissioners and give the Indians the best land, and give it before you sell any off.

Mr. TOWNSHEND, of Illinois. Why sell any of it? Why not allow them to have it all.

Mr. SCALES. Yes, why sell any of it?

Mr. HASKELL. I would inquire how much time there is remaining of my hour?

The SPEAKER, *pro tempore*, (Mr. BURROWS, of Michigan.) The gentleman has thirty-five minutes remaining.

Mr. SCALES. This is an important subject, and I hope it will not be hurried over. There are in this reservation 150,000 acres of land. There are in the Omaha tribe 1,121 individuals. If none of this land is sold it will give 160 acres per capita to the members of this tribe—not an acre too much if there should be increase and prosperity. Sell it, and you do it for the white men; sell it, and you open the door for speculation and great profits.

Now, what do I propose to do? Am I objecting to this allotment? No, sir. I think the time has come, and I am glad to know that the American House of Representatives in the last Congress recognized the fact, when these Indians must be treated under law. I am glad to see that the time has come when you must give them their lands in severalty, leaving the title in the Government, as this bill does, until they show that they can take care of it and will not be swindled out of it.

I am glad the time has come when these Indians will be forced by the Government to work, when they will be forced by the Government to attend the schools, and when all will be controlled by the law of this great country. Why, sir, fifty years ago Mr. Calhoun, standing in the old Hall of the House of Representatives, said that there could be no civilization, there could be no improvement, there could be no great moral advancement of the Indian tribes until they were under law. Yet from that day to this there has been no law extended over them except the savage law of their own savage tribes.

I am in favor of this allotment; I am in favor of law over the Indians. I believe the time has come when this question will be solved. I heartily concur with my friend from Kansas, [Mr. HASKELL;] we have always been hand in hand on this subject, and I am with him to-day.

But excuse me; when the Committee on Indian Affairs goes so far, or when the Secretary of the Interior goes so far, or when the Commissioner of Indian Affairs goes so far in allotting these lands as to take from the Indians the best lands they have, according to all estimates, the only lands fitted for agricultural purposes, for that pursuit in which you have boasted that your civilization of the Indian has been most perfect heretofore—excuse me if I cannot go to that extent. I want to keep these lands for the Indians without regard to the profit they may be to the white man should he obtain possession of them.

I sympathize with those gentlemen who live in Nebraska. If I resided there, I doubt not I would desire that these Indians who seem to be a sort of wall in the path of the country's progress should be out of the way. But, Mr. Speaker, they must go somewhere; and the Government has given them this land. Do not let the Government, in the name of all that is just, take it away from them under the guise of having obtained their free consent. This is the most shameful fraud of all. No, no; do not say that. If you adopt such a measure, say frankly that you take their lands by force for the white man, and leave the question in that shape as the result of force without consent.

Mr. HASKELL. Mr. Speaker, how much time have I remaining?

The SPEAKER *pro tempore*. Twenty-five minutes.

Mr. HASKELL. I propose to yield to the gentleman from Nebraska [Mr. VALENTINE] fifteen minutes, or so much time as he may desire.

Mr. HOLMAN. I supposed that the gentleman from North Carolina [Mr. SCALES] was speaking in his own right, and was entitled to an hour.

Mr. SCALES. Yes, sir; I spoke in my own right.

Mr. HASKELL. I do not know when I surrendered the floor. I have been yielding to several gentlemen.

Mr. SCALES. I wish to reserve the remainder of my hour in order to reply. How much time did I occupy?

The SPEAKER *pro tempore*. Twenty minutes.

Mr. VALENTINE. Mr. Speaker, I will not detain the House long; but I cannot remain silent and allow the remarks of the gentleman from North Carolina [Mr. SCALES] to go unanswered, and, as to a portion of them, undenied. Probably he is not personally responsible for some of the assertions which he made, as he has relied upon the statements of an agent. One portion of the report which he read speaks of the mountainous regions of Nebraska and then speaks of this reservation as one grand prairie.

Mr. SCALES. That is what the officer making the report said.

Mr. VALENTINE. I know he said it; at least, that is what the gentleman read, and I presume he read it correctly.

Mr. SCALES. I spoke of the western part as a prairie. The eastern part is mountainous, as I understand.

Mr. VALENTINE. The eastern part of that reservation is just like the counties of Burke and Washington that lie south of it; and those counties are considered to be two of the best agricultural counties in Nebraska. It is true they are not quite as level as—

Mr. SCALES. How would the gentleman like to have this bill confined in its operation to the eastern part of the reservation?

Mr. VALENTINE. I would prefer it if I were going upon the land to farm.

Mr. SCALES. If any portion of the reservation is to be sold, I will give my consent to the sale of that part, if it would be satisfactory to the gentleman.

Mr. VALENTINE. I have no doubt the gentleman would consent; but it is not his consent we are asking. It is the consent of the Indians that we desire; and the Indians wish to retain the eastern part. You cannot find a single Indian of that tribe who will consent to the sale of the eastern part of the reservation. A delegation from the tribe, headed by Joe Laflèche, so stated before the committee. You cannot find one of those Indians that does not want the western portion sold, not the eastern part. A railroad has been built and is now being operated through that reservation. The Indians say they want that portion west of the railroad sold. This could be done under existing law, but if sold under the existing law it would be sold to persons who would not be required to occupy it. Therefore, the Indians say, "Do not sell the land under the present law, but pass a new law and sell it only to persons who will reside upon it and cultivate it." When it is sold upon these conditions, the white men will occupy up to the railroad on the west. They will build stations and towns; and the Indians will come up to the railroad from the east and get the benefit of these improvements.

These are not the wild untutored Indians that the gentleman from North Carolina talks about; they are bright and intelligent; they are farmers who earn their own living by what they raise upon their farms as do the white people. They have good houses. Their families are neat and clean. They are educated, and are educating their children.

I do not wish to speak further except to say that there are no mountains in Nebraska. There is no land in the eastern part of Nebraska that is not susceptible of agricultural cultivation. I send up to the desk to be read a speech of Joe Laflèche, one of these Indians, delivered before the committee. It is very short; and I want it to go alongside of the speech of the gentleman from North Carolina.

The Clerk read as follows:

REMARKS OF JOSEPH LAFLÈCHE.

FRIENDS: I wish to speak to you of some of our troubles. First, I will tell you of some things in the past. I was born in this country, in Nebraska, and I have always lived among the Indians. There was a time when I used to look only at the Indians and think they were the only people. The Indians must have been long in this country before the white man came here. I do not know how the Indians got their seed, but they had corn and squash and beans when I was young. In the spring they would take their seed and farm their one or two acres. There were no idlers, all worked in the spring. Those who had no hoes worked with pieces of sticks. When they got their seed in they went on the hunt. They had nothing to worry them; all they thought of was their little garden they had left behind. In the middle of the summer they came back with the skins for their tent-cloths, the meat for their food, and the skins for their clothing. They made use of all animals. When they got home they gathered their corn, dried it, buried a part of it, and taking enough to serve them, started out on the winter hunt to get furs. Then it was I used to see white men, those who were going around buying furs.

Sometimes for two or three years I would not see any white men. At that time the country was empty, only animals were to be seen. Then after a while the white men came, just as the blackbirds do, and spread over the country. Some settled down, others scattered over the land. The Indians never thought that any such thing could ever be. It matters not where one looks now, one sees white people. These things I have been speaking about are in the past, and are all gone. We Indians see you now, and want to take our steps your way. We turn ourselves toward you that you may help us. It seems as though the Government pushes us back. It makes us think that the Government regards us as unfit to be as white men. The white man looks into the future and sees what is good. That is what the Indian is doing. He looks into the future and sees his only chance is to become as the white man. When a person lives in a place a long time he loves the place. We love our lands and want titles for them.

When one has anything he likes to feel it is his own and belongs to no one else; so we want titles; then we can leave our land to our children. You know, and so do we, that some of us will not live very long; we will soon be gone into the other world. We ask for titles for our children's sakes. For some years we have been trying to get titles, but we have never heard from the Government. A little while ago I heard what the President said in his message, and it seemed as though he was giving me a cup of cold water when I was very thirsty. We are not strong enough to help ourselves in this matter, so we ask you to help us. In the past we only lived on the animals. We see that it is from the ground that you get all that you possess.

The reason you do not look upon us as men is because we have not law, because we are not citizens. We are strangers in the land where we were born. We want the law, that we may be regarded as men. When we are in trouble we want to have courts to appeal to. The law will teach wrong-doers. It will prevent trouble, as well as punish those who commit offenses. We know that in asking for titles we are asking for that which will bring responsibility. We are ready to accept it, and to strive to fulfill its requirements. It seems as though in the past the Government had not listened to the words of the Indians. We know our own needs, and now we speak to you directly.

Mr. HASKELL. I would like to move the previous question and have it ordered now, so that this bill may be pending in the morning; and then I will move to adjourn.

Mr. HOLMAN. I wish to move an amendment.

Mr. SCALES. Will the arrangement which the gentleman from Kansas [Mr. HASKELL] suggests reserve my time, which I wish to use in reply?

Mr. HASKELL. I want the gentleman to yield his time, and I will yield mine, so that the debate may terminate now.

Mr. SCALES. I do not know but I may agree to that.

Mr. HASKELL. I wish to save as much of the time of the committee as I can. I do not want to consume more time in debate upon

this bill. Let us vote it up or down. If the gentleman from Indiana desires to offer an amendment, I will yield to him for that purpose.

Mr. HOLMAN. While I do not waive the point of order pending before the Chair, I present the following amendment.

The Clerk read as follows:

Add to the eighth section of the amendment the following words:

"Provided further, That no part of said land shall be sold until the allotments shall have been made to the said Indians under the fifth section of this act. And said Indians, or any part of them, may, if they shall so elect, select the land which shall be allotted to them in severalty in any part of said reservation, either east or west of said right of way mentioned in the first section of this act."

Mr. HASKELL. I now demand the previous question on the bill and amendment, and ask that the amendment may be printed in the RECORD, and then let it go over.

Mr. HOLMAN. Gentlemen are anxious on this side there shall be no haste in this matter. We reserve the point of order, and I think, subject to the point of order, it might be agreed the previous question should be regarded as pending.

Mr. HASKELL. I do not want the point of order allowed to run along to a future time. I do not care whether the bill is passed or not, but I do want to conclude action on the bill so we may get up some other business and dispose of it. That is my sole desire.

Is the point, Mr. Speaker, that the bill shall be considered in the Committee of the Whole House on the state of the Union?

Mr. HOLMAN. Yes; that is the point of order, that, under the rules, it must have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. HASKELL. Why, that is set aside by the order of the House fixing this time for the consideration of Indian business. We are authorized to consider in the House any Indian business which we may choose to call up. The House will bear me witness that I have not choked off debate or amendment, but have allowed full and fair consideration of every measure.

Mr. HOLMAN. The gentleman has been very fair.

Mr. HASKELL. I wish to save time, so we may have opportunity to call up other bills. I have promised to call up an important bill, brought to my notice by gentlemen on the other side of the House, and I wish to keep my word.

Mr. SCALES. I cannot consent to withdraw the point of order. I feel it to be my duty to insist upon it.

Mr. HASKELL. Very well; let us have a decision on the point of order.

Mr. SCALES. It is understood when the previous question is ordered I am to have my time.

Mr. HASKELL. I do not want to take up any more time. Let us have a vote on the bill, and vote it up or vote it down.

Mr. SCALES. I might want to say something.

Mr. HASKELL. If we do not debate it on this side there will be nothing to reply to.

Mr. SCALES. I insist on the point of order.

The SPEAKER. Will the gentleman from Indiana indicate what provision of the bill is subject to the point of order?

Mr. HOLMAN. The ninth section provides for the payment of the expenses of this commission out of the public Treasury.

Mr. HASKELL. No; all of the expenses are to be paid out of the proceeds of the sale, out of Indian money, and not out of the public Treasury.

Mr. HOLMAN. I did not so read it, but I may be mistaken.

The SPEAKER *pro tempore*. The rule provides as follows:

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Will the gentleman from Indiana point out what provision of the bill brings it within that rule?

Mr. HOLMAN. The ninth section of the bill. It does not provide for the payment of money out of any specific fund. It does not provide the compensation of these commissioners shall be paid out of the fund coming from the sale of these lands. In the absence of such provision that it shall be paid out of some specific fund of course it will have to come out of the public Treasury. I concede if the money is to be paid out of the Indian fund the case will be quite different.

Mr. HASKELL. In reply to the gentleman, I refer him to section 3, that the proceeds of the sale, after paying the expenses incident to and necessary to carry out the provisions of this act, &c., as the Secretary of the Interior may deem necessary, may be placed to the credit of the Indians. It provides for the payment of every expense out of the money arising from the sale. It is not an appropriation of money out of the Treasury or a tax upon the people.

Mr. ROBINSON, of Massachusetts. This discussion is quite immaterial, because in the line of the ruling of the Chair it is not competent to insist on the point of order. The House having made a special order of this business for to-day, the Speaker has held the point of order that a bill must first go to the Committee of the Whole House cannot be made or insisted on. He ruled that in reference

to the District of Columbia business, and the gentleman from Indiana will recollect that, because we had a long discussion over it. The Chair has held that in such cases, where the House by a special order assigns a certain class of business for a specified day, that it avoids this point of order.

Mr. SCALES. A word there, Mr. Speaker, in response to the gentleman from Massachusetts. Can it be the fact that it has been decided in this House, or so held by the Speaker, that when the House determines to make a special order assigning certain business for a specified time, it has determined thereby to give up all its rights, and the rights of its individual members to make points of order upon the bills which may be presented coming within the rule?

Mr. ROBINSON, of Massachusetts. That, I say, was the ruling, after a long discussion, as my friend from Indiana will recollect.

Mr. SCALES. A ruling at this session of Congress?

Mr. ROBINSON, of Massachusetts. Yes, sir; the question arose with reference to some business reported from the Committee on the District of Columbia, and it will be remembered that the Speaker reinforced his decision by stating that it was the substance of former rulings upon the same subject. For myself I may be permitted to say that I seriously question the wisdom of such rulings.

Mr. HASKELL. This imposes no tax upon the people; it takes no money out of the Treasury. If there was even a point of order to be made against it on that ground it has already been overruled by the Speaker.

Mr. SCALES. In all frankness I do not think, on examination of the bill, that the point of order is good; and since I have examined this section of the bill to which attention has been called by the gentleman from Kansas, I withdraw it.

The SPEAKER *pro tempore*. The Chair would have been compelled to overrule the point of order.

Mr. HOLMAN. This third clause of the bill provides that the money is to be paid out of the Indian funds, and in that case of course the point of order would not be good.

Mr. HASKELL. I now ask the previous question upon the bill.

The previous question was ordered.

Mr. HASKELL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWNE. I now ask unanimous consent to take from the Speaker's table three or four pension bills which have been passed by the House, but amended by the Senate, merely formal amendments, with a view to concurring in the same; it will take but a moment.

There was no objection.

ELIZABETH B. CUSTER.

The first pension bill on the Speaker's table with House amendment was the bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth B. Custer.

The amendment was read. It is as follows:

In line 3 to strike out the initial letter "C." and insert "B."

Mr. WILLITS. I move that the House recede from its amendment to the Senate bill. It was a mistake in the name simply. We changed the middle letter of the name from B. to C. It should be from C. to B.

The motion was agreed to.

DAVID T. STEPHENSON.

The next pension bill on the Speaker's table with Senate amendment was the bill (H. R. No. 3593) granting a pension to David T. Stephenson.

The Senate amendment is as follows:

Add at the end of the bill:
"And to pay him the same pension as would be allowed a private soldier for like disability."

The amendment was concurred in.

AMANDA J. M'FADDEN.

The next pension bill with Senate amendment on the Speaker's table was the bill (H. R. No. 864) granting a pension to Amanda J. McFadden.

The Senate amendment is as follows:

In line 2, after "pension-roll," insert "subject to the provisions and limitations of the pension laws."

The amendment was concurred in.

PATRICK SULLIVAN.

The next pension bill on the Speaker's table with Senate amendments was the bill (H. R. No. 1873) for the relief of Patrick Sullivan.

The Senate amendments are as follows:

In line 3 strike out "28" and insert "24;" and in line 5 strike out all after the word "infantry" to the end of the bill.

The amendments were concurred in.

Mr. BROWNE moved to reconsider the several votes by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECOMMITTAL OF A BILL.

On motion of Mr. HUTCHINS, by unanimous consent, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the joint resolution (H. R. No. 191) to provide for the settlement of accounts of the Mobile and Ohio Railroad, and the same was recommitted to the Committee on Claims.

THOMAS WALSH & CO.

Mr. SPAULDING. I ask unanimous consent to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. No. 2428) for the relief of Thomas Walsh & Co., and to put the same upon its passage.

The bill was read. It is as follows:

Be it enacted, &c., That the Secretary of the Treasury be authorized and directed to pay to Thomas Walsh & Co., of Detroit, Michigan, the sum of \$283.25, out of any money in the Treasury not otherwise appropriated, as a refund of penal duties paid by them erroneously assessed upon an invoice of dressed dolls imported by them at the port of Detroit, Michigan, in November, 1880.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN E. VENABLE.

Mr. BLOUNT. I ask unanimous consent to offer for present consideration a joint resolution for the relief of John E. Venable. I desire to be allowed to make a statement in regard to it.

The joint resolution was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. WASHBURN. I object.

REVENUE-MARINE SERVICE.

Mr. TOWNSEND, of Ohio. I offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the bill of the House (H. R. No. 3983) to promote the efficiency of the revenue-marine service, now on the House Calendar with amendments thereto, reported from the Committee on Commerce, be made the special order for Wednesday, December 6, 1882, after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation bills.

Mr. HOLMAN. I object.

PUBLIC BUILDING AT SPRINGFIELD, ILLINOIS.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. No. 6841) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Illinois; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KASSON, for three days after the 27th instant.

To Mr. RICHARDSON, of South Carolina, indefinitely, on account of sickness in his family.

To Mr. ORTH, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 327) for the relief of John W. Humphrey;

A bill (S. No. 329) to authorize the preparation and publication of a classified, analytical, and descriptive catalogue of all Government publications from July 4, 1776 to March 4, 1881;

A bill (S. No. 314) to designate, classify, and fix the salaries of persons in the railway mail service; and

Joint resolution (S. R. No. 17) relating to the refunding of certain internal-revenue taxes illegally assessed against and collected from the Detroit House of Correction, in the State of Michigan.

Mr. HOLMAN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. S. S. COX: The petition of Andrew Lutz, for relief—to the Committee on Claims.

By Mr. DUGRO: The petition of August Lindner, for a pension—to the Committee on Invalid Pensions.

By Mr. A. S. HEWITT: The petition of citizens of New York, for the appointment of a select committee to consider the shipping interests of the United States—to the Committee on Commerce.

SENATE.

THURSDAY, July 27, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 22d instant, a statement showing the receipts of money from all sources by the United States from 1789 to June 30, 1882; and a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 22d instant, a statement showing the expenditures by the United States from 1789 to June 30, 1882, for public buildings and other public works, and for rivers and harbors, forts, arsenals, and armories; which, on motion of Mr. COCKRELL, were ordered to lie on the table and be printed.

LOAN OF TENTS TO RUSSIAN HEBREW REFUGEES.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 271) authorizing the Secretary of War to loan twenty-five wall tents to the colony of Russian Hebrew refugees, at Cimarron, Foote County, Kansas.

Mr. PENDLETON. I ask for the immediate consideration of the joint resolution.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. BUTLER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6723) to repeal all laws which require the inspection and measurement of wood brought to the city of Washington for sale, reported adversely thereon; and the bill was postponed indefinitely.

ORDER OF BUSINESS.

Mr. CAMERON, of Pennsylvania. I ask the unanimous consent of the Senate to consider the bill (H. R. No. 2592) granting a pension to Mary E. Murray. It is a pension case in which there was an adverse report. It will only take a minute or two. If it takes more time than that I will withdraw it.

Mr. HALE. I do not want to consent to the consideration of any bill that will take more than a minute or two.

Mr. INGALLS. Will the Senator from Maine consent to the consideration of any bill that will take only a minute or two?

Mr. HALE. For a while.

Mr. INGALLS. There are several bills we should like to pass this morning that would only take a minute or two.

Mr. PLATT. There are on the Calendar ten pension cases in which there are majority and minority reports. I think they ought to be considered at some time before the close of the session. One of them is the case to which the Senator from Pennsylvania has alluded. I have no objection to its being taken up at the present time. I merely wanted to give this notice, that I think all these cases ought at some time to be considered.

Mr. ALLISON. I think there will be time enough to consider those cases in the interval when the appropriation bills will be in conference. I think if we are to adjourn soon we had better go on with the appropriation bills.

Mr. CAMERON, of Pennsylvania. I could have made the statement I intended to make in regard to the bill I wish to have considered in the time that has been taken by Senators in discussing the order of business, and if the Senate will give me half a minute I can now state all there is in the case.

The PRESIDENT *pro tempore*. The bill is not up yet.

Mr. ALLISON. I was not saying anything in reference to the matter which the Senator has in charge. I was endeavoring to respond to the Senator from Connecticut, who wants to take up pension bills this morning.

Mr. CAMERON, of Pennsylvania. No, he does not; he only gave notice of his intention to call them up at an early day.

Mr. ALLISON. I merely wanted to say that we could take up those bills at intervals when the appropriation bills were not pressing.

Mr. INGALLS. The only sensible plan is to consume the time in discussing what shall be the order of business.

Mr. CAMERON, of Pennsylvania. Is the bill before the Senate?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves to take up the pension bill, which will be announced.

The ACTING SECRETARY. A bill (H. R. No. 2592) granting a pension to Mary E. Murray.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. I understand that in these cases there are adverse reports.

Mr. CAMERON, of Pennsylvania. There is an adverse report in this case and there is a minority report.

Mr. COCKRELL. I say that the majority report of the committee is adverse. There are a great many cases on the Calendar where there is no adverse report, where it is a unanimous report, cases which could be disposed of in a minute, and I think they are the ones which ought to be disposed of and ought to have precedence.

Mr. CAMERON, of Pennsylvania. I trust the Senator will not object to this.

Mr. HOAR. I am interested in one pension case of a constituent, and I suggest that we have unanimous consent to take up the pending pension bills subject to the appropriation bills; that is, the understanding being that the appropriation bills shall have the right of way—they to come up when the appropriation bills go out.

Mr. HALE. Does the Senator mean after the appropriation bills pass? I do not object to any arrangement, of course, that does not interfere with the appropriation bills.

Mr. HOAR. I will withdraw my suggestion.

Mr. CAMERON, of Pennsylvania. Now I hope there will be no objection to the consideration of the bill which has been indicated.

The PRESIDENT *pro tempore*. Is there objection to considering the bill?

Mr. COCKRELL. I call for the Calendar.

The PRESIDENT *pro tempore*. There is objection.

Mr. CAMERON, of Pennsylvania. I hope the Senator from Missouri will withdraw his objection.

Mr. INGALLS. I ask either for the consideration of the Calendar under the Anthony rule or for the consideration of the naval appropriation bill?

Mr. HALE. Under these conditions, then, as the Senator from Pennsylvania will see, I shall have to move to take up the naval appropriation bill.

The PRESIDENT *pro tempore*. The regular order of business is the proceeding under the Anthony rule.

Mr. PLATT. With the permission of the Senator from Maine, I will say that at the first opportunity I shall ask the Senate to take up the pension bills to which I have referred.

Mr. ALLISON. That is right.

Mr. CAMERON, of Pennsylvania. I suggest to the Senator to ask for their consideration at this time.

Mr. PLATT. There seems to be objection to that course.

Mr. HALE. I hope the Senator will wait until after the appropriation bills are out of the way.

Mr. PLATT. At the first opportunity I shall ask the Senate to take up these contested cases, and the Senate can go further with the pension bills if it is desired.

Mr. HALE. I am very desirous of getting the naval appropriation bill out of the way to-day so as to send it to the other House.

The PRESIDENT *pro tempore*. The Senator from Maine moves to postpone the regular order under the Anthony rule. Is there objection? The Chair hears none. Then he moves to take up the naval appropriation bill. Does the Chair hear any objection? The Chair hears none, and the bill is before the Senate.

CREEK ORPHAN FUND.

Mr. SLATER. I ask the Senator from Maine to yield to me for the purpose of taking up the Creek orphan fund bill, which came from the House yesterday.

Mr. HALE. It is only to enter a non-concurrence, I understand, and to expedite the disposition of the bill.

Mr. SLATER. That is all.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. No. 126) to reimburse the Creek orphan fund. The amendment will be read.

Mr. SHERMAN. Before the reading proceeds, I should like to ask what is the purpose of the Senator from Oregon?

Mr. SLATER. My purpose is to move non-concurrence in the amendment of the House of Representatives, and to ask for a committee of conference.

Mr. SHERMAN. I have no objection to that course.

The ACTING SECRETARY. The amendment of the House of Representatives is to strike out all after the enacting clause of the bill, and in lieu thereof to insert:

That the sum of \$251,055.97, with 5 per cent. interest on \$176,755.97 from April 6, 1872, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of reimbursing the Creek orphan fund, which sum has been diverted from the said fund, and is due to the Creek orphans and their heirs under the treaty of March 24, 1832: *Provided*, That said sum shall, in the discretion of the President, be paid to the Creek orphans and their heirs under the direction of the Secretary of the Interior: *Provided further*, That it shall be the duty of the Secretary of the Interior to ascertain who are entitled under the aforesaid treaty of March 24, 1832, and the provisions of this act to receive the money hereby appropriated; and it shall be his duty to see that said moneys shall be paid to the actual beneficiaries under said law, the orphans and their heirs, to the exclusion of all claims by attorneys for fees, except such reasonable attorney's fees as shall be approved by the Secretary of the Interior after the passage of this act: *Provided further*, That all bonds heretofore purchased with moneys belonging to this fund shall be the property of the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and instructed to charge the sum of \$69,956.68, used for general purposes of the Creek Nation, against the general fund of said nation, and said sum shall be retained by the Secretary of the Interior in such installments as shall not seriously embarrass the object of the annual appropriations for the support and necessities of the Creek Nation.

Mr. SLATER. I move that the Senate non-concur in the amendments of the House and ask for a committee of conference.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. SLATER, Mr. DAWES, and Mr. COKE were appointed the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had receded from its amendment to the bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth C. Custer.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. No. 864) granting a pension to Amanda J. McFadden; A bill (H. R. No. 1873) for the relief of Patrick Sullivan; and

A bill (H. R. No. 3599) granting a pension to David T. Stephenson.

The message further announced that the House had agreed to the resolution of the Senate to correct an error in the enrolling of the bill (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2428) for the relief of Thomas Walsh & Co.; and

A bill (H. R. No. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 864) granting a pension to Amanda J. McFadden;

A bill (H. R. No. 1873) for the relief of Patrick Sullivan;

A bill (H. R. No. 3599) granting a pension to David T. Stephenson;

A joint resolution (S. R. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary; and

A joint resolution (S. R. No. 77) allowing the widow of General Judson Kilpatrick, late minister to Chili, one year's salary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILLIAMS. I offer an amendment to the sundry civil appropriation bill, and move its reference to the Committee on Appropriations.

Mr. ALLISON. I ask that the amendment be read at the Secretary's desk.

Mr. WILLIAMS. I ask to have it referred without printing.

The proposed amendment was read, as follows:

That the Attorney-General of the United States be, and he is hereby, authorized and directed to ascertain and determine what would be a just and reasonable compensation for the services rendered by Charles H. Reed in the defense of Charles J. Guiteau, under the appointment of the United States district court for the District of Columbia, and to make an allowance therefor, not exceeding the sum of \$5,000; and such sum as may be allowed, not exceeding the amount aforesaid, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. PLUMB. I suggest that that ought to go to the Judiciary Committee.

Mr. HALE. By all means.

Mr. PLUMB. I move its reference to the Judiciary Committee.

Mr. WILLIAMS. The Appropriations Committee is the proper one.

Mr. ALLISON. I raise no question of reference. I only wanted to know what it was.

The PRESIDENT *pro tempore*. It will be referred to the Committee on Appropriations.

Mr. WILLIAMS. There is no question as to his being entitled to some compensation.

Mr. ALLISON. I do not desire to debate the amendment; I only wanted to see what it related to.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the resolution of the Senator from Pennsylvania [Mr. CAMERON] as modified, which will be read.

The Acting Secretary read as follows:

Resolved, That the naval appropriation bill be recommitted to the Committee on Appropriations, with instructions to strike out all general legislation changing existing laws and provide for the naval establishment as it now exists.

Mr. ANTHONY. The morning business seems to have been gone through with very rapidly. I had intended, with the assent of the Senator from Maine and with the gracious assistance of the Chair, to pre-empt the time between the routine business and twelve o'clock in favor of the bill for printing the tenth census reports. Every Senator must see the importance of that bill and the necessity of passing it at once. I hope the Senator from Maine will give way until twelve o'clock. I think that bill can be passed in ten minutes. I do not wish to say a word upon it, except to vote.

The PRESIDENT *pro tempore*. Will the Senator from Maine consent to lay the pending bill aside?

Mr. ANTHONY. If the census bill will create no debate?

Mr. HALE. I should be very glad, but I have declined to yield in regard to other matters which are very pressing, and as the naval bill has been taken up, and we have got it before the Senate, I think it will be better now in the general disposition of business to go on with that, and I hope we may finish it to-day. It is only on that account that I decline to yield to my friend from Rhode Island.

Mr. BAYARD. Mr. President, the rules of this body have assigned the consideration of special subjects to committees organized with especial reference to their proper consideration, and the Senate naturally depends upon the information derived through committees to enable them properly to decide upon questions. It is absolutely impossible for any member of this body to obtain even a general knowledge of every one of the multifarious and multitudinous subjects which come before it unless he has the aid and assistance of a committee specially charged with the consideration of the subject who, by their experience and special devotion to the class of subjects assigned to them are competent to instruct and to guide the rest of the Senate.

We are asked to-day to vote upon a naval appropriation bill. What are appropriation bills? Simply enactments providing money to execute existing laws. They are founded upon estimates prepared in the various Executive Departments, brought here, published to the country, and submitted to the Appropriations Committee, who sit in judgment upon the estimates of the Departments and then report to the Senate that they approve and recommend the appropriation of certain moneys for certain ascertained and well-known objects.

But this is not simply a bill appropriating money to maintain the personnel of the United States Navy, and to take care of the material of that Navy. There are many features of general legislation in this bill which go far toward a reorganization of the United States Navy, affecting very largely the status as to rank, promotion, and retirement of officers of the Navy, and affecting them most seriously.

Now, what have we to guide us on this subject? Was there in the other House a report from the Committee on Naval Affairs? Did the Navy Department in its last report suggest or give the reasons why these proposed changes should take place? Has the Naval Committee of the Senate made any report? Even the honorable Senator who has charge of this bill gave a statement of the condition of the Navy, but he gave no rationale why these changes should be made, nor did he even explain them.

What is the upshot of all this? It is that upon appropriation bills you are ingrafting general legislation. It is a bad form of legislation. Suppose upon the appropriation for the support of the judicial branch were proposed to be ingrafted such a bill as you, sir, introduced from the Judiciary Committee reforming importantly the judicial system. Suppose that had come from the Committee on Appropriations without any reference to the Judiciary Committee, and with no report, no one would say it was a proper or safe mode of legislation.

Mr. HALE. Will the Senator allow me to make a suggestion here?

Mr. BAYARD. Certainly.

Mr. HALE. The Senator refers to the non-action of the Naval Committee of the House in this bill. If he will examine the debates which took place in the House, which I have here in full, he will find that the Naval Committee of the House acted in conjunction with the Committee on Appropriations, made suggestions and amendments, and that one of the most important features, and perhaps the most important feature, of this bill was incorporated upon it in the House of Representatives on the motion of the Naval Committee of the House represented by its chairman. The Naval Committee there did not antagonize the bill and seek to destroy it as the Naval Committee does here; but because it had not been able in any way to bring its own matters before the House it joined with the Committee on Appropriations cordially and helped it forward in this work. The bill as sent to us that the Committee on Appropriations of the Senate took hold of is the joint production of all the committees in the House having any jurisdiction over the matter; and I hope the Senator will read the debate bearing this out.

Mr. BAYARD. I will not say but what it is my right and perhaps my duty to inform myself of the current debates in the other House, although by our rules we are not allowed to refer to them here. But I cannot avoid knowledge of a public fact, what is called judicial knowledge, and that is that the House of Representatives as at present organized has in fact the same persons in control of the Naval Committee, the Committee on Expenditures in the Navy Department and the Appropriations Committee, and no wonder they are in perfect coincidence; no wonder they can agree in debate when the three committees are composed of almost the same ruling individuals. It is a triple head, the Committee on Expenditures in the Navy Department, the Committee on Naval Affairs, the Committee on Appropriations. It is *tria juncta in unum*. That is the fact, and therefore, of course, the debate will be naturally harmonious, being conducted always by the same gentlemen bringing in the bill from

one committee, and authorizing it from another, and agreeing to it from a third.

Mr. BLAIR. Will the Senator allow me to make a suggestion in regard to the matter in the other House?

Mr. BAYARD. Of course.

Mr. BLAIR. I have read that debate, and whoever reads the debate will observe that the chairman of the Committee on Naval Affairs in the House complains not of the Committee on Appropriations, but he complains of the fact that only fragmentary portions of the measure matured by the Naval Committee had been incorporated by the Committee on Appropriations of the House in the bill which comes to us. He is thankful for what he can get, and so expresses himself.

Mr. HALE. Did he not move a very important feature of this bill, and was it not put on in the House?

Mr. BLAIR. It is true that he assented to its being done, but whoever reads those speeches will see that he explicitly complains that the mature, well-defined, and well-rounded measure of the Committee on Naval Affairs of the House is botched and butchered, and he is only thankful to the Appropriations Committee for the favors that the Naval Committee do get, which is the bill as it came to the Senate.

Mr. ALLISON. That is they complained that \$10,000,000 was not appropriated, as they wanted to have done.

Mr. BLAIR. And various measures which they thought essential to a reorganization of the Navy.

Mr. BAYARD. I only repeated what is a well-known public fact, and to account for what the honorable Senator from Maine has stated, the entire and remarkable coincidence in opinion and co-operation between the three committees in the House, because as I say they are the same gentlemen playing different parts, but with nevertheless the same actor in each. I only say that because it illustrates what I may call the vice of this species of legislation, and that is, of general legislation being incorporated upon what ought to be strictly an appropriation bill.

It seems to me that while the Appropriations Committee is expressly raised to consider the estimates of the Departments and to consider the propositions of the other committees, yet that general legislation relating to any particular branch of service ought to pass through the hands of the usual and appropriate committee—which in the present case is assuredly the Committee on Naval Affairs.

Here am I, a member of this body, endeavoring to inform myself fairly and properly as to what my vote should be upon a naval appropriation bill, and in regard to certain features of general legislation I find upon it. Where am I to look for the information? My friend from Maine says take the records of the House debate and there you will find that a member of the Appropriations Committee, who is also a member of the Committee on Naval Affairs, who is also a member of the Committee on Expenditures in the Navy Department, and that debate will show that he and his friends were entirely in harmony with themselves, and that the committees being thus composed have proceeded to indorse themselves and each other with entire mutuality. Such a result may be impressive to him but it is far from satisfactory to me.

Mr. HALE. The Senator is mistaken. The chairman of the committee who moved this important amendment is not a member of the Appropriations Committee and never has been.

Mr. BAYARD. No, he is a member of the Committee on Expenditures in the Navy Department and also of the Committee on Naval Affairs.

Mr. HALE. He is a member of the Committee on Naval Affairs, which is the distinctive committee. The Committee on Naval Expenditures is a nominal committee which never meets. He did complain, as my friend from New Hampshire says, because his plan was a bill that comprehended an expense of \$10,000,000, and the Committee on Appropriations of the House did not believe that the Navy was in a condition where so much money ought to be expended, and the amendment that he moved and which is most important and is embodied in this bill was cut down in its amount at the suggestion of the Committee on Appropriations of the House. But the whole great features of the bill were put on by the chairman of the Committee on Naval Affairs, who was not a member of the Committee on Appropriations.

Mr. BAYARD. I have not yet proceeded to criticize the features of this bill; I am only speaking of the rules and forms of legislation. Three years ago, in the month of May, 1879, the legislative, executive, and judicial appropriation bill was vetoed by the then President of the United States, for the reason that general legislation was ingrafted upon an appropriation bill. It was the first time in the history of this Government that a bill had ever been vetoed for an alleged defect in form, but nevertheless it was the will and pleasure and within the power constitutionally of that official, to veto one of the appropriation bills of the Government on the ground, as he stated, that it contained general legislation.

It is not my province, it is certainly not my intent, as I am not a member of the House of Representatives, to have anything to say in regard to the organization of their House, excepting that when I am referred by the honorable Senator from Maine to the proceedings of that House and when I ask why can we not have a report to justify and explain and influence properly our votes here upon the subject

from some committee, I am told that the debates of that body will disclose the best reason, and show that the three committees of the House were in remarkable accord, then I cannot help saying that all three committees are confessedly under the same individual influence.

Therefore it is that I am disposed to vote for this motion of the Senator from Pennsylvania, the chairman of the Committee on Naval Affairs, not in the slightest degree from disrespect or distrust of the honorable gentlemen upon the Committee on Appropriations, not in the slightest degree a criticism upon what they have done, but because I think that this business comes before us from an unusual and I may add an improper channel; I mean by that, an irregular channel. If the Navy of the United States is to be substantially changed in structure, it is proper that the Committee on Naval Affairs should give us the reasons why; and when they bring in a bill here they should accompany it by a report justifying the changes which they propose to make in the existing laws—

Mr. HALE. The Senator is always so courteous that I wish to ask him one question. I know the Senator is seeking to do what is the right and wise thing in this matter.

Mr. BAYARD. I say this without intending the slightest personal reflection.

Mr. HALE. I think the Senator's course here is such as to lead me properly to assume that he is seeking the right course. He has just said that he is inclined to vote for this proposition, which cuts off the legislative parts of the bill by referring it with instructions to lop them off. Does he not think it would be a more effectual way of arriving at a just judgment as to the provisions that are incorporated in this bill to vote down that proposition, and when the different provisions come up they will be explained in detail. They will be modified if need be; they will be stricken out *seriatim* if the Senate concludes that that is wise; but we shall then have the process of deliberation upon the different clauses; and does not the Senator deem that in that way we get at a more thorough investigation of the subject?

Mr. BAYARD. I must say in regard to that, that I feel inclined to respect and obey the request of the Committee on Naval Affairs. There is such a thing as proper jurisdiction in regard to measures; and I hold that if there can be appropriate jurisdiction, it is that when the organization of the American Navy is to be changed the Committee on Naval Affairs should have something to say about it.

But I want now to pass to another matter. The Senator from Illinois [Mr. LOGAN] yesterday, with his usual force, brought before the Senate the vast disproportion of the *personnel* of the Navy to the ships of the Navy, and argued that there was something necessary to deplete those numbers by retirement or in some other way, but at any rate to deplete the numbers of the officers of the Navy.

Now what are the facts? For the last ten years, perhaps for the last fifteen, we have been in an era of change and invention in naval architecture, naval artillery, and naval warfare, so that ships and guns which were useful fifteen years ago to-day are worthless. The consequence is that, not having kept pace with modern invention, not having had in the control of the Navy such minds as were competent or willing to consider these subjects and to prove themselves able to keep this country abreast of modern invention, we have not to-day in the Navy of the United States a single first-class ship of modern construction. But while we have not ships and while we have not the artillery, we have had the annual crops, so to speak, of officers graduated from our Naval Academy. The American naval schools are of the first rank. The American navy, speaking of the ships, is of the lowest. There is that disproportion, and therefore the question is because you have now no good ships will you cease having competent officers or a supply of officers for any future navy we may hereafter build?

In our Army the avowed policy which we have pursued has been since 1865 to preserve a large nucleus of official skill, of educated men, who should act as officers to extemporize the mass of the Army by the aid of that skill, and in this of course is involved a vast disproportion of officers to the rank and file of the Army. In the Navy I take it for granted much of the same thing has been made necessary from the fact that we have fallen entirely in the rear in the way of naval architecture and construction, and in the mean time our Naval Academy has been sending forth to us the usual supply of young, accomplished, and well-educated officers.

I am disposed to believe that if there is to be an adjustment in the relative proportions of these two essentials to the Navy, we had better have ships fit and worthy of the *personnel* of our Navy than cut down and dismiss the *personnel* because we do not happen just now to have the ships. I say that it is a just and severe commentary upon the manner in which the Navy has been controlled for the last ten or twelve years that we should be in the lamentable condition so far as ships and guns are concerned that we are to-day. But the causes and reasons are not difficult of ascertainment.

Mr. LOGAN. Will the Senator allow me right there? I think he has misapprehended what I said. He speaks of cutting down the Navy and dismissing officers from the Navy. There is no attempt to do anything of the kind; there is no attempt to dismiss anybody from the Navy. The bill only provides that when certain officers of a certain grade are retired their places shall not be filled. It does

not reduce the number. We know that twenty-five commodores will be retired in seven years. Their ages shown in the register make that a patent fact, and when they are retired and on the retired list we do not put on the active list any more commodores. That is not dismissing anybody from the service.

Mr. BAYARD. Will my friend allow me to get through what I was saying?

Mr. LOGAN. One other thing. The Senator spoke of the Army. I wish to call his attention so that in his address to the Senate he may draw the parallel if he desires to do so. A commodore in the Navy is of the same rank as a brigadier-general in the Army. We have in the Army 25,000 soldiers, and twenty-five brigadiers and three major-generals on the active list. In the Navy, with not 4,000 men, you have twenty-five commodores of the rank of brigadier-general of the Army—five in the Army and twenty-five in the Navy. That is the disproportion.

Then I want to call the Senator's attention to another thing. If this Government had two hundred ships to-day manned, with forty guns each, which I presume she never will have—if she had a navy of two hundred ironclads to-day, with forty guns each, you have more officers than would be necessary to command that number of ships.

Mr. BAYARD. Mr. President, I prefer concluding what I have to say, without further interruption. For the present disproportion between the *personnel* of the Navy and the *materiel* of the Navy in the way of ships, there is an obvious cause. It is that while we have gone on graduating officers, we have wholly ceased to build ships, and the consequence is what you now see.

I do not care, for the purpose of argument, how the *personnel* of the Navy is to be diminished, whether you want to stop promotion or whether you want to retire, or whether you want to stop the supply by preventing the entrance of cadets into our naval school. That is a question of detail upon which I want the judgment of the Committee on Naval Affairs, and I want their judgment founded upon the testimony of those officers of the Navy who are best qualified to give it; and that I mean to say we have not got in regard to this bill.

There is a fact also which we may as well look at. Under our political system, within the last fifteen or eighteen months there have been four consecutive heads of the Navy Department. Mr. Thompson of Indiana was succeeded by Mr. Goff of West Virginia; Mr. Goff of West Virginia by Mr. Hunt of Louisiana; Mr. Hunt of Louisiana by Mr. Chandler of New Hampshire, and all these within the space of eighteen months or less.

Is it not also a fact, that the prior occupation and line of studies of none of these gentlemen had qualified him for the post? It is no derogation either of the character or abilities of these gentlemen to say that they had nothing on God's earth to do with ships or shipping, or navigation prior to the time that they were inducted into the Navy Department, and whatever of natural fitness there may have been, whatever adaptability there may have been, no time was given in any case for them to acquire knowledge in the few months they were allowed to remain in office. It was impossible that any proper comprehension of the duties of the office could have been obtained, much less that knowledge which could be made the basis of any principle upon which a Navy was to be built and organized.

Before that time there was during nearly the whole of General Grant's administration but a single incumbent, and what were the facts broadly stated to the country of that administration? Appropriations running considerably over \$20,000,000 per annum were voted, were spent, and year by year the Navy grew weaker and more insignificant until finally it virtually died in the hands of those who had charge of it.

Can any man here doubt that it would have been wiser and more economical in the spring of 1869 to have made a rendezvous of every naval ship of the United States at Fortress Monroe, for instance, and there have made a bonfire of them all or sunk them and then put the officers and crew on full pay, from that time to this? Would it not have been an economy compared to that which was done? Would there not have been enough money out of the two hundred and odd millions—one hundred and seventy and odd millions in cash, and fifty odd millions in material—would there not have been enough money left to have given us this day at least \$75,000,000 wherewith to buy at least fifteen first-class modern ships of war such as Italy has now upon her list?

We have not even a second-class modern ship of war. A modern ship of war such as the English have employed lately to bombard Alexandria will cost in round numbers \$5,000,000; that is to say, a seagoing ship, if not fully armored, armored sufficiently to deflect the missiles of powerful artillery, and more than that, having what the American people do not possess, guns adapted to modern warfare. We have not in the Navy a single first-class gun. I read in an intelligent speech in the debate to which I have been commended by my friend from Maine,—for I have tried as well as my duties in this body will permit me to keep myself informed of the debates of the House of Representatives on this subject,—that the Government not only has not a single gun worthy of the second or third rank in modern artillery, but it has not the machinery to make such guns; and one of the first expenses recommended, and I think most wisely

recommended, by the chairman of the Committee on Naval Affairs of the House was the expenditure of \$1,000,000 to buy a steam-hammer to enable us to begin to make our own guns.

Now this bill proposes to improve upon this lamentable condition of affairs. It proposes as I understand to start with the construction of a couple of fast-steaming steel cruisers, all well enough in their way—

Mr. PLUMB. Will the Senator at that point allow me to ask him a question?

Mr. BAYARD. A question, with pleasure.

Mr. PLUMB. I ask him, then, whether he does not think it would be much more prudent to leave the question of the construction of a navy to the Naval Committee than to refer the mere question of the *personnel* of the Navy to that committee? I understand this measure does not contemplate a mere reference for the purpose of striking down anything in regard to the construction of the Navy, but simply in regard to the *personnel*.

Mr. BAYARD. I think that if I had had the attention of the Senator he would have found that I was not objecting to the want of the attention of the Naval Committee to the whole of this bill, but that I think we do need their action, advice, and examination in respect to construction as much as we do upon a change in the organization of the *personnel* of the Navy. I hold that the two are inseparable. If you mean to have ships you must have educated and scientific men to navigate them. If you mean to employ scientific men in your Navy you must have proper ships, and therefore for both and for each in my judgment it would require to-day as in the past the employment of the information that you ought naturally to seek from the committee specially charged with the subject.

My friend from Maine asked me in regard to the debate in the House. Now, if I am not mistaken, this bill contains an amendment compulsorily to retire Admiral Porter from his special rank and that amendment was vigorously combated by the chairman of the Committee on Naval Affairs of the House. Am I not right in that, I ask the Senator from Maine?

Mr. HALE. I beg the Senator's pardon. I did not hear his question. What was it?

Mr. BAYARD. This bill I believe contains an amendment compulsorily to retire Admiral Porter; and as I remember, that proposition was vigorously combated by the chairman of the Committee on Naval Affairs of the House in the debate there.

Mr. HALE. This is the history of that matter—

Mr. BAYARD. Now is not that the fact? Did not that gentleman oppose the amendment compelling the retirement of Admiral Porter?

Mr. HALE. That was struck out on a point of order. It never reached discussion.

Mr. BAYARD. Did he not express his objection to it?

Mr. HALE. That I do not remember. If the Senator will bear with me, he will remember that I stated that the clause in relation to the Admiral of the Navy was the only matter upon this bill that was not either found in the bill as it came from the House or strictly a modification and adaptation of that. That is a matter that the Senate must deal with itself, either upon a point of order or upon the question whether it shall remain or not. That did not come to the committee from the House. I stated that frankly when I opened the debate.

Mr. BAYARD. I should not have referred to that fact now had it not been that the Senator from Maine referred to the debate in the House as being the proper source from which we should obtain information to guide our votes here, and I happened to remember that in the course of the speech which I read there was an opposition expressed which that gentleman felt to the amendment which now finds a place in this bill. But I do not propose to discuss the merits of the general legislation contained in this bill.

There were obvious reasons to my mind to account for the disproportion of numbers so dwelt upon by the Senator from Illinois yesterday, so emphasized by him, making it apparent to me that he referred to the officers of the Navy of the United States as a mass of dead-heads, men who are seeking sea service *pro forma*, not real sea service, overfilling the ships for the sake of getting sea-pay. It is easy to show by an obvious reference to existing facts, to the facts of history, why this must necessarily be so.

The manner in which the Navy has been administered has prevented us from having a proper number or description of ships; and there does not seem to have been the ability or the power or the disposition to originate such a Navy as I think the people of the United States ought to have and which as a commercial nation in my judgment it is essential they should have.

I have said more than I intended when I rose; I should long since have ended had I not been so constantly interrupted—for the sake of emphasizing the fact that I believe in the jurisdiction of the appropriate committee over this subject, and if they move to be allowed to consider it or to present their plans, I should hope the Senate following its rules of business would so commit the bill. It is not the slightest reflection upon the Committee on Appropriations; it is only a question of what is orderly and proper in the discharge of business, and then when the bill shall come before the Senate we shall have a chance to vote upon its various provisions.

Mr. ALLISON obtained the floor.

Mr. LOGAN. Allow me to suggest to the Senator from Delaware, as he spoke about my trying to make out that these men were dead-heads, that I did not use any such language. Let me ask him a question: Suppose a vessel, not a sea-going vessel, but a man-of-war was out here in the Potomac River properly officered and manned; suppose some of the other officers who are on shore go on that vessel and establish their quarters there by permission, make their offices there for the purpose of doing what they are doing on shore, drawing maps, &c., so as to get sea-pay; would he consider that a violation of the law or dodging the law or an honest compliance with the law?

Mr. BAYARD. I think that while they were at sea they necessarily would be gaining nautical experience and necessarily exercising those faculties which would enable them to command ships at sea. You may have too many officers for the duty; nevertheless they will be there; they will assist in its performance; and it is what I would call keeping them in training.

Mr. LOGAN. But that is not my question. The question is, where men do not go on board a vessel for sea duty, but go on board and live on a vessel that is anchored here, where they do not belong to the vessel, and make their offices on board of it to do that which would be shore duty, merely to obtain sea-pay, would the Senator consider that an honorable way of getting pay out of the Treasury?

Mr. BAYARD. If an officer is ordered to sea and does his duty on shore and it is done honorably and faithfully, no one has a right to complain of it because those who organized the law, those who have charge of the Navy should see to it that there are the proper ships for them.

Mr. LOGAN. I have nothing to say about those ordered to sea; I only say that if they order too many it is the fault of somebody, and we ought to provide against it. But where men go on board a vessel merely to draw sea-pay when they do not belong to the vessel, that is a different proposition. I do not wish to name any names, but—

Mr. MILLER, of California. When has such a thing occurred?

Mr. LOGAN. I do not want to get into a discussion with anybody on this point; but if the Senator will inquire of the proper authority he will see whether there was such a case, and he will not only see whether there was such a case but he will see that the head of the Government had to order them away from there.

Mr. ALLISON. Mr. President, I will not occupy the attention of the Senate long in the discussion of the pending question. I shall not undertake to discuss the merits of the provisions in this bill, whether they are wise or otherwise, whether they ought to be adopted or rejected. I want to address myself for a moment to the orderly conduct of business in this body.

We of the Committee on Appropriations were pretty roundly scored and scolded yesterday by gentlemen of the Naval Committee for our conduct with regard to this bill. I take no offense at these criticisms. They are perfectly proper criticisms no doubt, but I want the Senate to understand the effect of them.

Let me call the attention of the Senate first to this naval bill and the legislative provisions in it. It came to this body on the 6th day of July. On the 13th day of July, one week afterward, the Committee on Appropriations reported it back to the Senate with sundry amendments. This is the 27th day of July, or, in other words, it is three weeks since this bill came within the jurisdiction of the Senate and within the jurisdiction of its members for examination, discussion, and preparation of amendments. Although the bill was not formally referred to the Naval Committee, the Naval Committee have had an opportunity, as every Senator has had an opportunity, to examine it and to propose amendments to it, and, unless I am very much mistaken, that committee has proposed a great number of amendments to this bill.

Mr. ROLLINS. No one of which has received the favorable action of the Committee on Appropriations.

Mr. ALLISON. Very well; but that shows that the Naval Committee has had jurisdiction of this subject. They have so far as they could complied with the suggestions of the Senator from Delaware, that they ought to advise the Senate how to vote upon these legislative questions. So that the Naval Committee have done all, at least I presume they have done all they could do if this bill had been formally referred to them. They have taken it up, I suppose, day by day and night by night, as the Committee on Appropriations have. I suppose while we were sitting in our Appropriations Committee room day by day and night by night studying this bill, the Committee on Naval Affairs were in their room doing the same thing, and that they have carefully gone over this bill and suggested amendments which they think are wise amendments. They say the Committee on Appropriations did not adopt them. Very well, the contest will come between the Naval Committee and the Appropriations Committee, if there be a contest, when the bill is up for consideration, and I will say to Senators that there are a great many amendments to various bills offered by committees of this body and sent to the Committee on Appropriations that the Committee on Appropriations do not adopt. Why? Because we believe that the matters to which they relate are more clearly within the jurisdiction of these committees, and that they ought to present those amendments and debate them in open Senate. By referring them to the Com-

mittee on Appropriations under our rules they have jurisdiction in the Senate of those amendments, so that they can be offered and discussed here.

Mr. BECK. Will the Senator from Iowa allow me to suggest that on the bill we are about to report to-morrow morning, the sundry civil bill, I think there are from fifteen to twenty very important amendments that we have referred back to the committees submitting them, asking them to present them for themselves, because they know all about them, saying that we should make no objection to them?

Mr. ALLISON. I thank the Senator from Kentucky for so reminding me. These are amendments that more nearly and directly appertain to questions under the jurisdiction of other committees. So we say, let those committees offer those amendments in the Senate. Now, what is the proposition?

Mr. HOAR. Is it not the habit of your committee to make points of order when such amendments are offered in the Senate?

Mr. ALLISON. Not at all.

Mr. HOAR. Was it not so with the increase of the district judges' salaries, of which a large majority of the Senate was in favor?

Mr. ALLISON. I thank the Senator from Massachusetts for giving me that hint. That was a change in the existing law; and that is what the Committee on Appropriations is glib for this morning, and hung up here to the derision and scorn of the Naval Committee particularly, because they have forsooth undertaken here and there to change the existing law. Now the Senator from Massachusetts finds fault with me because I or some other Senator upon the Committee on Appropriations made the point of order that the amendment suggested by the Senator was legislation.

Mr. HOAR. I found no fault; I only pointed out the fact, and I neither expressed approbation nor censure.

Mr. PLUMB. The point of order that the Senator from Massachusetts complains of was made by myself. I did not make it as a member of the Appropriations Committee, under instructions of the committee, but without any suggestion from any other member of the committee. I made it simply in my capacity as a member of this body, and for the time being totally oblivious of the fact that I was a member of the Appropriations Committee; and it had no relation to that in any way whatever.

Mr. HOAR. The point is this: I understand the Senator from Iowa is making the suggestion that, having a bill which he is now defending come from his committee with a large portion of it consisting of new legislation of a most important character, the proper way is for Senators to bring forward their amendments to the appropriation bill and let the Senate act upon them. I pointed out to him in reply that nobody but the Committee on Appropriations is permitted to exercise that privilege. No other Senator is permitted to test the sense of the Senate as to whether a majority of the Senate will insert new legislation in connection with an appropriation bill. That committee invariably makes the point of order.

Mr. ALLISON. If new legislation is proposed by the Committee on Appropriations any Senator can make the point of order on it just as well as the Committee on Appropriations can make it on any Senator's amendment. Take this very matter of the retirement of Admiral Porter. Do we not know perfectly well that any Senator here can get up and make a point of order on that amendment when it is reached? Why? Because it is new legislation suggested in violation of our rules; but that objection does not apply to a great many amendments to this bill. Why? Because the whole framework of this bill comes to us from the House of Representatives. They have there a very different rule from what we have here. Their rule is that legislation is in order on an appropriation bill when the tendency of that legislation is to reduce expenditures; and every legislative provision on this appropriation bill which comes from the House of Representatives not only in theory but in fact does reduce the expenses of the naval establishment. The intention of this bill from the beginning to the end, so far as the legislative provisions are concerned, is to reduce the *personnel* of the naval establishment, beginning with midshipmen and extending on through to the grade of rear-admiral.

It is intended to save to the people of this country large sums of money which hitherto have been appropriated for the maintenance and support of the Navy with reference to its *personnel*, and I confess with some amazement to find the other side of the Chamber standing here apparently as one solid phalanx against the Committee on Appropriations, when by the provisions of this bill there is the intention and purpose to reduce the expenses of this Government in a large degree. I had supposed that when propositions of that character came up, being in order in the House of Representatives under their rules, and not being in order if originated here under our rules, no objection would be made to the Senate Committee on Appropriations coming in with these legislative provisions with such modifications as in their judgment were wise and proper, not detracting or taking from any other committee of this body or any Senator in this body his privilege of suggesting such other and different amendments as he may desire to propose to these provisions, and every one of these provisions in this bill is subject to amendment.

Mr. FARLEY. The Senator refers to the solid phalanx on this side of the Chamber. Does not the Senator know that the opposition to

the proposed amendments in that portion of the bill comes from members on that side of the Chamber and not from those on this? I only wanted to correct the Senator in that proposition.

Mr. ALLISON. I am very happy to be corrected. I withdraw that suggestion, because I do not wish to prolong this debate.

Now, I want to call the attention of Senators to another thing in connection with this bill. By recommitting it to the Committee on Appropriations to strike out this legislation you do not thereby accomplish its striking out. This legislation comes to us from the House of Representatives and we cannot get rid of it in this perfunctory sort of way by directing the Committee on Appropriations to strike it out. What is the effect of that? Let me ask Senators on both sides of the Chamber, are we prepared now on the 27th day of July to enter into a contest with the House of Representatives upon a question of the reduction of expenditures when they have with a great degree of unanimity agreed to the various provisions looking to a reduction of expenditures in this bill?

What will be the effect if the suggestion of Senators is carried out on this bill? The effect of it will be that we shall be directed to make appropriations for the naval establishment as it exists, and these legislative provisions are still in the bill with the obnoxious features that some of them have in the judgment at least of the Senate Committee on Appropriations, as also in the judgment of the Committee on Naval Affairs; these provisions are still retained in the bill, and the bill goes back to the House with our amendments. What will the House do with it? In a contest of that character, made by the Senate, avowedly and professedly, against legislation tending to reduce expenditures, tending to reform with reference to the Navy and the navy-yards of our country, do you suppose the House of Representatives or any other body of men will sit down quietly and allow us to do that thing? Will they not say "We will confer with the Senate upon these questions," and what will that mean? It will mean that every one of these legislative provisions, instead of being carefully debated in the Senate by Senators having responsibility each and every one for himself, will be referred to a conference committee. The House will disagree to our amendments, striking out this legislation and ask for a conference, and some of the men who are so dreaded by Senators on this floor with regard to this legislation will be upon that conference, and then the question will be how this legislation shall be amended. It will then probably be finally shaped by six men instead of by the body of the Senate.

So, unless Senators are ready to enter into a contest with the House of Representatives lasting two or three weeks upon this bill with relation to the legislative provisions in it, I submit to them that it is wiser and more expeditious in the treatment of these questions to debate them here in open Senate, and to express our opinions by yeas and nays votes as to whether or not we disagree to these provisions. Then we can meet the House of Representatives upon each and every one of these provisions with the opinion of the Senate, and not with a mere perfunctory striking out of all legislation, whether it is good, bad, or indifferent.

I repeat, Mr. President, that these legislative provisions are in the bill; they cannot be got out of the bill except by the agreement of the House of Representatives; and if we want to expeditiously get rid of this naval bill and have it become a law, in my judgment it is wiser and better for us to grapple with these questions of legislation and if they do not meet with our approval let us vote them down. I care very little what is done with this bill one way or the other. So far as recommitting it to the Committee on Appropriations is concerned, I will promise Senators that if it is recommitted we will regard this as an instruction to us which shall apply not only to this bill but to every bill committed to the Committee on Appropriations. There is now before us the sundry civil bill, which has on it some legislative provisions that have come from the House, some of them important, some very important in reference to the question of economy. As a matter of course, if it is unwise for us to take up matters of legislation in the Committee on Appropriations, we shall obey the will of the Senate and strike them all out.

Mr. MILLER, of California. Is that a threat?

Mr. ALLISON. No, sir; that is no threat, and is not intended as a threat. I am only speaking of the difficulties there are in this question, because these legislative provisions came from the House of Representatives. If they originated in the Senate, I think Senators would have a right to say that we were usurping power that did not belong to us.

Mr. HOAR. May I ask the Senator from Iowa a question? There are thirteen appropriation bills, I think, or thereabouts. Of those the Senate has passed already eleven, each one of them containing, as was shown, legislation initiated in the House to which the Senate has assented. At every session of the Senate since the Senator has been a member of the Committee on Appropriations it has done the same thing. Now suppose Senators, without disclosing their reasons, choose to instruct the Committee on Appropriations that in this particular case the Senate desires the appropriations without this particular legislation, how does that justify him in threatening the Senate that the committee will strike out all general legislation in other appropriation bills hereafter?

Mr. ALLISON. What right has the Senator from Massachusetts standing in his place to accuse me of threatening the Senate? I do not threaten the Senate. I say nothing of that sort. I say that this

legislation upon this bill is not legislation which originated with the Senate of the United States or its committees.

Mr. HOAR. But the Senator has said that he will regard, not the vote on all the other bills which the Senate has adopted, but the failure to permit the particular legislation which he approves to remain on this bill, as an instruction to strike out all legislative matter involved in other bills.

Mr. ALLISON. No.

Mr. HOAR. The sundry civil bill.

Mr. ALLISON. I did not put it in that aspect.

Mr. HOAR. Then I misunderstood the Senator.

Mr. ALLISON. I certainly said nothing which would bear the construction which the Senator puts on my language.

Mr. HOAR. I think that if the Senator asks the Reporter to read what he said he will find that it was exactly put in that form.

Mr. ALLISON. It is not of sufficient importance to take up the time of the Senate to read the notes of what I said.

Mr. HOAR. Whatever his language was, as shown by the notes, I will admit, and will withdraw the word "threat" certainly if it is not justified by what the Senator said.

Mr. ALLISON. What I meant to say was this: here is a proposition to recommit this bill to the Committee on Appropriations with instructions to strike out all legislation. There is not the slightest pretense in that resolution that wise legislation ought to be retained here. It is an instruction to the Committee on Appropriations to go through with this bill and to take everything which relates to legislation and strike it out.

Now, what are we to infer from that? We are to infer that the Committee on Appropriations hereafter are not to consider the wisdom or unwisdom of legislative provisions contained in appropriation bills from the House of Representatives, but whenever they come across a provision of legislation they are to strike it out. Why? Because that is the sense of the Senate. Does the Senator from Massachusetts disagree with me in that? Is there any pretense here that this motion is based upon the idea that this is vicious legislation or unwise legislation?

Mr. HOAR. Certainly.

Mr. ALLISON. It does not so appear in the resolution.

Mr. LOGAN. Allow me to suggest that if the proposition is that the Appropriations Committee shall not report legislation because it is an Appropriations Committee and it ought to come from another committee on this bill, does not the same rule apply to every other bill? If that be true and the Senator from Massachusetts insists that this shall go back and that it shall not apply to any other bill, then it is a mere pretense so far as this proposition is concerned, and the rule will apply only as the Senator wants it to be applied.

Mr. ALLISON. Now, Mr. President—

Mr. HOAR. Allow me—

Mr. ALLISON. I will allow the Senator if he does not prolong his remarks.

Mr. HOAR. The Senator from Iowa asked me a question and the Senator from Illinois rose and added to the question.

Mr. ALLISON. Very well; I yield.

Mr. HOAR. I will state my own opinion about this matter. I am not prepared to say that the legislation in this bill is all vicious legislation. I do not put my action upon that ground, though I expect to vote for this resolution. I was very much impressed with the argument made by the Senator from Illinois in favor of a portion of the legislation in this bill; but I do think that it is of so important and grave a character, and some of it so objectionable, that having examined it all I think it is better to strike it out of this appropriation bill that comes in here at the close of the session, when it cannot have the necessary and proper consideration which it should have, and let it be brought forward as a separate measure.

Take the matter of the sale of the navy-yards, as to which power is given to the Secretary of the Navy. I feel interested as a representative of the Commonwealth of Massachusetts in that matter. There are some naval officers of great distinction who believe that the Charlestown navy-yard is of vital importance to the defense in war of the city of Boston and of the city of New York as well, for a reason which I will not detain the Senate to state. I understand that naval officers of high rank entertain that opinion. There are other authorities equally as high who think it is merely an invitation to an attack, of no value at all where it is for defensive purposes. I do not feel prepared to deal with that question now, and I do not want the power to close the navy-yards put into the hands of any single Department officer, especially a Department officer who has not been six months in his seat, though a gentleman of great ability and capacity, and as capable as anybody I know of to deal with such a question. I do not want that power to be vested in him. I want it stricken out.

Mr. ALLISON. But it is in the bill which came from the House.

Mr. HOAR. I want to strike it out.

Mr. ALLISON. Why does not the Senator move to strike it out? It is perfectly in order to move to strike it out. Any Senator can do that; and I have no doubt the Senator with his persuasive manner in argument can persuade the Senate that it ought to be stricken out; but *revenons à nos moutons*, I want to call him back to the point I made. He says, I believe, that he has not examined this bill.

Mr. HOAR. I said I had examined it carefully.

Mr. ALLISON. He says there are a great many good provisions in it, and there are some vicious provisions that he does not like. Now he plants himself upon the very opinion I stated, namely, that he wants to strike out every line of legislation in this bill, no matter how beneficial, no matter how good it is. If the Senate in a deliberate way, without saying whether we shall strike out vicious legislation only, says that thing, what am I to infer? Am I not to infer, is not the committee to infer that the Senate objects to legislation on appropriation bills?

I have heard the Senator from Ohio [Mr. SHERMAN] four or five times while appropriation bills have been under consideration, giving in his mild way and in his vigorous way a lesson to the Committee on Appropriations about legislation, and he told us that it did not use to be so. I endeavored then to explain the difficulty that this legislation came here from the House of Representatives and that we were not responsible for it, that we were confronted with it in the committee, and that we had to deal with it as best we could, because in the end these questions must be considered by a committee of conference. If Senators want to prolong this struggle with the House of Representatives, so be it.

I have no pride about this legislation. I should have been very happy if the Committee on Naval Affairs had taken jurisdiction of these reorganization questions on the 6th day of July when this bill appeared here and presented to us amendment after amendment to these measures, so that we could have had the aid of that able and industrious committee with regard to these subjects; but they seem to have taken a different course; they seem to think the wise way is to wait until the bill comes before the Senate for consideration, and then to undertake to recommit it against the whole Committee on Appropriations and hold them up to derision and scorn in this Chamber. If they prefer that sort of labor, if they prefer to spend their time in making these philippics rather than to spend their time in looking over these provisions of the naval bill, so be it; I am content; I have no fault to find. But as for myself—

Mr. ROLLINS. I want to enter my protest against this sort of discussion. The Committee on Naval Affairs certainly considered this bill and proposed various amendments to it, no one of which has received the consideration of the Committee on Appropriations favorably, no one of which has received their commendation. We have considered this bill, we have given it diligent consideration, but when we made our suggestions to the Committee on Appropriations they were scorned.

Mr. ALLISON. Mr. President, I thank the Senator for his protest and for his statement. The Committee on Naval Affairs have done all the Senator from Delaware wants done, they have taken up this bill and have investigated it with diligence and with care, and I am glad to hear it; so that when we come to the provisions and get into the questions involved in the bill, the Naval Committee will be able to give us the advantage of its research in reference to these questions, and we are going to get on faster than I supposed, because I had presumed from the methods adopted by the Naval Committee that they had been sleeping these two weeks, but it seems instead of that they were all the time vigilant and active on these very questions, and they are prepared to antagonize the Committee on Appropriations and to antagonize the House provisions with intelligence and with the ability which they all possess; and therefore I think on that ground there is no necessity of recommitting the bill to the Committee on Appropriations, but we should go on, and if these provisions are unwise in the judgment of the Senate, let us vote them out. If they are considered wise, although they are legislation coming from the House of Representatives, let us with due courtesy to that body adopt these provisions, and so hasten the passage of the bill.

Mr. BECK. Mr. President, I rise simply to ask the Senator from Pennsylvania who offers this resolution a question or two that may determine my vote somewhat. The naval appropriation bill has to pass some way or other before this Congress can adjourn if it desires that branch of the public service to be conducted properly. In that we all agree. A bill has come from the House of Representatives which they think is the proper bill. It has been submitted to the Committee on Appropriations and reported back by that committee. Now we are met with this proposition:

Mr. CAMERON, of Pennsylvania—

The chairman of the Committee on Naval Affairs—

I offer the following resolution:

Resolved, That the naval appropriation bill be recommitted to the Committee on Appropriations with instructions to strike out all matter relating to the reorganization of the Navy, and provide appropriations for the naval establishment as it now exists.

What I want to know is, suppose we do that, and bring the bill back to the Senate with all the House provisions stricken out, is there anything to prevent any member of the Senate when we do bring it back to the Senate from moving to disagree to each and every proposition which the Senate Committee on Appropriations makes striking out the provisions, and to agree to what the House has done? A majority of the Senate may agree to that motion. If it does, what have we gained by sending the bill back to the Committee on Appropriations and striking out provisions without knowledge? Why do you not accomplish precisely the same thing by taking up the bill and making the motion in the Senate that somebody

else will make after the committee on your order has stricken out the legislation? I should like to ask the Senator from Pennsylvania if we are expediting anything by that?

Mr. CAMERON, of Pennsylvania. I do not know that I understand the Senator's question.

Mr. BECK. You order us to strike out the legislation.

Mr. CAMERON, of Pennsylvania. That is, the Senate does.

Mr. BECK. Now suppose we strike it out; will not the question be still as open when we strike it out and report the bill back for any Senator to move to disagree with our amendments and to agree to the House provisions as it would be now if we take the bill up without a recommittal?

Mr. CAMERON, of Pennsylvania. I suppose it is perfectly legitimate for any member of the Senate to favor any of the propositions in the bill, and for the Senate to act upon them all. They can either vote them on or vote them off, as the Senate shall see fit.

Mr. BECK. Therefore, does the Senator see any advantage in referring back the bill to the Committee on Appropriations when precisely the same question will arise whether the majority of the Senate will agree with the House to keep in the legislative provisions or will agree to strike them out? If there is no advantage in recommitting the bill, why not make the question directly before the Senate now on the bill that is laid before us?

Mr. CAMERON, of Pennsylvania. The object of the resolution is to get an expression of the Senate as to the power of the Committee on Appropriations to legislate on naval affairs.

Mr. BECK. Now I understand that. That is one of the points I desired to draw out. The Committee on Appropriations of the Senate have not legislated in this bill. They have sought somewhat to modify and soften some of the legislation that comes from the House. All the legislation that is in the bill comes from the House of Representatives. It is too well established to be argued here that we can make no point of order against the House. We can refuse to agree with them, but we cannot strike out their provisions on a point of order, and we cannot get clear of meeting the question, and our striking the provisions out in advance by order of the Senate does not facilitate us one particle nor save a single minute of discussion, but brings it all up again.

Mr. BUTLER. It seems to me the vote by which this resolution will be passed or rejected indicates so clearly the sense of the Senate upon it that although any Senator would have a right to make a motion afterward, he would hardly do it. It seems to me that the resolution saves time. The vote on this resolution will indicate the determination of the Senate.

Mr. BECK. Then let me ask the Senator from South Carolina a question. When we strike out the legislation in the bill and it goes to the House, and they adhere to it—

Mr. BUTLER. It came from the House.

Mr. BECK. But we strike it out and they insist and ask for a committee of conference. Do you propose to enter into a conference with them?

Mr. BUTLER. Oh, yes; we can confer.

Mr. BECK. To go into a conference with them and turn over the whole power to three men from each body upon questions that the Senate never considered, but rejected in block. Is the Senate then to tell three of its members to go and battle with the House without information as to the views of the Senate in detail, instead of meeting the questions fairly and fully in debate in the Senate, striking out some clauses, agreeing to others, rejecting what is bad, adopting what is good, and letting our conferees when they meet the House conferees know what is to be done. The bill has to pass, and we cannot expect that the House is going to obey our order when it is shown that we have never considered the subject in detail.

Mr. BUTLER. It seems to me the committee of conference on the part of the Senate will be instructed by the vote of the Senate that we object to all that portion of the bill which relates to legislation.

Mr. BECK. Then the conferees on the part of the House would say very properly that they were instructed by the deliberate vote of the House to maintain it, and that the Senate conferees had no intelligent vote from the Senate upon any one of these propositions, but a general order that the chairman of the Committee on Naval Affairs of the Senate would not even look at the questions, and they would send us back and say, "Consider them, and when your House disagrees on consideration, then we will consult with you, and until then we will not."

Mr. BUTLER. The Senator is anticipating what the House conferees are going to do. I do not know what they may do, but it seems to me the vote of the Senate on this resolution, if favorable, would be quite instruction enough to the conferees on the part of the Senate as to what the Senate think about this legislation.

Mr. BECK. The Senate conferees can tell certainly far more intelligently about it after the Senate have taken up the bill item by item and rejected what they think is bad than if they merely reject it in block, when we have to go before the conferees of a body that has deliberated, after long and intelligent discussion, placed these provisions in the bill.

Mr. LOGAN. Allow me to make a suggestion right here.

Mr. BECK. Certainly.

Mr. LOGAN. If the Senator will examine the amendments reported from the Naval Committee—

Mr. BECK. I have them all before me.

Mr. LOGAN. If he will examine the bills reported by the Naval Committee, who are making so much noise about this matter, he will find some of the very provisions in those bills in the bill reported by the Committee on Appropriations. Do they want those rejected?

Mr. JONES, of Florida. What does that prove? Does it not prove that that committee did its duty?

Mr. BECK. I have an amendment to the bill proposed by the Senator from New Jersey, [Mr. McPherson.] I have sent you that in order to see what we are doing. The McPherson bill contains all sorts of provisions about the young men at Annapolis. The Senator from New Hampshire [Mr. Rollins] offers an amendment in which I find this, that we have substantially retained in the House bill—

SEC. 2. That there shall be retained each year from the cadet-engineer graduates, at the conclusion of their course of instruction at the Naval Academy, only so many as shall equal the number of vacancies which may have occurred in the grade of assistant engineer during the preceding year; this provision to take effect on and after the 30th day of June, 1886.

SEC. 3. That the cadets to be so retained in the Navy and Marine Corps shall be taken in the order of merit, as determined by the academic board of the Naval Academy.

Again another provision, one of the most odious of the new legislation that is complained of is in section 7 of the Rollins amendment:

SEC. 7. That the Secretary of the Navy is hereby authorized and directed to appoint a commission, composed of officers of the Navy not below the grade of lieutenant-commander, who shall, without delay, report to Congress which (if any) of the navy-yards or stations on the Atlantic and Gulf coasts it will be for the interest of the Government to abolish as navy-yards or stations, and to further report a general plan, and the estimated cost thereof, for the improvement of the navy-yards or stations it shall recommend to retain and permanently improve to meet the present and future needs of the Government in the construction and repair of naval vessels.

I find also that Mr. HARRIS, chairman, I believe, of the Committee on Naval Affairs of the House of Representatives, certainly a member of it, reported from that committee a provision for the purchase of six cruising vessels of war, giving the description of how they shall be built, by whom, of what material, and also a provision for a naval board of advice, involving many of the provisions of the House bill.

All these matters have been considered carefully by the committees. They are all in a shape to be amended and changed. There are provisions in this bill as reported by the Committee on Appropriations that I opposed in committee and will oppose here. There are some that I think are good, which I desire to vote for; but I want a chance to vote for them or against them on the floor of the Senate. There are several provisions that I protested against earnestly and will continue to protest against. Some of the proposed legislation I think is bad, and I am sorry the Committee on Appropriations of the Senate agreed to some of it, but I want to meet it fairly and intelligently after hearing the Senators from New Hampshire and Florida and the members of the Naval Committee in regard to it and considering what we ought to do. In other words, in order to get through with this bill in any reasonable time, we must take it up in the ordinary way and have discussion about it.

I do not think any Senator here has ever known of a proposition to take a bill out of the Senate and give a peremptory order of this kind. I have heard of bossism before, but I never have seen just quite such an instance of bossism as there is in this order.

Mr. JONES, of Florida. Bossism over whom?

Mr. BECK. Bossism over the Senate, bossism over the legislation of the House, bossism over a fair consideration of a bill properly presented.

Mr. JONES, of Florida. A majority of this body has a right to control its legislation.

Mr. BECK. It has indeed.

Mr. BUTLER. I should like to ask the Senator from Kentucky now does he really think, with his large experience in this body and in the other House, that the Senate has time at this late day of the session to discuss intelligently, fully, and completely the questions involved in this bill? I ask him as a legislator of industry does he not know that we have not time in the period before adjournment to consider intelligently all the questions presented by this bill?

Mr. BECK. I will answer the Senator frankly that the shortest way to have an intelligent discussion on this bill or any discussion at all is to take it up now and consider it. We lost all day yesterday by the resolution of reference, we are losing to-day, and when we have made it the order of the Senate every question that will enable us to understand it intelligently will arise again before us on the motion of any member of the Senate and will have to be discussed; and our conferees—for they are important factors in this matter—will have the benefit of the discussion of the Senate in each item of the bill when they come to meet the House conferees and show them that their legislation is bad. For instance, there is a provision here abolishing the grade of commodore and giving the Secretary of the Navy the right to appoint by selection, that I should like to be heard upon before the conferees of the Senate agree to it.

I opposed that provision in committee for reasons satisfactory to my mind. I want the conferees on the part of the Senate when they meet the conferees on the part of the House to have the reasons that I for one have for declining to give the Secretary of the Navy the right to appoint by selection over the heads of men in his Department. I want to be heard before the Senate on that proposition. I do not

want to strike it out in general and then have our conferees consider it without any reason given by us why we have stricken it out, and meet the House conferees and give up our position. I do not want that done. I do not want to make our conferees our bosses. What I call bossism is anything that shuts down, closes out, and prevents a full exposition of the whole thing, as the motion of the Senator from Pennsylvania seems to do.

Mr. BUTLER. I think there is very decided evidence that there was a purpose in bringing in this bill with this important legislation so late in the session to cut off intelligent discussion.

Mr. BECK. Will the Senator answer me what power the Senate Committee on Appropriations has over legislation sent to it from the House of Representatives?

Mr. BUTLER. I am not charging the Committee on Appropriations of the Senate with any dereliction of duty. I made a general statement without reflecting on anybody, that it is a bill of too much consequence, too much importance to this country to be discussed in the brief time remaining of this session.

Mr. BECK. But it is a bill that has passed, and the Senate cannot force the House to recede from its action without giving intelligent reasons.

Mr. ALLISON. Will the Senator allow me to interrupt him for a moment? Suppose we go into the committee-room and strike out all this legislation, cannot any Senator on this floor insist upon a vote on it here and have it?

Mr. BUTLER. Certainly.

Mr. ALLISON. Then what is gained?

Mr. WILLIAMS. I will say to the Senator from Iowa that after the judgment of the Senate on this matter, while a Senator might have that right, I do not think any one would have the temerity at this late hour of the session to open a discussion.

Mr. ALLISON. Of course I defer to that wise suggestion.

Mr. BECK. That suggestion of my colleague seems to me very far-fetched. If we decline to discuss it here we have to meet the House conferees upon it, and if it is temerity to state the reasons we have for striking out any provision of theirs, our conferees—whoever they are—sent to meet those gentlemen on the part of the House will have to meet them either ignorantly or intelligently, and we had better give them intelligent reasons for adhering to our position on the bill than to send the bill back without any intelligent discussion or explanation, and with the hands of our conferees tied, to say, "We know nothing about the reasons of the Senate, except that they said that they had not time; the weather was too hot; they struck it out for want of time." The House conferees will answer, "Go and take time, for this bill has to pass; and it has passed the ordeal of the committee's action and the House's action and cannot be stricken out on a point of order." It cannot be stricken out by our committee either, if it is the order of the Senate, without having it just as fully before the Senate as if it had not been stricken out; and every moment we are discussing this resolution is simply wasting time, for when the bill is reported back every question will be up, and Senators will have the temerity to present all these questions and discuss them beyond all doubt; and they ought to do it if they want to deal properly with the bill.

Mr. VANCE. I should like to ask, sir, if the motion of the Senator from Pennsylvania to recommit this bill with instructions is not first in order? That being so, it strikes me that the discussion of the merits of the various amendments to the appropriation bill is not now in order, and that we should first address ourselves to the question as to whether these provisions, acknowledged in the main to pertain to the Naval Committee, should be properly handled by the Appropriations Committee. After that question is determined I am willing to meet gentlemen in discussion to the best of my ability on the merits of the amendments as proposed; but at present I think the question before the Senate, and one that pertains to the dignity of the Senate, is the question as to the priority of the rights of the committees in this case. If the Committee on Naval Affairs is a useful and necessary institution in this body, with coequal jurisdiction and privileges with any other committee in this body, then I claim that the Senate should recognize its rights on this occasion, and not permit a subject that is absolutely and confessedly within its jurisdiction to be taken from it by any other committee of this body.

If it can be done it strikes me that there is an end of all orderly proceeding and of the whole constitution of the Senate. There is no committee in the Senate but what may be treated in a similar manner at the will of the Senate itself and be deprived of all jurisdiction concerning matters of legislation.

The excuse by the Appropriations Committee that they did not originate this outrage upon the rights of the Naval Committee, but that it came from the House of Representatives, is simply the excuse that they were not guilty of larceny of the fruit; they only received it from somebody who was guilty of the larceny. But it seems to me that it is the duty of the Committee on Appropriations and all others to maintain the orderly proceeding of this body. When a bill comes from the House with an amendment that outrages one of our institutions, another institution which happens to have control of it should assert the dignity of the Senate and the right of the other committee that is equal in all things to their own; but, instead of that, they justify the action of the House and they go on to reflect seriously upon the Committee on Naval Affairs.

It has been charged here by the Senator from Illinois that the Committee on Naval Affairs for twenty years has neglected its duty in regard to the reorganization of the Navy, and that is the excuse for holding on to amendments that have come from the House in derogation of the rights of the Naval Committee. It may be that the Naval Committee has been derelict, but it certainly has not undertaken to usurp the rights of any other committee. It has been modest, it has been just in the assertion of its own rights and in the performance of its duties, however poorly they may have been performed.

I think the first business of the Senate is to vote on the proposition of the chairman of the Committee on Naval Affairs, the Senator from Pennsylvania, [Mr. CAMERON,] and if that is determined in the affirmative then action can be taken according to the orderly course of the Senate, and if that is determined in the negative then we shall have something to say on the merits of the amendments proposed.

Mr. SHERMAN. I shall detain the Senate but a few moments. So far as this appears to be a controversy between the Appropriations Committee and the Naval Committee, as a matter of course I feel very impartial between them, respecting both committees as being well selected and able to perform the duties imposed upon them.

When the naval appropriation bill was first laid upon our tables and I suggested in rather an informal way that if no one else did it I should myself move to strip the bill of its legislative provisions, I supposed that I should have to support me the hearty co-operation of the Appropriations Committee. It has always been the custom, and it seemed to me that the Appropriations Committee would endeavor to enforce the rules of the Senate to prevent legislative provisions on appropriation bills. The rules of the Senate expressly forbid them in so many words, without exception or qualification. Let me read the rule of the Senate, which the Committee on Appropriations is bound to support and enforce as much as any other committee:

29. No amendment which proposes general legislation shall be received to any general appropriation bill.

That is a rule of the Senate which the Committee on Appropriations ought to support. The House rules have only been changed recently and for a purpose, and not changed wisely. The old rule of the House was exactly like the rule of the Senate forbidding general legislation on appropriation bills; but it has been qualified by allowing amendments of a general character to be proposed when they decrease appropriations and reduce expenses. That change, I think, was made two or three Congresses ago.

But I wish to take a more practical view even of this bill than I have stated. Here is a bill forty pages long passed at the heel of the session, just about the time the House passed a resolution of adjournment. It is sent to us. I looked through it with a view to ascertain the proportion of it that related to appropriations and the proportion that related to legislation, and I will say that three-fourths of this bill either contains matter of a mere recitative character or is general legislation affecting the whole organization of the Navy from beginning to end. Indeed, I have compared the bill with the provisions of the general laws in the Revised Statutes as to the organization of the Navy, and I find in almost every line there is a change. For instance, the number of officers is changed somewhat, not very radically, but still throughout there is a change. If Senators will take this bill and strike out what is legislative and leave in what is an appropriation they will find that about three-fourths of the bill is gone by this operation.

The question with the Senate is not whether the Committee on Appropriations did right or not, because no one finds fault with them. The work that I complain of is not the work of the Committee on Appropriations. They have simply undertaken to modify, as they had a right to do, legislative provisions they found in the bill; nor would it be exactly right for the Committee on Appropriations to take the initiative in saying to the House, "We are not prepared now to consider the question of the reorganization of the Navy." I do not complain of their action at all. I do not see that there should be any feeling on the part of the Committee on Appropriations. It is for the Senate to say whether at this period of the session, at this hour of the session, when the House has only a little more than a quorum, it is prepared to enter into a debate upon and a consideration in detail of the whole organization of the Navy on this bill.

The first idea that struck me on this bill was that it was not the right time for this legislation; that there were grave questions affecting the personal interests of every officer of the Navy, of every branch of the service, and large powers conferred upon the Secretary of the Navy by this bill, and that we were not in a temper or condition to pass upon it, nor ought we to be asked to do so, especially when to do so would be to violate our rules and the rules of the House until recently when they were changed only for a particular purpose.

I say, therefore, that this motion is no reflection upon the Committee on Appropriations, but it is a wise motion, and proper in the ordinary course of business.

There was one argument made by the Senator from Kentucky, and also by the Senator from Iowa, that if we should strike out all these legislative provisions by a general vote of the Senate without detail or examination and send the bill back to the House simply as an ap-

propriation to carry into execution existing laws, the House might take exception to that action of ours. That is not possible. No parliamentary law is clearer than that if the bill goes to a committee of conference, if either House objects not to the appropriations made in the bill, but objects to the legislation contained in the bill, it must be abandoned. It must go out if either House objects. Otherwise the House of Representatives might put on an appropriation bill and compel us to adopt the most outrageous changes of existing law in all branches of the Government, or, forsooth, they would not agree to the ordinary appropriations for the support of the Government. If this bill is stripped of everything except the appropriations for the orderly conduct of the affairs of the Navy, it will not take an hour to pass it, there will hardly be an amendment offered.

Mr. LOGAN. Will the Senator allow me to ask a question?

Mr. SHERMAN. Certainly.

Mr. LOGAN. I fail to understand what the Senators who want this bill recommitment are driving at. Do they mean that all legislation on this bill except the necessary appropriations to carry on the Navy shall be stricken out? Is that the meaning of the proposition?

Mr. SHERMAN. That is what I mean. I do not know what others mean.

Mr. LOGAN. You mean not only to strike off the legislation for the reorganization of the Navy but to strike out all legislation in reference to change of navy-yards, all legislation in reference to building and equipping ships, all legislation in reference to buying the armament for them, everything of that kind, for it is all legislation. So then there will be nothing left except merely the appropriations to carry on the Navy, which is the pay of the officers of the Navy. I suppose that is what you mean.

Mr. SHERMAN. The Senator cannot misunderstand my meaning. I mean that all provisions of the bill which change existing law are general legislation.

Mr. LOGAN. That means what I have said.

Mr. SHERMAN. That does not mean everything.

Mr. LOGAN. Yes, sir; it means everything, as I understand. The Senator will find that in the bill we provide for the launching and equipping of certain vessels. That is a change of existing law.

Mr. SHERMAN. When the Senator gets through I will go on; I think he is mistaken about it.

Mr. LOGAN. We make some changes in reference to navy-yards. That is a change of existing law. We make some change in reference to civil employés. That is a change of existing law. So according to the theory of the Senator no change can be made in it, no matter whether you have a navy-yard full of men that you have no use for, because that is a change of existing law. All of that must be stricken out, and merely the appropriations made for the navy-yards and the pay of officers of the Navy to carry on the service.

Mr. SHERMAN. My friend from Illinois is astute enough to distinguish between that which changes existing law and that which provides for new ships and the mode of building them. The Revised Statutes say there shall be one Admiral, so many rear-admirals, so many commodores, &c., and this changes, not very materially but in some respects, that; it also changes many provisions of the Revised Statutes. But suppose the Senate should think it wise now to build three new ships and to appropriate \$5,000,000 for that purpose, it might properly say without any new legislation that they should be built of a certain class, of a certain grade, not to exceed a certain amount, and every provision necessary or properly relating to the new ships would not be legislation contrary to existing law.

Mr. HALE. Does the Senator think the Secretary of the Navy can build new ships without new law?

Mr. SHERMAN. You can authorize the Secretary of the Navy to build three ships and appropriate money for that purpose, and regulate the mode, manner, and kind of those ships, without changing the existing law.

Mr. HALE. But is not that new legislation? It changes the existing law in this way: as the law stands now the Secretary has no right to build them; in order to build them he has to have new legislation—that is, additional legislation—and that changes existing legislation. Nothing can be plainer than that.

Mr. SHERMAN. On the contrary, a new item of appropriation is not necessarily new legislation; otherwise every appropriation bill is merely a legislative bill. But that is not the rule. The meaning of the rule is that legislation changing existing laws shall not be introduced on the appropriation bills.

Let me give the Senator a striking case, and I will read to him words of wisdom more than these of mine, because they are the words of those that he knows have passed away from us. This same contest did occur in this very form or in substance in this very form in 1855, when the House of Representatives sent to the Senate the civil and diplomatic appropriation bill, then containing the great mass of appropriations for the support of the civil service of the Government, and attached to that a provision largely changing the rates of duties on imported goods. At that time the committees of the two Houses that had charge of appropriations also had charge of tax and revenue questions; and therefore this bill came from a committee that had charge of the subject-matter; but when it came to the Senate, the Senate at once felt that there was a threatened revolution of the form of doing business and made the question pretty much as it has been made here.

Now let me read a little that was said in regard to that, and it seems that in the Senate there was a concurrence of opinion from all sides without reference to politics, although it was a time, as the Senator knows, in March, 1855, when there was intense partisan feeling. The proposition came up, and Mr. Clayton, of Delaware, spoke as follows:

Now, sir, what must be the consequence hereafter of sustaining such a proposition as the House have put into this bill? Whenever a majority in one branch of Congress shall desire any great object which they cannot attain by a separate bill, they will move to put it on the civil and diplomatic appropriation bill, and thus compel the other branch of Congress to accept the whole or none; to lose all the appropriations to support the Government for the current year, or take a proposition utterly unpalatable to them. Why, sir, let me tell the honorable Senator from Virginia, that if this precedent is adopted, the day may come when a majority in one branch of Congress may attach to a general appropriation bill a proposition to repeal the fugitive slave law or some other law which is held by himself and his friends, and by me, too, as essential to sustain the Union of these States. It is a most dangerous precedent; it is an example that has never been set to us before, and I hope will never be attempted again.

Mr. Bayard, the father of the present Senator from Delaware, said in striking language, also:

Mr. President, I can hardly express in language the objections which I entertain to the condition of things at which we are now arriving, resulting from the abandonment of all rules necessary for the preservation of order and the rights of the minority in reference to the legislation of the country. Here we find tacked to an appropriation bill a general revision of the entire impost system of the country. For this we have a substitute, offered by the honorable Senator from North Carolina, which does not go quite so far. Both, in my view, without entering into their merits, are leading us to the culminating point of coercive legislation.

My objection to them both is founded altogether on that principle. We have at times hitherto, within the last ten years, introduced a system of attaching to the appropriation bills legislation to a small amount, and on subjects either of local interest or which required no great discussion. Those were evils, but the injury which must inevitably follow the adoption of this bill, as it comes to us from the House, without striking out the general legislation in reference to the tariff, is the establishment of a precedent which will put an end to all other legislation in Congress than that which is effected by coercion through the medium of the appropriation bills. I consider the principle involved in that far more momentous than the question whether the tariff, if it is too high, should be modified at this or the next session of Congress, or even the session after that. In relative importance there is no comparison whatever.

Let us see also what Mr. Douglas and Mr. Seward said on the part of those who were probably friendly to the bill by itself. Mr. Seward said:

Let me state the question. The House of Representatives virtually say that if the Senate will agree that certain modifications of the tariff in regard to wool shall be made for the benefit of the manufacturer of that staple, and will also consent to certain modifications of the tariff in regard to iron, for the benefit of consumers of that metal, chiefly railroad companies, then the President and other executive officers of the Government, civil, judicial, and diplomatic, may receive their salaries secured to them by the Constitution and laws, and the Senators and members of Congress may also receive their legal compensation for their services during the year. But if the Senate will not consent to those modifications, then no officer of the Government however high, no servant of the people however low, shall receive any compensation whatever. Well, sir, as this poor world of ours goes, even the laborer in spiritual things claims his "hire;" much more reason is there to suppose that if patriots are denied their pay the public service must stop. If the public service is ended, then the Government itself ceases.

Further on he said:

Sir, there is great wisdom, there is Nestorian wisdom, in the counsel of the honorable Senators from Delaware. It may be that it is only now a question of relieving woolen manufacturers and railroad builders, but another House of Representatives may give us, in the same form, a question of slavery or a question of freedom, and may seek in the same way to coerce our consent to their policy in that respect. Are you prepared for that? When the precedent shall have once been established, what will protect you against the most unbounded license of assumption by the House of Representatives?

Mr. Seward was speaking here in regard to an amendment which he desired to support, but he objected to the mode in which it was being thrust on.

Mr. Douglas also, in the same debate, argued at length. He said:

In the next place, even if the bill were right in itself, if its provisions were correct, I could not consent by my vote to put it on this appropriation bill, for the reason that such a course is revolutionary in its character. You have to override all the rules, all the usages, all the safeguards which time and experience have thrown around your legislative proceedings in order to insert this provision into your civil and diplomatic appropriation bill. If you can put in a provision for the revision of the tariff, thus remodeling the whole financial and commercial policy of the country, what is there which you cannot introduce into such bills? What reason can you give, after you have retained the tariff amendment in this appropriation bill, for complaining of my friend from Missouri [Mr. Geyer] when he brings forward his river and harbor bill, and endeavors to put that also upon this civil and diplomatic appropriation bill? What complaint can you make of my friend from Iowa [Mr. Jones] when he brings forward his darling, cherished, Iowa railroad bills and endeavors to put them in this bill.—*Congressional Globe*, volume 30, second session Thirty-third Congress, pages 1034, 1044, 1048, 1060.

Mr. HALE. Let me ask the Senator whether, if there is anything in this proposition of his, it must not run through exhaustively? It applies to all appropriation bills, does it not?

Mr. SHERMAN. It applies to this case so much stronger than any I have seen that I think this is where an example should be set.

Mr. HALE. I am asking the Senator what is the logical result of his argument. It is that it applies to all appropriation bills, is it not?

Mr. SHERMAN. Let me say I would make it apply to every appropriation bill.

Mr. HALE. I so understand it.

Mr. SHERMAN. All this may be merely a preliminary skirmish, for I say the time is coming—and we may as well understand it—when the appropriation bills must be referred to their appropriate committees, the Army appropriation bill to the Military Committee,

the Naval appropriation bill to the Naval Committee, the District appropriation bill to the Committee on the District of Columbia, or else we must keep them what they ought to be—appropriation bills. I am willing to make our rule of the Senate absolute, as a court would say.

Mr. HALE. So am I.

Mr. SHERMAN. So that we shall have on these bills no legislative provisions changing existing law.

Mr. HALE. On any appropriation bill?

Mr. SHERMAN. On any appropriation bill. But perhaps the Senate would not go so far. Sometimes, as Senator Bayard then said in the speech I have read, it is a convenient mode to put on a little provision to aid the bill; it is a matter of convenience, and the Senate would do that; but it would not apply to such cases as I have mentioned. Suppose the Government should want to build new ships, and you provide for building new ships and make an appropriation for them, all legislation that relates to the building of those ships, which is necessary to direct the mode and manner and time, is included in the provision.

Mr. HALE. But let me ask the Senator how could the three ships be started without actual new legislation? Is not a great part of the fault which has been found with the Navy Department for years rallied around what was claimed to be an improper extension of authority in building new ships without law? Is it wise or advisable, does the Senator think, for any Secretary of the Navy to start in building a new ship until Congress has authorized it? And the law authorizing a new ship is just as much new legislation and a change of law as a law authorizing and creating a new judge or a new Cabinet minister.

Mr. SHERMAN. That I deny.

Mr. HALE. I do not see the difference.

Mr. SHERMAN. There is no law now which says the Navy of the United States shall consist of so many ships of the line, so many frigates, &c. There is no law on the subject; but when it is proposed to build three new ships there is not the slightest objection either to the Naval Committee or to the Committee on Appropriations saying that they shall be built in a certain way; that they shall be built only after advertisement; that they shall be built as frigates, or that they shall be armed or equipped in a certain way. That relates to the intrinsic appropriation; it does not change existing law.

Mr. BUTLER. It is like building a new fort.

Mr. SHERMAN. It is like building a new fort by an item in the Army appropriation bill; there is not the slightest objection. Another thing; it is better as a general rule to leave the plans of those things to the Department, but so far as Congress desires to legislate upon new subjects of appropriation there is no trouble; it is only where you undertake to make a change in existing law.

The Senator from Illinois last night made a very strong speech in favor of the provisions of this bill; but I am not at liberty to discuss them because they are not now pending. When the Naval Committee that this body organized to look after naval affairs come here and tell us that they do not desire to have this reorganization of the Navy acted upon, it seems to me that ought to be the end of the controversy. I went to my friend from Maine and asked him whether or not the recital of the bill as to one Admiral, eighty lieutenant-commanders, and all that was according to the existing law. He said he thought there was some variation; I see there is; but how can anybody tell in reading the bill what is the old law and what is proposed as new law? The House has sent us the bill. It is all printed alike. One would suppose that these recitals were mere recitals of the number of the officers which are not necessary for the purpose of appropriation. It would be better to strike them entirely out, and to say, "for the pay of the Navy according to existing law," so many million dollars. The law itself fixes the number, and there is no need in reciting that unless you desire to change the number. If you do that you enter upon a new field of duty.

It seems to me now that the simplest way to get out of this matter, and I do not see why these gentlemen should have any feeling about it, is to relieve them from responsibility and say, "We are not prepared at this period of the session to go into a reorganization of the Navy." I say to my friend from Maine now that he will find me on questions of legislation standing firmly with him, and although all of us have from time to time no doubt sought to load appropriation bills with legislative amendments, and I probably at some times among others, I believe we could do this country no greater service than to enforce the rule strictly according to the rule itself.

Mr. JONES, of Florida. Mr. President—

Mr. LOGAN. I should like to ask the Senator from Ohio a question before he takes his seat.

Mr. SHERMAN. Certainly.

The PRESIDENT *pro tempore*. Does the Senator from Florida yield?

Mr. JONES, of Florida. Certainly.

Mr. LOGAN. The Senator from Ohio says he does not feel authorized to discuss the question of the reorganization of the Navy.

Mr. SHERMAN. Not now on this bill.

Mr. LOGAN. The Senator has been in Congress for a great many years, and he has been in the Cabinet. I should like to ask the Senator whether the Navy, so far as the officers are concerned, is not numerically as large as it was during the late war.

Mr. SHERMAN. If the Senator were to ask me questions about the organization of the Navy, I should have to go to him or some member of the Committee on Naval Affairs to find out, or look at the law. I could tell him by looking at the Revised Statutes. There are, I understand, about 2,500 officers in the Navy, are there not?

Mr. HALE. Oh, no.

Mr. LOGAN. No, sir.

Mr. SHERMAN. I have given probably a greater number than there really is. I cannot tell how many officers there are in the Navy.

Mr. LOGAN. In the Navy of the United States there are 1,094 line officers and 379 staff officers. I want to see how we stand on these questions. If the Senator has not examined to know whether a reorganization ought to be made, and if other persons have examined, then it is not a question as to whether it is our duty to reorganize, it is a mere question in reference to what committee reported the bill; that is all.

Mr. SHERMAN. No—

Mr. LOGAN. If the Senator will listen to me one moment I will state that on July 16, 1862, the Navy was organized for the war. What was its organization? Here it is: 9 rear-admirals; 18 commodores; 36 captains; 72 commanders; 144 lieutenant-commanders; 144 lieutenants; 144 masters; and 144 ensigns. This was the organization of our Navy for the war. Since that time there has been added to it an Admiral, a Vice-Admiral, and more commodores, making 25, making the organization still larger, and it stands so to-day. I should like to have the Senator state, for I should like the country to know what his opinion is, whether he believes, with the condition of things to-day, that we require the same number of officers and more than we had for the Navy during the war?

Mr. SHERMAN. I suppose one reason is that many of these officers gained distinction during the war (some of them are known to us all) and they are retained probably for that reason.

Mr. LOGAN. They are retained by this bill.

Mr. SHERMAN. I will say this is not, it seems to me, a proper way to take that question up. It is too important a matter.

Mr. LOGAN. Very well; let that be so; but here is a bill which does not propose to put a solitary man out of the service. It does propose to organize the Navy, and when certain men retire not to fill their places, so as not to keep an establishment as large as we had when we had a million and a half men in the field. The personnel of our Navy to-day is as large as it was then, and yet Senators higgie about the bill that this proposition is on. I should like for Senators to show in what particular this bill is wrong—not that the proposition is on the wrong bill, but in what particular the bill is wrong. That is the way to discuss a proposition of this kind. It is very easy to attack a committee for reporting a bill, but the question is to attack the proposition in the bill and see whether it is right or wrong.

If the technical objection is sustained to this reorganization which was made by Senators in this Chamber, who themselves would not undertake to attack the propositions to reorganize, but made the whole attack on the propriety of its being adopted on this bill, I want the country to understand that when a bill comes from the House, not to reduce the Navy but to put it in a condition where it shall not be filled up when officers are retired, but to reduce it to the proper proportions of a peace establishment for the economy and benefit of the country, the whole attack is made on the Appropriations Committee because it is an appropriation bill and not because the proposition is wrong.

The PRESIDENT *pro tempore*. The Senator from Florida [Mr. JONES] has the floor, unless he yields further.

Mr. LOGAN. I beg the Senator's pardon. I merely intended to reply for a moment to the Senator from Ohio to ascertain whether the pique in the Senate among some gentlemen against the Committee on Appropriations had gone so far as to allow him to examine the bill itself, to see whether it was wrong or whether it was a mere pique because the Committee on Appropriations had reported the bill. That was all I desired to understand.

Mr. JONES, of Florida. Mr. President, it has been reiterated here time and again that an assault has been made on the Appropriations Committee by the Naval Committee. I say now that I have no knowledge of the Naval Committee authorizing anybody to make an assault upon the Appropriations Committee. If the resolution so decorously and properly submitted by the Senator from Pennsylvania, [Mr. CAMERON,] who happens to be the chairman of the Naval Committee, prompted by a spirit which is in full conformity with the orderly and regular conduct of the business of this body, be an assault, that is the only one that I know of. The Senator from New Hampshire, [Mr. ROLLINS,] exercising the privilege of a member of this body, which I hope he may long continue to enjoy, took occasion to comment upon the principles of the bill, and all at once the Senator from Illinois [Mr. LOGAN] and the Senator from Iowa [Mr. ALLISON] get up and charge that we are assaulting the Appropriations Committee. Surely they do not mean that.

Mr. LOGAN. If the Senator will allow me right there, without making a long speech, for I do not propose to do that, I will try to demonstrate the proposition in ten words. The Senator from New Hampshire in his speech yesterday did not show in one solitary instance that this bill was wrong so far as its attempt to reorganize the

Navy was concerned; and I ask the Senator now in his argument to demonstrate that the bill is wrong—not that the wrong committee had it but that the bill is wrong. If the Senator will demonstrate that, then he will give some information to the Senate on which they can act hereafter.

Mr. JONES, of Florida. I have not the fertility of intellect possessed by my friend from Illinois, and I may not find it necessary at this time to go into that question. I do not agree with him that the objection which is made to this bill is a pure technicality, as he would seem to have it, for I can cite his own authority to the contrary. When the honorable Senator from Ohio [Mr. SHERMAN] was reading the opinions of distinguished men who have recorded themselves in opposition to this species of legislation I had hoped that he would come to the opinion of my distinguished friend from Illinois.

Mr. LOGAN. The Senator can read it. I admit that I have opposed doing the same thing frequently in the Senate.

Mr. JONES, of Florida. The Senator from Illinois did not put it on the ground of a technicality either, and I wish the Senate to understand what position he has so bravely and ably in his place in the Senate maintained on past occasions, pointing in a spirit of prophecy to the future and warning the Senate, as few could warn it, against just such a condition of things as we have to-day. In the debate in the Senate on the 15th of April, 1879, the Senator from Illinois said:

Its import does not consist simply in tacking words which consummate or establish legislation upon a bill which of itself is not legislation in character. In one sense this may have been done, and while it is an objectionable method and should not be tolerated in the future, it does not compass the pernicious effect of the measure before us. What is that? What is that effect, sir? It lies wholly in the spirit of the method, and not so much in the method itself. When it has been done heretofore by the Republicans it was done not to force others to an act which, in the ordinary mode, they could prevent, but as conservative of time alone. If there be an instance on record by which it appears a President signed an appropriation bill containing items of extraneous legislation under protest, it was when the dominant party had a majority sufficiently great to pass it over his veto. Hence it cannot be said that the bill was duly enacted only through compulsion of one of the prescribed parties to it.

But, sir, there is no such state of case with this bill. Our Government is one of co-ordinate powers which have mutual duties, independent responsibilities, and separate checks one upon the other. If one branch of the Government takes away the freedom of action of the others, it usurps the powers, privileges, and functions of the whole. Now, sir, this constitutes coercion of the boldest, rankest kind. The measure being coercive is certainly against the spirit of the Constitution, and being so is revolutionary to the last degree. The logic of this conclusion is so inevitable as to permit no outlet for escape.

He goes on and argues the question with very great ability on principle, not as a technicality, and he tells the Senate that we must stop, because the future may bring about a condition of things which will lead to the abuse of this description of legislation. I have said this much, although for one I attach little consequence to individual consistency in great matters of state, but I thought I would read the opinion of my friend from Illinois to show that he gave this admonition to the country and to the Senate.

I agree fully with what was said a while ago by the Senator from Ohio, that this is obnoxious legislation, and if I were permitted I could show a difference between this proposed legislation and the one that was before us in 1879; but I am not called upon to do that.

I ask if from the debate of yesterday the Appropriations Committee, which seems to have considered this naval question so thoroughly, can be said to have mastered it when we find such extraordinary statements about the condition of the British navy in comparison with our own as are found in the RECORD of to-day? It has been stated in the debate to the disparagement of our public service and with the view of inducing the Senate to comply with the wishes of the Appropriations Committee that we have nearly as many officers in our Navy as the British have in theirs. The number is stated here. The Senator from Illinois said yesterday:

We have the magnificent number of twenty-eight vessels afloat armed and equipped—that is we call them armed and equipped, but some of them are out here on the Potomac where you can all see them. How many officers have we? One thousand and ninety-four!

Mr. LOGAN. Line officers.

Mr. JONES, of Florida. The RECORD does not say so.

Mr. LOGAN. I will give the Senator the exact number.

Mr. JONES, of Florida. I have it here in the Senator's own language:

How many officers have we? One thousand and ninety-four! We have got then within nearly eight hundred as many officers as the British navy, the British navy floating three hundred and forty-one men-of-war and we floating twenty-eight, and yet we must not touch the Navy!

Mr. LOGAN. Thirty-eight is the number. That is a misprint; or I may have said "twenty-eight." The Senator will find that I was speaking of line officers. He will find that the British navy, as I said yesterday, has 1,854 line officers and 717 staff officers. We have 1,094 line officers and 379 staff officers, making our Navy comprise 1,473, and the British navy 2,571 in all, including line and staff.

Mr. JONES, of Florida. If the Senator will turn back to that great era of reformation when General Harrison was wafted into the Presidency on the cry of reform, and when the spirit of reform pervaded the country very greatly, and if he will look at the state of the Navy then and look at it now and compare the two figures, he will find that no branch of the public service has grown so little as the Navy. In 1842 what did we have? One thousand and eighty-four line or executive officers. In 1882 we have 1,096. Is that a wonderful increase

in so long a time as that, after all that has been said about the top-heaviness of the Navy?

Mr. LOGAN. Will the Senator allow me to state that at the time he speaks of, in 1842, we did not have a commodore, rear-admiral, Vice-Admiral, or Admiral in our Navy; the highest rank in the Navy was captain.

Mr. HALE. We had no engineers.

Mr. LOGAN. We had no engineers. That number included the ensigns, and if the Senator will examine the statute he will see that even the sailmakers were included as petty officers, as they are called in the list at that time. That is all stricken out now, and nobody but the commissioned officers are counted. That makes a difference. At that time the highest rank was captain. Now we have on the retired list forty-six rear-admirals. We have twenty-five commodores now on the active list, besides the number who are retired. We have ten admirals, one Vice-Admiral, and an Admiral at the present time. That makes a good deal of difference.

Mr. JONES, of Florida. I did not intend to go into the question of rank. That was not a point in the argument. The Senator himself admitted in his argument yesterday that the grade of captain was a high grade, that there were fleet captains who exercised the powers of commodores. While their pay may not have been as large as that of admirals at the present day, nevertheless they were all executive officers on the line of active duty, and there were 1,084 of them in the miserable Navy of 1842.

Mr. LOGAN. We had a better Navy then than we have now.

Mr. JONES, of Florida. I agree with the Senator, in comparison with the navies of the world.

Mr. LOGAN. There is no use talking about that; we had a better one.

Mr. JONES, of Florida. We had then forty-five sailing ships and four steamships in commission, forty-nine in all. We have now thirty-four steamships and four sailing-vessels. Of course the character of our Navy has changed, but one of our ships at the present day, as the Senator must know, would make two of our ships in 1842 in every respect. Still we have only the difference between 1,096 and 1,084 in officers now, and this is the great refrain of an overloaded and top-heavy Navy about which there is so much talk.

It is true there has been an increase in the staff much beyond the increase in the line. In 1842 we had 255 staff officers and we have now 734; but the hand of reform dictated by the great wisdom of this committee does not propose to strike in the proper direction. If there is any top-heaviness here it is on the staff and not among the active officers of the line.

Yesterday the Senator from Illinois referred to a ship, the Lancaster, which happened to be stationed on the Pacific coast during the late war, when every available officer was employed on the Atlantic side in active duty to man the ships and vessels that were engaged in actual hostilities. He selected the Lancaster, which was reduced to the lowest possible minimum of officers because she was not needed much on that coast; her service was merely coast-guard and nominal. He held up the number of officers on that ship as a fair criterion of what ought to be on board a vessel regularly employed under ordinary and normal conditions.

Mr. VANCE. If the Senator will allow me, I will also suggest to him that sixteen of the line officers which went to swell the number in the comparison of the Senator from Illinois between the Lancaster in 1864 and in 1882 were cadet-midshipmen and cadet-engineers, under-graduates of the Academy, who were there in 1882 for the purpose of instruction.

Mr. HALE. How many lieutenants?

Mr. VANCE. There were fourteen cadet-midshipmen and two cadet-engineers.

Mr. HALE. How many lieutenants does the Senator find were on the Lancaster in 1864?

Mr. VANCE. I find one lieutenant-commander and one lieutenant in 1864.

Mr. HALE. How many lieutenants in 1882?

Mr. VANCE. Two lieutenant-commanders and seven lieutenants in 1882. There is no mistake about it. I read from figures produced by the Senator from Illinois yesterday, and it is not presumable that he could have made a mistake.

Mr. JONES, of Florida. The country very well understands, I think, the reason why the law was changed in 1862 with reference to the ranks and grades in the Navy. The country had embarked in a terrible war, and it was part of the system, and a wise system, to hold out to the officers who were about to engage in it the stimulus of reward by rank for heroism and devotion to their country. That was the reason of it. Numbers of them have had their reward, and I do not complain of it.

Mr. LOGAN. If the Senator will allow me, these ranks were created before there was much chance for reward. They were created early in 1862, not after the war was over.

Mr. JONES, of Florida. Not after it was over, but in 1862.

Mr. LOGAN. On the 16th day of July, 1862, the appointment was made to those ranks.

Mr. JONES, of Florida. I understand that; but the hope of promotion for gallantry was held out; and after the war was over, acting in accordance with the spirit of our legislation on that subject,

time and again measures were passed through both bodies of Congress creating boards of admirals to go through the Navy to ascertain the men who had most distinguished themselves for gallantry in the Navy, in order to advance them from one grade to another in consideration of their services.

Mr. ANTHONY. The Senator will recollect that when the grade of rear-admiral was created it was made necessary that an officer should have received the thanks of Congress in order to be eligible to it.

Mr. LOGAN. The grade of rear-admiral was created in 1862.

Mr. ANTHONY. Very well.

Mr. LOGAN. They were appointed right then.

Mr. ANTHONY. They were not appointed except from officers who had received the thanks of Congress by name.

Mr. JONES, of Florida. There is nothing which stimulates, as we know, the exertions of military or naval heroes more than the hope of increased rank, not even the question of pay; for whatever may be said to the contrary, I believe that the matter of rank in the Navy, independent of pay, has had a greater influence upon the actions and the ambitions of its officers than anything else.

Look now at the list of commodores, and what do you propose to do? Some of your heroes have been rewarded by being admitted into this advanced grade. Others are still behind, advanced in years, still vigorous, and covered with honor, who have had held out to them from 1862 to the present that the day would come when they would be permitted to wear a commodore's star. They have paid themselves in blood for their country, they have imperiled their lives in defense of its flag, and with that law before them telling them all the while that in a certain contingency they would receive increased rank, what do you propose to do now? Those very men you stop in the line of promotion.

Mr. DAVIS, of West Virginia. How long?

Mr. JONES, of Florida. It does not matter how long.

Mr. DAVIS, of West Virginia. That is the question, how long?

Mr. BUTLER. It may be seven years; it may be until they die.

Mr. JONES, of Florida. You say there shall be no more commodores.

Mr. DAVIS, of West Virginia. That does not prevent promotion.

Mr. JONES, of Florida. I know, but how do you propose that that promotion shall take place?

Mr. LOGAN. If the Senator will allow me, inasmuch as he is now speaking of promotion, and the Senator from South Carolina remarks that it will give them a chance to die, I will state that in the Army twice since the war promotion has been stopped. In all the corps promotion was stopped until the corps were reduced down to a sufficient minimum, and then promotion was allowed. That is the correct way of doing it, and it is always done in that way.

Mr. JONES, of Florida. Was it done on an appropriation bill?

Mr. LOGAN. On an appropriation bill; that is exactly where it was done. Not only that, if the Senator will allow me, I can show him that time and again this very same proposition has been adopted in regard to the Navy, and the only time the Navy has ever been reduced was in that way.

Mr. JONES, of Florida. When was it done?

Mr. LOGAN. I will show the Senator.

Mr. JONES, of Florida. Since this increased grade?

Mr. LOGAN. No; it was never reduced since the increased grade.

Mr. BUTLER. The object of that was very clearly to put the Army on a peace footing. The Navy has been on a peace footing for the last ten years.

Mr. PLUMB. The Navy never was on anything else than a peace footing.

Mr. LOGAN. When was it reduced?

Mr. BUTLER. I do not know when.

Mr. LOGAN. I beg your pardon; it never has been reduced, but has been increased. Show me where it was reduced. Here is the statute of 1862, and you have more officers of high grade to-day than you had then made by law. It has been done by special act since. There has been no such thing adopted since the increased grade.

I want to call the attention of the Senator from Florida to another thing, as he has been talking about the state of the Navy in 1842, so that in his argument he can comment on it. In 1842 there was no retired list; the officers of the Navy were not permitted to be retired. There are now on the retired list of the Navy forty-six rear-admirals, fourteen captains and commodores, and two hundred and thirty officers of lower grade, making two hundred and ninety officers now on the retired list, when in 1842 no such thing was permitted, and never was until the retired list was made during the war.

Mr. JONES, of Florida. That may be all true.

Mr. LOGAN. It is true. It not only may be true, but it is a fact.

Mr. JONES, of Florida. Still I am not here to quarrel with the retired list, because we find that that power which to-day yields naval supremacy in the world has a retired list much more objectionable in many of its features than ours; for when it comes to the organization of armies and navies, whatever may be the difference in the countries with respect to their modes of civil government, the same rules and reasons must control and operate to a great extent in the organization and maintenance of armies and navies in a republic as in a monarchy.

As to selection instead of promotion by seniority in the English service, the right is exercised only in the lower grades; that is, below the rank of captain.

Section 231, page 55, Queen's Regulations and Admiralty Instructions, and the preceding sections to 226, provide that promotions in these higher grades shall be regulated by seniority, and, although the right to select is reserved as to captains, is a right never or very rarely exercised as against the established rule.

The English navy is composed of three departments or bodies: first, the active list; second, the retired list; third, the naval reserve. The active list consists of 1,854 officers of the line, and 1,847 officers of the staff.

The retired list, which it will be seen constitutes a very important part of the British navy, is composed of 1,639 officers of the line and 1,012 officers of the staff. These officers bear rank as follows:

| | |
|----------------------------|-------|
| Admirals | 114 |
| Vice-admirals | 80 |
| Rear-admirals | 67 |
| Captains | 413 |
| Commanders | 483 |
| Lieutenants | 227 |
| Sub-lieutenants | 64 |
| Staff-commanders | 95 |
| Navigating-lieutenants | 87 |
| Navigating sub-lieutenants | 9 |
| Total | 1,639 |

Mr. HAWLEY. And England has had no great war lately, either. Mr. JONES, of Florida. None. The number of retired officers of the lower ranks is accounted for by the peculiar system of the English retiring law, which is manifestly designed to produce two results, namely—first, to keep the active list of the navy composed of young men in the vigor of life; and, secondly, to have a retired list also composed of men who have seen sufficient service to become accomplished officers, and who are still able to perform any duties that may be required in the navy, and who although upon a retired list may be called to duty at any time.

These retiring laws, besides leaving it discretionary with officers under certain circumstances to go upon the retired list, make retirement compulsory as follows:

| | |
|--------------------------|----|
| Admiral of the fleet at | 70 |
| Admiral and vice-admiral | 65 |
| Rear-admiral | 60 |
| Captain | 55 |
| Commander | 50 |
| Lieutenant | 45 |

(For full particulars of law see abstract, page 509, "English Navy List" for October, 1881.)

It will be seen by this abstract, and by the table given above, that no man in the English service can remain a lieutenant after he is forty-five years of age, nor a commander after he is fifty, nor a captain after he is fifty-five.

English statesmen justly appreciate that the duties belonging to these ranks can best be performed by men within the ages designated.

By the bill now before the Senate we would in a few years have a list of lieutenants none of whom would be under the age, or much under the age at which by the English law a lieutenant is forbidden to continue in that rank, and by a fair calculation of probabilities the average age of the masters, the rank immediately below lieutenant, would be forty-two years before promotion to lieutenant.

The royal naval reserve, of which the Prince of Wales is the honorary captain under appointment of March, 1877, is composed of four hundred and ninety-seven officers, as follows:

| | |
|--------------------------|-----|
| Lieutenants | 79 |
| Sub-lieutenants | 77 |
| Honorary lieutenants | 69 |
| Honorary sub-lieutenants | 126 |
| Midshipmen | 126 |
| | 497 |

This royal reserve is also liable to be placed on active duty, and the entire list of midshipmen is in active service now on the training-ships of Great Britain, or was in 1881. (See page 282 English Navy List, October, 1881.)

As something may be said in reference to the comparative pay given by England and the United States to the officers in the lower grades, it may be well to suggest a reply.

The pay given by the United States to officers in the lower grades of the Army and the Navy is greater than that given by Great Britain to officers of corresponding grades in both branches of the public service.

The reason is that England desires to keep the places of authority in both the army and the navy for her aristocracy and her gentry, and no young man of the people can under ordinary circumstances get a commission in either.

To prevent this class from getting in she makes the pay so small that nobody can live on it, and therefore no youth or young man can take a commission as an officer in either the army or navy who has not an independent income or wealthy friends willing to support him. And it is understood that if he has no such income, but is fortunate enough to have such friends, they are expected or required to give bond or security that the youth will be adequately provided.

It is useless to suggest how widely different is the policy of our country. It may be further suggested that in England when a man gets up to a fleet officer his pay, table money, command money, servants' commutation, and other perquisites amount to about \$20,000 and over.

It is an absurd and cruel folly to undertake at the end of the session and in an appropriation bill to reorganize the Navy of the United States.

Any man who knows anything about it knows that it is a subject that requires serious and deliberate thought and most careful examination. It needs reorganization, and our statutes that relate to it are an incongruous mass that should be systematized into a harmonious code, but this can not be done in a day.

There should be appointed from the two Naval Committees of the House and the Senate a sub-committee to act in conjunction with the Secretary of the Navy and some prominent and cultivated officers in the preparation of a plan and system to be reported some time during the next session.

There is grave objection even to the merits of this proposition, to say nothing about the form in which it is presented to us.

When I was speaking a while ago the Senator from West Virginia [Mr. DAVIS] referred to the method of promotion. As I understand it, the rule of seniority has prevailed ever since our naval system has been in existence, and it has worked well. Why has it worked well? Certainty in matters of this kind is of more importance than anything else. Any system which will do away with complaints and jealousies on the part of brother officers commends itself far more than a system which must lead to them.

It would be impossible to have a system of promotion by designation residing in any man without having confusion in the whole system. It prevails to a limited extent in the British navy, but only among the inferior grades. The rule of seniority is allowed to prevail in that service in all the upper grades, and it is only in the case of inferior officers of little consequence to the service that the rule of promotion by designation prevails. Here that rule is reversed. It is proposed in this bill to begin at the very top, and to give to the Secretary of the Navy the power of promotion from the list of commodores and captains to admirals and vice-admirals, a power hitherto unheard of in the naval service.

Mr. HALE. The Senator must know that all these appointments are made by the President. The Secretary of the Navy has no power.

Mr. JONES, of Florida. I mention the Secretary of the Navy because the President usually speaks through that officer; it is the executive government. I do not know whether those promotions are to be made by the advice and consent of the Senate. There is nothing in the bill about it. The action of the Senate is excluded from the bill.

Mr. HALE. I hope the Senator will not seriously, in casting about trying to find some trouble with this bill, make that point.

Mr. JONES, of Florida. I do not insist upon that.

Mr. HALE. I hope the Senator will not first make the point that the Secretary of the Navy is to appoint by selection and then that the Senate is excluded from the consideration of the nominations, because the Senator must be very hard pushed if he is driven to that.

Mr. JONES, of Florida. The bill is very imperfectly drawn, and it ought to specify it.

Mr. HALE. It is drawn as any other provision in reference to the appointment of officers. It is so recognized, not only by the law but by the organic law, that the Senate passes upon all such nominations, that it is never repeated in any law in relation to these officers, and never will be.

Mr. JONES, of Florida. There is another provision in the bill about which we shall not differ that it gives a most extraordinary power to the board of examination, something entirely novel and new.

Mr. HALE. There is no board of examination provided.

Mr. JONES, of Florida. In cases of promotion?

Mr. HALE. No.

Mr. DAVIS, of West Virginia. I suggest to the Senator that when we come to that clause in the consideration of the bill it will then be the proper time to consider it.

Mr. HALE. This only shows how much better it would be for us to go to the consideration of the bill, and then consider its provisions. A large part of the argument has been either upon provisions not in the bill or upon provisions which have been amended by the committee.

Mr. JONES, of Florida. Well, let us see. The bill provides that—

Hereafter all promotions to the grade of rear-admiral on the active list shall be made by selection from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made: *Provided, however*, That no commodore now in the service shall be reduced in rank or deprived of his commission by reason of this act: *And provided further*, That no officer shall be promoted under the provisions of this act unless his mental, moral, and professional fitness shall have been established according to the provisions of sections 1496 and 1497 of the Revised Statutes: *And provided further*, That whenever on an inquiry had pursuant to law, concerning the fitness of an officer of the Navy for promotion, it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his own misconduct, he shall not be placed on the retired list of the Navy, and he shall be discharged with not more than one year's pay.

That is the provision to which I referred.

Mr. HALE. But that is not the provision of a board controlling the selection.

Mr. JONES, of Florida. It is the action of a board which examines for promotion.

Mr. HALE. No; the board which was provided in the bill as it passed the House to regulate the selection was struck out, and is not in this bill. The board the Senator is referring to is the board which has always existed and which settles certain ordinary questions, not of selection, but where promotion comes in time by seniority.

Mr. JONES, of Florida. I understand that, but this provision superadds to it a power that never before existed, the power of dismissing any man from the Navy, for it is the very highest and gravest penalty that can be rendered against him. That is the work of a court-martial.

Mr. LOGAN. I should like to ask the Senator if he thinks a man who from drunkenness or his own misconduct has incapacitated himself to perform the duties of an officer of the Navy ought to remain in the Navy?

Mr. JONES, of Florida. I am lawyer enough never to prejudice any man's case. The Senator well knows it is not the province of a lawyer to do so. It is wise to argue a case. I will not assume that any man is a drunkard; I will not assume that he has done anything to merit this grave punishment, to be tried by a board of this description, which in a number of instances has sat *ex parte*.

Mr. LOGAN. I will say to the Senator, so that he may be relieved somewhat as to the harshness of that provision which he thinks is very hard, that it is copied from a provision in regard to the Army, where the same power exists; and I cannot see that an officer who demeans himself so that he is entirely unfitted for service is any better in the Navy than in the Army.

Mr. JONES, of Florida. I do not care from whence it came, I think a man either in the Navy or the Army, when charged with any offense which may lead to his dismissal from the public service, is entitled to a trial according to the rules and articles of war, and this does not give him that. It would be easy to trump up a charge against any man under this board and put him out of the service for any cause. It is not confined to drunkenness, but extends to any cause which this autocratic board might say was sufficient. A man who had devoted his life to the public service is to lose his commission without any of the safeguards which usually preserve the simplest right of person or of property.

This is the kind of premature legislation that is forced upon the Senate in an appropriation bill. This is evidence of the deliberation, and the knowledge, and wisdom, which those gentlemen boast so much about in dealing with this grave and interesting question.

The committee of which I happen to be a member, instead of attacking anybody, has been attacked without cause. It has been stated here that we have been recreant; that we have not performed our duty; that we have not reformed the naval service when reformation was shown to be necessary by the Appropriations Committee. That brings to my mind a celebrated sentence in one of the grandest opinions of Chief-Justice Marshall, in the celebrated case of Gibbons vs. Ogden, when the question involved was as to the power of Congress to regulate commerce between the States. It was argued by the counsel against the proposition that inasmuch as some of the States had been permitted to regulate this subject in the absence of legislation on the part of the Federal Government, that was an acquiescence on the part of this Government in the necessity of such regulation. What did that profound jurist say? His simple answer was, the fact that the General Government did not interfere at all was evidence that no regulation was necessary.

We have gone as far in the work of reform as we thought proper to go. We have considered the subject, but we did not think it wise or proper to go to the extent which the Appropriations Committee in their wisdom think it proper and necessary to go.

Then the practical question arises, when there is a difference of opinion between the committee which is intrusted with the consideration and reporting of all laws relating to the organization of our Navy and a committee which has nothing to do with it, which shall prevail? What right has the Appropriations Committee to set up its judgment here against the judgment of the Naval Committee, which has been intrusted, according to the organization of the body, with this great subject? It has reported a bill and it has put that bill on the Calendar and it has asked for its passage. We think if that bill is passed it will bring to the naval service all reasonable relief which may be necessary on this subject. But we are not willing to go to the extent that the Appropriations Committee have recommended, and we have decided to resist it, and we think it to be our duty to resist it, and there comes in the question as to the proper management and conduct of the public business of this body.

The Appropriations Committee of the Senate, composed of able men, as my friend from Illinois stated yesterday, and I have no quarrel to make with them, have an immense power. They have the power of appropriating public money for every department and branch of this Government, a power which others believe they ought not to have, because it is too great and extended for any one committee, and if a wise rule were adopted the power would be subdivided, the Naval Committee would be consulted in regard to the appropriations necessary to maintain the naval establishment, the Military Committee

would be consulted in respect to the money necessary to maintain the military establishment, and so on through the whole field of governmental operations. But as matters stand now they wield this whole power, and they are not satisfied with that. They want to come in and engage in the business of general legislation, to reform the Navy, it may be the Judiciary, the Army, every branch of the Government on an appropriation bill. Where will such confusion as this end? In all orderly bodies like this we must conform to our rules or abandon the legitimate processes of legislation.

It has been stated here that when a bill comes from the House with a provision on it which happens to be in accordance with the rules of that body and happens to be in conflict with ours, we must obey the House. It has been announced here as a principle to-day that because this legislation is in the direction of retrenchment, and is not open to any objection under the rules of the House, although it is admitted to be in the very teeth of the rules of the Senate, out of comity and courtesy we must acquiesce in a violation of our own rules, created for our own Government, in order to please the other body. Is that to be the rule of the Senate in the future?

Sir, I say that the House of Representatives has no right to send a bill here that violates the rules of the Senate, even though it may not violate any of its own rules. I say that it is a breach of that courtesy and that legislative comity which ought to exist between two great bodies for the House to send a bill here with legislation upon it that stands in the very teeth of our most obvious self-imposed rules, enacted for the orderly conduct of business in this body. If they have the hardihood to do it, then it is the duty of this body to send the bill back and tell them that they must not ask us, in adhering to their wishes, to violate the established law of our own organization; and I do not think they would undertake to do it.

My friend from Kentucky, [Mr. BECK,] not now in his seat, made a great noise a while ago about the possibility of a tie on a conference committee over this question. The House of Representatives cannot go to the country on the issue, (no leading man there will lend his name to it,) that they will resist the right of the Senate as an independent co-ordinate department of the Legislature under the Constitution to prescribe the rules for its own government and to live up to them. If the House makes that issue, I for one am prepared to meet it.

The Constitution provides that each House shall have the right to prescribe the rules and regulations for its own government. We have prescribed a rule, which has been read by the Senator from Ohio, which no man can fail to understand, and it tells the members of this body, it tells the other House, it tells the country that no legislation of a general character can consistently with those rules be incorporated into an appropriation bill. That is the whole of it.

Mr. DAVIS, of West Virginia. The Senator from Florida said he was confident that the House would not contend upon a matter of legislation on an appropriation bill. I would say that we have now a question pending, and it has been pending for two or three weeks, and several conference committees have been appointed on it, on that very matter, the House contending for their right to legislate as they think best, and that the Senate has no right to say aught about it. It will be recollected by my friend from Florida that there have been three or four conferences on the legislative appropriation bill, and the only point of difference is as to the sixth section in that bill, and that is new legislation.

Mr. JONES, of Florida. What is that?

Mr. DAVIS, of West Virginia. I supposed my friend knew all about the sixth section of the legislative bill, for there have been three or four conferences about it.

Mr. JONES, of Florida. I ask for information.

Mr. DAVIS, of West Virginia. I will say that the House says that such records as belong to the Surgeon-General's Office relative to pensions should be transferred to the Adjutant-General's Office. The Senate thought that it ought not to be so. Another point in the legislation—and that is the serious question—is what portion of the new State, War, and Navy building shall be occupied by each of these different Departments. That is the only difference, and the House says it has a right to insist on it, though it is new legislation. The Senate has appointed three or four conference committees on that, and they are now standing apart.

My friend from Florida asked me to explain what the difference was, and then deliberately walked off and got into conversation with another Senator.

Mr. JONES, of Florida. I am listening.

Mr. DAVIS, of West Virginia. I am not doing the Senator injustice when I say that he has paid about as little attention to what is now the question as to the difference in regard to the matter he asked me about.

Mr. JONES, of Florida. I heard the Senator.

Mr. DAVIS, of West Virginia. I want to occupy not more than five minutes.

What is the question here and what is to be gained if this bill is sent back to the Committee on Appropriations? The House has sent us one of the regular appropriation bills. Under their rules they have incorporated certain new legislation together with that making appropriations for the entire Navy. Under the rules of the House anything that tends to economy they can insert as legislation on appropriation bills. I think it is a step in the right direction.

The fact that it is economy is the only reason and the only cause of this new legislation upon this appropriation bill. That being so, this bill tends to economy, this bill tends to save money to the people of this country; and is it possible that the Committee on Naval Affairs, on a question that does not come from their committee, are contending that a bill that saves \$1,000,000 per annum, or perhaps more, certainly \$1,000,000, to the people of this country, does not lessen the expenses? They say that the bill ought to go back to the Committee on Appropriations. For what? To increase the pay and other items in the bill nearly \$1,000,000 over what they are now. The result is that if this vote is taken and this bill is sent back to the Appropriations Committee with directions to bring in the bill as it was last year, you have to place just a million more dollars of appropriation in this bill. That is a step in the wrong direction.

I do not see how this side of the Chamber or the other side can say that they are for economy and intend retrenchment and that there is too much money expended, and then say "go back and increase this bill and we will take it up and pass it if you will do that, and if you do not we will not pass it." That is the result of the proposition.

Mr. BUTLER. I should like to ask the Senator what is the difference between the appropriations in this bill and the appropriations last year reported from the Committee on Appropriations for the support of the naval establishment?

Mr. DAVIS, of West Virginia. I will tell the Senator. I hope my friend from Florida [Mr. JONES] will listen, and I wish the Senator from Ohio [Mr. SHERMAN] was in his seat, for I have heard him lecture the committee more than once for its extravagance, and there are other Senators whom I have heard lecture the Committee on Appropriations for its extravagance. The Senator from Florida says he never did. He is doing it now; he has done it to-day. Now, let me tell my friend from South Carolina what the difference is. In the miscellaneous pay of the Navy this bill saves over that of last year \$186,525.

Mr. BUTLER. Now, I will ask the Senator how that is done? The Senator from Illinois says the officers of the Navy are not reduced.

Mr. DAVIS, of West Virginia. That is a fact.

Mr. BUTLER. Then how is that reduction made? I will vote for any proper reduction in the appropriations for the naval establishment.

Mr. DAVIS, of West Virginia. The Senator wants to vote in gross, by wholesale, to send this bill back to the committee without an opportunity on the part of the Committee on Appropriations to explain where this saving comes in. He says, "Go it blind, and send the bill back;" and now he asks me where the saving is.

Mr. BUTLER. The Senator is mistaken. I object to the bill, not because of the expenditure.

Mr. DAVIS, of West Virginia. What is the objection?

Mr. BUTLER. My objection is that I think the system for the reorganization of the Navy is vicious and faulty in the extreme. If the Senator desires, I will say that I think you strike at the wrong place, the *personnel* instead of the administration. That is my objection.

Mr. DAVIS, of West Virginia. Suppose we examine that. I take it the Senator has examined it.

Mr. BUTLER. I have.

Mr. DAVIS, of West Virginia. Then he certainly can tell me where the difference of \$176,000 in the pay comes in.

Mr. BUTLER. I cannot, because I am not familiar with the appropriation bill of last year.

Mr. DAVIS, of West Virginia. When the Appropriations Committee asked that this bill be taken up and considered as all other appropriation bills have been, the Senator with others said, "No, we will not take it up and consider it item by item, but we will send it back to the Committee on Appropriations with instructions." I believe such a thing has never been done.

Mr. BUTLER. The Senator does not state my position fairly. I do not object to anything in the appropriation proper. I might vote for every reduction the committee recommend, but I object to the bill, as I said, because it has general legislation in it, which I think is not to the interest of the Government or the Navy.

Mr. DAVIS, of West Virginia. When we come to that general legislation is it not best for the country and for the Senate to take it up and strike it out if there is not a majority of the Senate in favor of it? Why send back a bill that ought to be passed and delay the passage of an appropriation bill, which, by being sent back, will be delayed a month or more? The House has as much right to amend an appropriation bill as we have. The House under their rules—and I believe it would be better if our rules were the same—made certain legislation in the naval appropriation bill, all of which I do not agree to, and perhaps I shall help the Senator to strike out some of it. I do not know that I shall, but perhaps I shall, and most probably I shall. But why send the bill back to the Committee on Appropriations simply because there may be some one or two clauses in it that some Senators disapprove of? Why not take them up and discuss them and dispose of them as intelligent men ought to do as we come to them? We have been nearly two days at this bill now, and if we had taken up each section probably we should have been nearly to the end of the bill by this time.

My friend has asked me what else we save. If he will look to the Bureau of Equipment and Recruiting he will find there is \$125,000 saved there over last year. If he will go to the Bureau of Yards and Docks there is \$230,000 saved by this bill over last year's bill, and yet you tell us to take it back and bring in a bill that will expend so much more money for the country. What else?

Mr. BUTLER. I will ask the Senator at that point if it is in the interest of economy and a reduction of expenditures to order the repair of two monitors, or whatever other number of monitors are provided for; and if it is in the interest of economy and a reduction of expenditures to provide for building two cruisers which require over \$1,000,000?

Mr. DAVIS, of West Virginia. This bill as a whole appropriates probably about half a million dollars more than the bill of last year, and half a million dollars less than the bill of 1881.

The Senator asks me if it is economy to build these vessels. That is a question that he and I can debate when we come to it. There is a million dollars say for that purpose. The Senator from Delaware, who spoke a short time ago against this bill, said it was economy, and that the reason he voted against it and one of his objections was that there was not more in it, and the Naval Committee I understand have recommended five times this amount. Certainly the Naval Committee of the House did, and now the Senator asks is it economy to build vessels.

Mr. BUTLER. That is not the question at all. It is quite likely that I shall be willing to vote \$5,000,000 on proper advice, but the ground on which the Senator put his support of the bill and justified the legislation in it was that it was in the interest of economy and a reduction of expenditures, when the bill provides for the building of two cruisers and the repairing of two monitors, which must certainly require the expenditure of more money than would be required in an ordinary appropriation bill.

Mr. DAVIS, of West Virginia. For the purpose of which the Senator speaks the bill is less by about a half a million than it was in 1881. They could take that money for this specific purpose and for launching vessels now on the docks, which my friend from Delaware said this morning ought to be done, and I say ought to be done now.

Mr. BUTLER. Very likely.

Mr. DAVIS, of West Virginia. Even after adding that much to the bill this bill is less than the bill of 1881 by nearly half a million dollars. My friend tells us it is all wrong.

Mr. BUTLER. Let me ask another question. Take out these items for building cruisers and repairing monitors and is not the bill reduced just that much more?

Mr. DAVIS, of Virginia. Certainly. And perhaps he and I may vote together when we come to that; but why does he say take it back to the Appropriations Committee, make it as it was last year, when by doing so we add a million dollars to the expenditures of this bill without touching the cruisers or the monitors?

Mr. BUTLER. For the naval establishment as we did last year is what I say.

Mr. DAVIS, of West Virginia. Suppose that is done, suppose your estimate is carried out. I have in my hand the Navy Register, that shows the great number of men now being paid by the Government for doing nothing, and that is one thing among others which the Appropriations Committee think ought to be corrected.

I have a table here in which the very first name is that of Sands—J. R. Sands, now a rear-admiral. He was retired as a captain twenty years ago. I believe his pay then was \$1,738. What is it now? He has done nothing since. So far as I know he has not done one stroke at anything, has not been employed a day for the Government; yet his promotion and his pay have gone on increasing from captain to rear-admiral, until to-day he gets \$4,500.

Mr. ROLLINS. Let me say one word right there.

Mr. DAVIS, of West Virginia. These things are unpleasant, I know.

Mr. ROLLINS. There is one thing he did. He got an amendment upon an appropriation bill increasing his salary from \$3,000 a year to \$4,500. That is what he did, and when he accomplished that he accomplished an increase of pay for five or six other officers in the same way on an appropriation bill. That is what he did.

Mr. DAVIS, of West Virginia. To show that the Senator is wrong about its being done on an appropriation bill, while that may have been done in some particular case—

Mr. ROLLINS. It was done in this identical case.

Mr. ALLISON. On the motion of the Naval Committee.

Mr. DAVIS, of West Virginia. I know these facts are very unpleasant to my friends of the Naval Committee.

Mr. ROLLINS. Not at all.

Mr. DAVIS, of West Virginia. I understand why they should jump up and try to break the force of them. I can see it. Here is no less than four of them about me, and in the five minutes I have been talking, contending that we ought to go on with the bill, they have been jumping up and trying to break the force of my facts.

Mr. FRYE. Allow me to ask the Senator whether the bill reported from the Appropriations Committee affords a remedy for that?

Mr. DAVIS, of West Virginia. Yes, sir. That is the very thing I am coming to.

Mr. FRYE. And yet the two parties in the Senate who have been proclaiming their adhesion to economy propose to prevent any legis-

lation which shall cure that terrible wrong simply because one committee rather than another reports it.

Mr. DAVIS, of West Virginia. Simply because the bill is sent to us by the House, and by the aid of the Committee on Naval Affairs sent to the Committee on Appropriations to be considered and brought back here.

In addition to what my friend from Maine has said, the simple facts are that this legislation came here from the House and the House had a right to put it upon the bill under their rules. Why? Because it was in the direction of economy, and my friends of the Naval Committee jump up here as a whole and say that is wrong, "we want you to continue paying these outrageous salaries; we want you to continue allowing men who have not done anything for the Government for twenty years to go on with their promotion and go on with their pay." It is all wrong; nothing of that kind should be preserved; and because it is an appropriation bill, although this bill appropriates the money to pay these very men, our friends complain and say you ought not to remedy it because this is an appropriation bill; and they say take this bill back and take out all the legislation in it. I hope it will not be sent back, because I want Congress to adjourn some time this year, and we have had fights enough with the House this year.

What is the result? I have just said to my friend from South Carolina that there is a saving in this bill over that of last year; but if this vote prevails the Appropriations Committee, if it obeys the Senate, will have to bring in the items exactly as they were last year, and we appropriated \$947,000 for last year's service more than the present bill appropriates for the current year.

Mr. JONES, of Florida. This bill does not affect the status of a single man in the Navy.

Mr. DAVIS, of West Virginia. I say that too. This bill does not in any form or manner reduce the grade or pay of any person whatever now in the service.

Mr. BUTLER. I understood the Senator to say just now that it reduced the pay of Admiral Sands.

Mr. DAVIS, of West Virginia. No; I did not. I said it prevented such things in the future.

Mr. BUTLER. I did not understand that.

Mr. DAVIS, of West Virginia. It prevents things of that character in the future. I said that for the future we guarded against it, and I believe it will annually save \$1,000,000.

Mr. BUTLER. The Senator has referred to me as a member of the Committee on Naval Affairs. I am not. I know it is a great piece of audacity on the part of any other Senator to criticize any committee whatever on the floor. I am not on the Committee on Naval Affairs.

Mr. DAVIS, of West Virginia. I thought the Senator was, from the part he was taking.

Mr. BUTLER. No, sir; I do not belong to that committee.

Mr. BECK. Will the Senator from West Virginia allow me to make a suggestion?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. BECK. The Senator from New Hampshire [Mr. ROLLINS] seems to have all the knowledge and information upon this subject. I know he has from the accurate knowledge he exhibited yesterday relative to the law of March 3, 1873, in regard to which he said the Committee on Appropriations had usurped so much, although there was no legislation proposed in that bill by either the House or the Senate Committee on Appropriations, and it all came from the Naval Committee. I want to ask the Senator from West Virginia whether he thinks a proper amendment to the resolution would not be what I am about to suggest. The resolution reads:

Resolved, That the naval appropriation bill be committed to the Committee on Appropriations with instructions to strike out all matter relating to the reorganization of the Navy, and provide appropriations for the naval establishments as it now exists.

I propose to add by way of amendment:

And for the further information of the Senate, that the Senator from New Hampshire be respectfully requested to appear before that committee and instruct them what will be satisfactory.

I think we had better add that in the motion.

Mr. ROLLINS. I did not understand the last words of the Senator from Kentucky. I should like to have the Senator repeat them.

Mr. DAVIS, of West Virginia. Mr. President, this bill regulates the pay of the Navy. No one will question the right of the Committee on Appropriations to regulate that, as the bill appropriates money for the pay. What else do I find? I find that the sea pay of captains is \$4,500, and their shore-duty pay \$3,500, and their pay on leave \$2,800. The committee found that a very large portion of the naval captains had, from some cause or other, or in some manner, instead of being on leave with \$2,800 a year pay, been put on shore duty, which gave them \$3,500 pay instead of \$2,800.

So it is all through the Navy in the same way. In appropriating the money to pay these very gentlemen the Appropriations Committee has thought it wise to say that hereafter when the Secretary assigns an officer to shore duty he shall specify how long it is to be and what service the officer is to perform, believing that would be a large reform and perhaps save \$50,000 a year or more in that single respect.

Another reason why we should not recommit this bill, in my judgment, is that it will certainly require some time in the committee if

we are to reconsider it; and after it comes back to the Senate, no matter in what form it comes, we shall have to go over the same questions. The entire matter that the House has sent here must come back to the Senate in the bill, and the whole field will have to be gone over again. Had we not better now take the bill up as a whole and go on with it, taking it section by section, and if there is anything in it that ought not to be in it, let the Senate strike it out. If there is an amendment or a modification required, make it; let the Senate act upon it.

If you by one general vote eject the good as well as the bad, how will it be possible when the conferees come together on this bill for the Senate conferees to say that the Senate will not accept this, that, or the other? They will have taken it as a whole. There comes up a question between the two Houses. The House of Representatives say "We have a right to amend the bill as well as you have, and our action is in the interest of economy." If the Senate choose to disregard economy and say they will not adopt the present bill because it saves a million dollars, what is to be the result? I repeat that this bill as reported to us in the regular way is \$947,000 less than the bill must be if you send it back, striking out the legislation. So you will be spending money uselessly and unnecessarily. Gentlemen who want a more extravagant bill than we now have ought to vote to send it back.

Mr. PLUMB. Mr. President, this has formally assumed the phase of a controversy between two committees of this body; but I do not think myself that it is really entitled to be considered as such. It is wholly a controversy as it stands now between the Naval Committee of this body and those who adhere to them and the House of Representatives. So far as I am concerned as a member of the Appropriations Committee, I am as colorless in regard to this matter as any one can possibly be. It is a matter of not the slightest consequence to me whichever way this goes, so far as my membership of that committee is concerned or any appreciation or regard I have for it.

The rules of the House permit this legislation on this bill. Each House has a right to prescribe the rules governing its own legislation. We have a right to say that we will incorporate or that we will not incorporate legislation on appropriation bills; the House has an equal right to do the same thing. Each House is supreme in that particular. Neither House has a right to dictate to the other in regard to legislation. The rules of the House permit any legislation on appropriation bills which in the judgment of the House reduces expenditures; and whether it does or not, we have a right to presume and are bound to presume that everything which is sent to us from the House, constituted as it is, is in accordance with the rules of that body or it would not have come here because being subject to a point of order. Where there are two hundred and ninety-three members there is certainly some one who would find some way of objecting to it and raising the point of order and making that point effective.

This, then, amounts to a suggestion or a hint or a requirement on the part of this body that legislation which comes here from a co-ordinate branch of this Government shall be excised upon the ground, not that the legislation is not proper in itself, not that it does not tend to reduce expenditures, not that it does not tend to responsibility in administration, not that it is not wise considered in the broadest possible light, but simply that the Senate looking at the thing through its own spectacles, with reference to its own rules and regulations, made by itself for its own purposes, says it is not proper to be considered at all upon the merits. That is all there is about it. It is not a controversy between the Naval Committee and the Appropriations Committee as it stands to-day; it is a controversy between the Naval Committee insisting upon its prerogative against the prerogative of the House of Representatives. That is all there is about it.

Mr. BECK. I wish to ask the Senator from Kansas a question as to the effect of our amendment inserting these words:

And section 1461 of the Revised Statutes allowing promotions of officers on the retired list, and the act entitled "An act relating to the promotion of commodores on the retired list of the Navy," approved August 15, 1876, are hereby repealed.

If you reject that amendment of the Committee on Appropriations and leave the old bummers—for that is what some of them are—to draw their pay and their increase of pay, would it be satisfactory to the Senator from New Hampshire?

Mr. PLUMB. The Senator from Kentucky is so much more competent to judge of that question than I am that I will leave that to him. But I was about to speak of the fact that the resolution originally offered by the Senator from Pennsylvania did not touch potential matters of legislation in this bill; did not touch the creation of the Navy at all. That resolution only touched the personnel of the Navy; it only referred to so much of the bill as limited promotions in the Navy. I do not care to go generally into that question on its merits, but I want to call attention to the fact that the Navy has been entirely a sealed book that could not be touched, and it has hardly been touched. Senators talk about the injustice that is done to the Navy as though Congress, which has appropriated the money, which has established the grades of promotion, had no right to enter upon this sacred ground at all. How much more sacred is the Navy than the Army? Yet no one was ever heard to say here that Congress could not put its hand upon the Army.

In 1870 Congress on an appropriation bill reorganized the Army, and it did not touch it with as light a hand as the Navy is touched by this bill. It did not say that no man should go out of the Army except he went out by casualty; it provided that the President should put certain supernumerary officers upon a list to be called the supernumerary list, and that as fast as vacancies should occur in the regular line of the regiments remaining he should draw them into that for certain duty, and those that remained after that should be mustered out whether or not. After providing in various ways that men might go out of their own option on a year's pay, and so on, it went on to provide further:

That the President is hereby authorized to transfer officers from the regiments of cavalry, artillery, and infantry to the list of supernumeraries; and all vacancies now existing, or which may occur prior to the 1st day of January next, in the cavalry, artillery, or infantry, by reason of such transfer, or from other causes, shall be filled in due proportion by the supernumerary officers, having reference to rank, seniority, and fitness, as provided in existing law regulating promotions in the Army. And if any supernumerary officers shall remain after the 1st day of January next, they shall be honorably mustered out of the service with one year's pay and allowances.

Under that act more than eighty officers were mustered out of the Army on the 1st day of January, 1871. There was no question about their right to stay in the Army by the fact that they had once been there, no question about their right to promotion. The Army has often been treated in that way, and Congress has a perfect right legally and equitably to treat the Navy in the same way, but it is not proposed to do it in this bill. This bill proposes to leave every officer in the rank he holds, and only provides how vacancies shall be filled and limited, thereby reducing the line and the staff of the Navy.

My objection to this bill, if I were going to discuss its merits, would be that it does not go far enough, that it preserves the higher grades in the Navy, and cuts off the lower ones. I think it vicious in that respect. I should like to discuss it, if I had time, before the Senate on a proposition to change the order so that there might be more men excised, taken out of the Navy from the higher grades, and more left in the lower grades.

This has been spoken of by the Senator from Ohio and others as an extraordinary proposition of legislation. Bearing in mind that it came from the House, that it is a proposition that was not originated in the Senate, that the Appropriations Committee got it by reference from the Senate, that no member belonging to the Naval Committee or any other committee of this body suggested that any portion of it should go to the Naval Committee; bearing in mind that the Appropriations Committee got full and ample jurisdiction by a vote of this body to consider all the matters in the bill, it is now proposed, notwithstanding the fact that the Naval Committee did not then make this motion, notwithstanding the fact that everything that is in it came substantially from the House, to send it back to the Committee on Appropriations with instructions to strike out the House provisions. And it is stated by the Senator from Ohio and others that this ought to be done because it is an extraordinary invasion of the province of the other committee, embracing legislation of a character which ought not to go upon an appropriation bill.

As I said before, the proposition of the bill is objectionable to the Naval Committee; the proposition to complete ships now is not objectionable to them, but only that relating to the *personnel* of the Navy. When we come to make appropriations for the different branches of the Government in the legislative, executive, and judicial bill, if ten or fifteen or twenty more clerks are needed in the Land Office or in the Pension Office they are inserted, and the Pension Committee or the Public Lands Committee do not come in here and object that the question as to whether those clerks are needed should be referred to it. When more clerks are needed in any of the bureaus, they are inserted on that appropriation bill, and no committee rises here to say, and never has, and never will, that that ought to have been considered by it in reference to the needs of that little department, and when clerks are to be stricken off they are simply not appropriated for, and that settles it.

It is so in every department of the Government; and when the late Secretary of the Treasury wanted more clerks he came to the Committee on Appropriations to give them to him. He did not go to the Finance Committee for that purpose; and yet he ought to have done so in order to maintain his consistency. When the Secretary of the Interior or the Commissioner of the General Land Office wants more clerks he comes to the Committee on Appropriations to get them. He does not come to the Public Lands Committee. When we want some of these clerks stricken off, or it is ascertained that they are not needed, as sometimes is the case—not as often as it ought to be, I admit—the Appropriations Committee simply fails to make the appropriation, and the thing drops.

The question of how many persons we shall appropriate for in the Navy is germane to the appropriation bill in a certain sense. I do not mean to say that it might not be considered in a larger sense; I do not mean to say that it might not be considered by the Naval Committee very properly; and yet by the action of this body, as it is and always will be, certain measures which do not get through, which have received the consent of a committee of this body, will be sent to the Appropriations Committee, because at the last moment of time in the session, everything being brought together, that furnishes the opportunity which men seek to get their bills through.

Mr. VANCE. Will the Senator allow me to interrupt him?

Mr. PLUMB. Certainly.

Mr. VANCE. Suppose on the legislative, executive, and judicial bill, when it came over to us, the House had incorporated a provision striking off three judges of the Supreme Court, and providing only for six, does the Senator think it would have been proper that that should go to the Appropriations Committee within a few days of the end of the session, and that it would have been an invasion of the rights of nobody in this Government or in this Senate?

Mr. PLUMB. If the House had sent that provision here, I should say in the first place, coming from the branch of the Government having the power under the Constitution to originate revenue bills, being nearer to the people than this body is, that it was entitled to be treated with respect at all events, that is to say, to decent consideration. I might say further that the Judiciary Committee being informed in advance by the debate, by the printed bill, by its being reported here and referred, that such a provision was on a bill, it would have been the duty of that committee to take notice of it, and either submit propositions to the Appropriations Committee to reform what they conceived to be an injustice, or to ask the Senate to refer that particular portion of the bill to them for consideration, and if they had not done so they ought at least after that time hold their peace.

Mr. VANCE. Has not that been done in this case?

Mr. PLUMB. I do not think it has.

Mr. VANCE. Did not the Naval Committee ask that that portion of the bill should be referred to them?

Mr. PLUMB. I think not; I have not heard it.

Mr. VANCE. I understand the proposition of the Senator from Pennsylvania to be to refer it to the committee with instructions to strike out that portion of it which pertains to the reorganization of the Navy and present an appropriation bill proper.

Mr. PLUMB. Yes, sir; but that does not meet the question at all, because there is no proposition to refer to the Naval Committee, and because the motion is made after the bill is reported to the Senate after due consideration by the Appropriations Committee. If the Naval Committee have got rights, I ask any lawyer if they have not slept on them in such a way that no court would regard them?

Mr. DAVIS, of West Virginia. The Naval Committee has acquiesced in sending the bill to the Appropriations Committee.

Mr. PLUMB. The Naval Committee up to the last moment of time recognized the jurisdiction of the Appropriations Committee over these questions. As I said, I do not care anything about this matter so far as the privileges of any committee are concerned; but we have got to this point that this means that unless this bill is considered by the Senate there is to be no reduction of the *personnel* of the Navy. That might as well be understood.

The Naval Committee has not considered the question heretofore, to the extent at least of being willing to report anything on the subject, or at all events it has not been able to get the ear of the Senate, and it is known now that there will not only be nothing passed at this session of Congress but that it will not probably be passed at the next session of Congress. Therefore we have come face to face with this proposition: either this bill, or the abuses which everybody admits to exist in the Navy cannot be rectified. That might just as well be understood and just as well understood by those who will vote for the motion to refer as by anybody else.

If the Senator from Ohio, the Senator from Florida, and the Senator from Pennsylvania were willing to trust to their persuasive arguments upon this measure on its merits before the Senate, they would not make this motion and support it. They would be willing to come here before the Senate, they would be willing to trust themselves on the merits of the debate and trust to the judgment and good sense of the Senate to adopt their proposition and not ours. It is because they are not willing to do that, and, as I said, that might just as well be understood first as last. That means exclusively and only and wholly that nothing shall be done to reform these abuses in the Navy at this session of Congress; and next session being the short session, with a holiday half way between, nothing can be done then.

If the propositions which have been embodied in this bill are so repulsive to that sense of justice which characterizes my friend from Florida, more particularly perhaps than anybody else, and if he thinks these war-worn and scarred veterans are entitled to the sympathies and good-will of the American people, he ought to lift up his voice in their behalf in this Senate Chamber, and demonstrate that to his fellow-Senators and appeal to their votes to settle the question. But he is not willing to do that. As I said, it simply means that those persons who are fighting now apparently for prerogative and for principle are fighting simply for the maintenance of a class and for the prevention of any reform and for the prevention of the introduction of any measure of economy into the organization of the Navy.

Mr. VANCE. The Senator will allow me, I hope, to say that I deny for one any such conclusion as that.

Mr. PLUMB. Well, Mr. President, I will accept any disclaimer that the Senator from North Carolina or anybody else may make; but I might apply to the Senator from North Carolina what Mr. Lincoln once applied to Mr. Douglas. He said that if James framed a certain stick of wood, and John framed another, and Joe framed another,

though all in different counties, yet when they were brought together they accidentally happened to fit the opening, the human presumption would be that they were intended to fit and were made for the purpose of fitting. So, I presume that every one here intends the legal and logical and necessary result which is to follow from the action he takes, which is that there shall be no reform in the Navy. That is the question we have got to meet.

Mr. JONES, of Florida. I say, for one member of the Committee on Naval Affairs, that we have been anxious to reform, have made an effort to reform, and are willing to reform now. We may differ with the Senator from Kansas as to how this end shall be best accomplished, but I do not think the Appropriations Committee in their omnipotence can assume that they are right and everybody else is wrong.

Mr. PLUMB. I said in the beginning that I did not care more about the Appropriations Committee than any other in the body. I take things as they are. The fact that I am a member of the Appropriations Committee cuts no figure in this case.

If the House had not sent this legislation here I should not have suggested it; but out of decent respect for a co-ordinate branch of this Government having the power to originate legislation and the only power to originate such legislation as this and fix its terms and limits, and under the rules of which this legislation was put upon this bill, and it having been sent by a unanimous vote without dissent to the Committee on Appropriations, what could that committee do?

Would it not have been regarded as presumption for the Committee on Appropriations of the Senate to have raised a little sort of howl and say that the House had exceeded its power and was violating the rules of the Senate. Why, Mr. President, I think the time is a long way off before the House will consider the Senate rules as governing its action or determining what it shall do upon appropriation bills or any other bills. The Constitution, as they construe it, vests in them the power to originate appropriation bills. They say that they are cognate to the raising of revenue. They have maintained that prerogative; they always will do it, I have no doubt; and the Senate has recognized it by waiting here for months for these bills to come here, and has taken them as it found them and amended them as it got them, as it ought to do, until it has met the question and settled it that we have the power which heretofore they have denied to us.

Suppose the Appropriations Committee of the Senate when it approached this appropriation bill had said, "Why, we do not think that under the rules of the Senate we ought to consider general legislation the House has sent us," and brought it back here, what would the Senate have done? I think the Senate then would have said that in justice and fairness to the other branch of the legislative authority of Congress the Appropriations Committee was treading upon ground it ought to have kept off from, and would have said in fact that it should take up whatever the Senate sent to it, and not bother itself about whether the Senate had properly exercised its discretion or not. Consequently there is no need of referring it back to the Committee on Appropriations. It has done what the Senate ordered it to do.

The Appropriations Committee, I have no doubt, in detail and in gross, is, as I am, ready to do whatever the Senate tells it to do. I assure my friend from Florida that if the Senate shall say this bill shall go back with instructions to strike out anything, it will be duly stricken out and no bones about it.

Mr. President, there is one thing that might as well be understood about this kind of legislation. I take the thing as I find it. I find here a bill which the Senate had jurisdiction of; I find a bill of which the Committee on Appropriations had jurisdiction and of which the Senate has resumed jurisdiction, and now I find here another committee of this body and those who agree with them insisting upon a technical ground, not that the House had not the right to put the legislation there, but because the rule of the Senate is that the Senate itself cannot do it, therefore they will not consider it; and what does it come to? It comes back to that point which we all of us observe in regard to our legislation.

There has not been a bill passed since I have been here, I think, which has destroyed the privilege of any man or of any class of men; not one. There have been a thousand bills passed which have added to the emoluments of individual men and to the emoluments of classes of men. You will never pass a bill reorganizing the Navy as long as the influences which dominate the committee-rooms which will be found formulated in the shape of champagne and things of that kind are patent in this body. You will never pass a bill to take any office away from anybody; you will pass thousands of bills to give offices to everybody; you will increase and multiply the chances all the while and in every direction and constantly which make classes of men.

I maintain in regard to this Government and in regard to this kind of legislation that the example of Great Britain is of no consequence to us, the example of France is of no consequence to us, the example of any other government is of no consequence to us, except as it may be supported by reason. Great Britain is a government of a class, by a class, and for a class, and the appropriations that are made not only for the British navy but for all the other people who receive the immense revenues of that great empire are based upon that the-

ory, and we are coming to it gradually. Great Britain does so and we must do so, oblivious of the fact that this is or was intended to be, and ought to be, a Government by the people and for the people and of the people, and that there ought to be no class upon which the legislative power cannot put its hands and say, "As we created you so you must go out."

There is no question of private right in it. There may be a question of decency, there may be a question of the orderly conduct of business, there may be a question perhaps of propriety; but that Congress should ever withhold its hand on the ground that any man in the Army or Navy or in any branch of its service has a right to continue in the emoluments of a particular position for one single moment of time, is one of those things that ought to be disputed here and always and everywhere. The compensations of republican government are such that no man who values his manhood as a citizen of the Republic ever ought to assert that he has a right to one single dollar out of the Treasury that is not appropriated from time to time; and he has no mortgage on it in the future.

Mr. VANCE. If the Senator will allow me, I wish to ask him if he thinks it fair, just, or legal for the Government of the United States to educate an officer and place him in the line of promotion until that period of his life when he is past fitting himself and adapting himself for any other business in society, then to kick him out whenever it is the pleasure of the Senate to do so?

Mr. PLUMB. If the Senator will omit some of his adjectives—

Mr. VANCE. Put him out, then, without using the word "kick."

Mr. PLUMB. I will say that I think it is entirely proper, abstractly stated, for the Government to abolish any rank or any grade in the Army or Navy at any time and irrespective of the effect it may have. When the Senator talks to me about the equity of it, I maintain that in individual cases, as to the matter of justice, that is a question to be settled by the law-making power at all times.

Mr. COCKRELL. I should like to ask the Senator from Kansas which party is under obligation to the other. Is the Government under obligation to the man because it has taken him and educated him and kept him, or is the man under obligation to the Government for the favors the Government has done him?

Mr. PLUMB. I was coming to that in a moment. The proposition of the Senator from North Carolina is entirely untenable, for the reason that he cannot draw any line as to time. The obligation, if it exists at all, exists from the moment you take a man from the academy, and it continues from that on, according to his theory, until the man dies. No such obligation exists. If it did, it would, as I have said, make this Government what monarchical governments are, governments of class. But, Mr. President, it is not so; it never has been regarded as being so, as is shown by the legislation in regard to the Army and Navy, and more particularly the Army.

I confess I touch the Navy with a little horror. I feel like holding my hands off what I do not know a great deal about. I therefore prefer to generalize and not particularize. But the Navy to-day has rank, the Navy to-day has pay, the Navy to-day has emoluments in every way that the Army never did have and never sought to have. When in 1870 we proposed to and did cut down the official staff of the Army, no Army officer set himself up to say that the Government had not the right to do that thing. More than eighty officers were mustered out of the Army on the 1st of January, 1871, under the act of 1870 without any question as to whether they consented or not. Congress simply said you shall be mustered out.

The Senator from Illinois says one hundred and fifty, but for the principle of the case it does not make any difference whether it was a hundred or a thousand. In every way the Army, while aristocratic more than it ought to be, while seeking more than it ought to have, while getting more than it ought to have, while larger than it ought to be, while needing excision nearly as much as the Navy, never has been as gormandizing, never has been as exacting, never has been as exclusive, never has put itself so upon its privilege as the Navy.

So I say that whether you consider this question on the right of the two Houses, or whether you consider it upon its merits as a subject which ought to be touched with the unholy, impious hands of the Senate, everything demands that we should proceed to consider this question as one that is alive, as one that is for to-day, and as one that is pressing upon us and that needs and demands our consideration, for the lack of which our people would have a right to call us to account.

Mr. President, I do not believe in keeping up a very large Navy, so far as the official part of it is concerned, with reference to contingencies which may happen hereafter. As was well said by the Senator from Kentucky when he was discussing a proposition to retire officers of the Army, no peace establishment ever was made until we had a war. That must inevitably be so in a government like ours. If there is a war to be carried on, that war must be carried on by those who are improvised for the occasion. The history of both the Army and the Navy during the late war shows that conclusively.

It is not the old people, it is not the perfunctory people, it is not the people who have been sleeping themselves away at way-side stations who make war. We need nothing more, either in the Army or the Navy, in a time of profound peace, than simply men who can instruct the volunteers that we shall always get in a war in regard to the minutiae and the machinery of the business they have got to do. The office of the Army is to instruct men in all the branches of the

service, so that when a war breaks out we shall have a camp of instruction where there will be men to instruct volunteer officers in their duties as commanders of companies, regiments, and brigades, and instruct them in the minutiae of the Quartermaster's and Commissary Departments, and that is all they are there for. They are to be instructors of the camps, they ought to be many-sided men, they ought to be informed in regard to the minutiae of army drill and management. So of the Navy. We shall always have to depend upon the volunteers, upon the men of patriotism, upon the men of zeal and energy who have borne the conflicts of life, and not men born of idleness. Give me a man whose intellect has been sharpened by self-interest; give me the man who has associated with men, who has been broadened and widened and deepened by that contact, and I will give you a man who can command armies and can command navies.

Give me a man who has sat under the idle floating of the flag at an Army station or anywhere else bothering himself about the spider-webs of his profession, about social obligations, or things of that kind, and I will show you a man who will not make war and who will do nothing else than meet disaster and expend money.

We want just enough men and no more to put our ships as we make them into commission. The Senator from Florida says we ought to have more ships and that we ought to keep up our present personnel of the Navy in order to have men to man more ships. That is simply like a proposition to build a barrel to a bung-hole.

We want a navy first. You will find officers enough, and you will always find seamen. We do not want to build up a great personnel and then say because we have officers we must have something for them to do, and therefore we must build ships in order to give these men occupation. We want more ships; and I am in favor of increasing the appropriation for building ships. But when we come to consider this question in this aspect we must not touch the personnel of the Navy; and for a larger and a better reason we ought not to touch the question of constructing the Navy.

If any part of that question is to go back, it ought all to go back. We ought to sit down simply and say not only will we have no diminution in the official staff of the Navy, not only will we have no reform in the Navy, but we will not have any more ships until the torpid body of this Naval Committee is informed and sympathizes in such a way that it can bring forward a measure to create it, which it can put before the Senate and in debate convincing and persuading, can convince the Senate and the other House of Congress to adopt. That it never has done.

There never has been, as I believe, one single measure of naval reform initiated in that way, and unless the future shall have something in it that the past has not had we never shall have. It is under the impulse and under the pressure of the closing hours of the session and of the necessity of passing appropriation bills that measures of this kind get through.

It may be said we do not belong to the Naval Committee; but we circulate around among the people who belong to the Naval Committee, and therefore get a sort of salt-water atmosphere about us, and we get an idea of the length and breadth and size of ships. Some of us may get probably the technical terms of the Navy. Measures are introduced and discussed, and at the close of the session, just at the time both Houses of Congress are informed of what it becomes necessary to do, something that could not be done before, everybody makes a rush pell-mell for the appropriation bills and the Appropriations Committee, and it does not make any difference whether it is a bill to pay John Jones a little stipend for services on this floor or the floor of the other House of Congress, or to enlarge the Navy, or to carry out a treaty, or whether it is a proposition to increase the salaries of the judges of the United States, coming from that august Committee on the Judiciary, or whatever else it may be—it is likely to be impersonal almost always—whatever it is, everything is emptied on the Appropriations Committee; not because people want to do that, but because in the exigencies of legislation that is the only thing left to do.

What, then, is the Appropriations Committee to do? Do they want to assume all responsibility? I think those members who have been upon it longest, who have been the most careful and painstaking, like my friend from Iowa, [Mr. ALLISON,] do not want this great responsibility. They like their ease as anybody else. They would be glad to be relieved from this responsibility; they would be glad to take an appropriation bill cut and dried, only giving the salaries provided for in the Revised Statutes, and report it back and say, "Gentlemen, this is according to the estimates and according to the law; nothing is left to be done except to pass it." There is no responsibility about that at all.

Instead of that, as I said, committees that do not get their bills through, persons who have ends of their own to look after, friends of their own to provide for, specific measures that they want to get through, pile them in on the Appropriations Committee, and then when the Appropriations Committee, yielding to the demands of the hour, acting under the instructions of the Senate, simply report back here a proposition that comes from the House of Representatives properly under its rules, legitimate in every way as a matter of legislation, and because forsooth that touches the vital element of the Navy, the sacred bulls of Burmah, the Appropriations Committee

are held up to execration for having invaded the domain of the Naval Committee, trespassed upon the privileges of the Senate, violated the rules, and subjected its members to punishment as for high crimes and misdemeanors.

Mr. HAWLEY. Mr. President, I disagree with the Senator from Kansas in many things he has said; yet I think I am just as sincerely desirous of doing right; nor will my vote against this legislation on the naval bill indicate that I am unwilling to reform the Navy in any respect. He is assured of his motives, and I rest assured of mine. I propose to discuss this matter not at great length but dispassionately, and in a somewhat broken and irregular manner, merely stating my points.

There are some good things in this bill in the way of general legislation, some things that I could very cheerfully agree to. The naval advisory board is wisely provided for, and the sale of old hulks and useless material is well provided for; but I need not dwell upon that.

I desire, however, to give my independent judgment on certain matters reorganizing the Navy. I am not permitted to do so by this bill. I claim the right by logic and reason and the practice of wise legislators all over the world to give my independent judgment upon these matters, but I have been told here time and again this afternoon "You have got to take this bill; the House will not listen to anything else; you cannot vote the money to carry on the Navy unless you will consent to some reorganization of the Navy." That is what we have been virtually told, and I hardly change even the words used in saying it.

I cannot; I will not. I say that there are in the nature of general legislation upon this bill some things that my judgment condemns; I will vote to put them out; and if they are serious enough, as I think they are, I shall then, if they are kept in, vote against the bill on the general ground that legislation upon appropriation bills is wrong.

It is quite useless to deal in criminations and recriminations here as to the relative responsibility of various persons for this business. I have not a word of censure for the Appropriations Committee. The bill came here with vicious elements in it from the House, and they tried to do the best with it. They did improve it; they smoothed the idol down; they have removed some of his most horrid features, and endeavored to be reasonable, but nevertheless the whole thing is ill-considered, and it is not the place for it.

Now, sir, this is not a new point. It is but three years since we spent three months and more fighting desperately this very wrong practice in legislation, and the Republican Appropriations Committee of the Senate struck out of a legislative, executive, and judicial appropriation bill coming from the House some offensive legislation concerning the regulation of the Army on the ground that that kind of political and general legislation was out of place on an appropriation bill, and after a long fight they substantially won upon that ground.

In this country, among the bodies which are entitled to respect for careful consideration and sound principles, are the various constitutional conventions. There comes into them less of partisan unfairness than into any other bodies; they are much better, of course, than political conventions, and better, I say, than this body for the laying down of general principles; less of partisanship governs them. Twenty-five State constitutions provide that every bill shall contain but one subject, which shall be clearly expressed in its title, and the most of those constitutions have been made within twenty-five years. But they are not all modern; some of the States had these provisions as soon as they had constitutions at all; Maryland from the very beginning, notably, and some two or three others. That is a judgment running over one hundred years which is of weight. They either do that or they give their governors the right to veto any single item or section or paragraph in an appropriation bill. Five States forbid attaching general legislation to revenue bills distinctly.

When the able body of men that revised this Constitution for adaptation to the Confederate States came together they did unquestionably make some improvements in this Constitution. They made some changes that were not so—I need not discuss them—and very far from being improvements; but they made some that were clearly improvements, and one of them was to forbid the very practice that is causing this agitation here this afternoon. They imperatively forbade it in the confederate constitution. Not one of the gentlemen here who were in the confederate congress could adopt this practice there.

I said the Republicans were decided in this matter three years ago. It needs but the bare reference to it, for every man recalls that exciting discussion.

Now, sir, I propose to assert my independent judgment in this matter. This kind of legislation leaves no choice to the man who feels bound to vote the supplies for the Government. He must yield, he must vote for something bad, something that his judgment condemns, something wrong. He has to balance a right and a wrong and choose what he thinks to be the right at the confessed sacrifice of something else in his judgment.

The President ought to have the right to veto items and paragraphs and sections. But this practice opens the door to ill-considered and imperfect and hasty legislation. Such legislation is probably never

complete and thorough. It makes partial corrections, and it very frequently does great injustice.

What are these matters of general legislation on this bill? I speak courteously and fairly and try to do so; but they are substantially the result of about a week's consideration of three gentlemen of the Appropriations Committee. They had other matters besides this to attend to, though there is comparatively little else, one would think, on the bill. Three gentlemen of the Appropriations Committee, acting as a sub-committee. Of course it comes here as the judgment of the whole committee; and I am bound to say it is, but that is virtually the extent of the consideration.

Now, I say legislation making such radical changes as to the Navy is a thing so important that it should come from the committee charged with that duty, and if it is likely to be unwilling or negligent it should be instructed by this body to prepare a bill within certain lines, and I say we cannot wisely legislate in a matter of that description without long and kind and frank and full consideration with the men who know most about what the Navy is and ought to be.

We have a right to expect good judgment and good advice from them, and we should get it. There are veteran officers of the Navy who have studied this subject these twenty, thirty, forty, fifty years. They have passed beyond the reach of personal consideration; they love their country; they have given all the evidence that men can give that they love their country. They certainly love the Navy. They are willing that reduction should be made. I know some of them have said so, and they expect it. I should like to have a board constituted of seven or five gentlemen, of whom a portion should be veteran naval officers and the rest, if you choose, legislators, and who should report to us, say next December, a scale, a plan upon which the *personnel* of the Navy may properly be reduced to six hundred or six hundred and fifty.

Mr. LOGAN. If the Senator will allow me right there, I should like to make a suggestion to him. He spoke about the consideration the bill should have.

Mr. HAWLEY. I think that was a mistake of fact that needs correction; it was merely a general proposition about the consideration the bill ought to have. I wish the Senator would allow me to run through with my remarks.

Mr. LOGAN. Certainly.

Mr. HAWLEY. I have watched here with a good deal of dissatisfaction the course taken that turns an attempt at a few remarks by a gentleman into a long wrangle with half a dozen. I say to the Senator with all kindness that I wish he would let me run through.

Mr. LOGAN. Certainly.

Mr. HAWLEY. I prefer to do it, and afterward if there should be a conversational debate I have no objection.

This practice throws upon one committee the work of universal legislation, and we have assented to this too long. There is probably not a single Senator who cannot be convicted of participation in the evil in some way or other. The result is to give the Appropriations Committee the entire control of the Navy, the entire control of the Army, and every other subject. Anything can get into some one of the appropriation bills, and not a single statute on the statute-book is safe. That is a wrong to the other committees; it is wrong to those of us whose judgments are compelled by being called on to vote for mixed subjects in one bill. It is confessedly, by the judgment of all students of legislation, a wrong to the general cause of fair popular government.

One of the gentlemen in favor of this bill as it stands said: Better take this, or harsher and more sweeping action will come, and the Navy may be laid low. Those were his words—the Navy may be laid low. Therefore, must we yield our better judgment, must we yield our honest opinion that the organization ought to be conducted in a different shape, lest the Navy may be crushed? By whom? It cannot be done except by these two legislative bodies, and our concurrence will be needed. No great wrong can be done to the Navy without our concurrence. This is a species of thumb-screwing, of compulsion to frighten us into doing something we do not like, lest something worse may be done.

It is a discourtesy to the House, some say. Not at all, sir. A discourtesy to differ with it! There is no discourtesy intended. It is not a discourtesy to vote out one clause from this legislation, nor two, nor three, nor four. They would agree to that. How, then, is it a discourtesy to say that this matter of a recast of the *personnel* of the Navy ought to be submitted to some more deliberate consideration? It is the high and wise purpose of this Government to say that all things shall be submitted to these two bodies. Why? That one may compel the other? No, sir; but with the expectation that there will be differences of opinion, and the hope that out of the differences there will come an avoidance of error. It is the expectation and the hope of our theory of government that there shall be differences between us, because these disclose and prevent errors.

Are we ready to enter upon a long contest with the House, asks one. Oh, no, sir. I feel the oppression of this weather, the length of this session, as much as anybody. Nevertheless I will vote just exactly as I think right upon this legislation on an appropriation bill.

Some remarks have been made about the number of officers on the Lancaster in 1862 and the number of officers now on that ship. In 1861, when the war broke out, we had, I think, 67 captains, 80 or 90

commanders, 327 lieutenants, and a few passed midshipmen. So hard pushed were we by our rapid organization of a navy, that we were obliged to take cadets from Annapolis half way or three-quarters through and put them in responsible positions on our ships, and call on the civilians of the country who had some knowledge of ships and of the sea to come in and make volunteer officers, and we were obliged to send ships to sea with just as few officers as could possibly handle them, and send them into battle imperfectly manned so far as the officers were concerned. We called in during the war about 5,000 to 6,000—I have not the exact figures—volunteers into the Navy, and all the earlier part of the war the ships were like the regiments, they were under instruction, and the trained naval officers who were in command of them never took off their clothes to sleep at night. They were anxious; they could hardly trust their ships to this imperfect force and to these new men. Gradually they were trained, cultivated to it, until, along in the latter end of the war, as it was with our cavalry and other branches of the service, we had a Navy of which we had every reason in the world to be proud.

That is one reason why the Lancaster, and not that more than many other ships, had less officers than she ought to have had at the beginning of the war, and many of those were comparatively untrained men, good sailors in the merchant marine, but not trained to warfare.

Mr. LOGAN. I hope the Senator, inasmuch as he refers to what I said, will allow me to correct his statement. The statement I made of the Lancaster was in 1864. It was not in the beginning of the war at all.

Mr. HAWLEY. The same reason would in some measure apply.

Mr. LOGAN. I made the comparison in 1864 and 1882, after we had our Navy full and complete. If the Senator will look at the record he will find that to be the case.

Mr. HAWLEY. The same reasoning will apply to it to some extent even in 1864. But that is not all. It is the business of the Navy to educate men, and we do put upon our ships rather more than the force absolutely necessary to work them. That is what the ships are for, and that is what the men are for—to be trained, to be exercised, to be tried. It was the old theory before the war, the old policy the idea that there should be three times as many officers as were necessary to run the ships; that one-third of them should be at sea and one-third of them should be on shore duty and one-third of them should be on waiting orders. That was the general idea and composition of the Navy, and that they should continually rotate in that manner—three years on sea duty, three years on shore duty, and three years off. Then, if war should suddenly break out, most of these men on shore duty and all these men waiting orders could be put instantly on the sea to work; and as to such civilian or shore duties as they were performing in charge of the navy-yards, the great part of that work could profitably be put upon civilians or upon retired officers letting the whole active force go to sea.

Some of these arguments very singularly go on as if it were a lamentable thing that these officers are not engaged in killing somebody. Why, sir, we are at peace. They are not earning their salaries by fighting battles; nobody expects that; and yet because they do not appear to be killing somebody they are thought to be unnecessary, and therefore we are to reduce the number, continue to crowd them out, to discourage them by blocking their way to promotion, &c. I am glad they are not at war; but if we are going to have anything like a competent body for war we must train them in time of peace.

In the olden times before the war we had no fixed number of officers. Unless I am greatly misinformed and my recollection fails me entirely we had no fixed number of officers in the Navy, but as ships increased from time to time the President nominated more officers to the Navy.

Mr. LOGAN. The Senator does not want to state that as a fact.

Mr. HAWLEY. No; I do not. I am subject to correction in that matter; but my impression is that there was a considerable time when the exact number of officers was not limited.

Mr. LOGAN. The Senator is very much mistaken. I can show him the law.

Mr. HAWLEY. There are not so many officers in excess as some gentlemen seem to think by any manner of means, nor are they idle.

Mr. LOGAN. I do not want to take the Senator's time, and I will merely state that if he will examine from 1794 to 1842 he will find that every statute in reference to the Navy prescribed the number of officers of every rank. I have the statute here of 1794, and following that up the Senator will find that the law always prescribed the number of officers.

Mr. HAWLEY. I will examine that and make the correction. I had an impression such as I have stated, and it was confirmed by a veteran officer of the Navy, seventy years old, who has been from childhood in the Navy. He said there was no practical limit by law in those early years. He may be mistaken, and so may I, but that is not material.

Mr. LOGAN. Here is the law that I can show the Senator.

Mr. HAWLEY. Seventy-four officers of the Navy are now engaged upon surveys which are exceedingly valuable to the country and to science in general; nor has our Navy done any more than its share of that international work. Double the number might be employed. Forty-one are instructors at the Naval Academy, or at

tached to the practice-ships. That is their duty, their profitable use in time of peace. Seventeen are employed upon light-house duty. That is beneficent work. They can all be taken from that, however, in time of war; and so they can be taken from these surveys. Sixty-one are engaged in training men for the naval service. Six hundred are at sea. Perhaps upon that fact is based the limitation of six hundred in this bill—exactly six hundred at sea; and that is all we need, including the sixty-one employed on board training-ships. Forty are employed at the various naval stations on special duty, and eighty are sick or unemployed. Some are in the Coast Survey, some at the Naval Observatory, and some in other branches that do not occur to me at this moment, scattered about in scientific and valuable work.

I have some figures that differ from some others presented here in regard to the number in 1842 and in 1882. In 1842 there were 68 captains, 96 commanders, 328 lieutenants, 31 masters, 123 passed midshipmen, and 409 midshipmen at sea, a total of 1,055. Both these statements are without reference to the staff; and I say in passing that I think the staff might very profitably be reduced without injustice to the officers, because the surgeons can go into civil life easily, and so can paymasters. In 1882 there were rear-admirals 11, commodores 25, captains 50, commanders 90, lieutenant-commanders 80, lieutenants 280, masters 100, ensigns 100, midshipmen at sea 67, cadet-midshipmen at sea 129, cadet-midshipmen at Naval Academy 161. This takes in all the grades, and makes 1,093 as against 1,055 in 1842. I do not assert that this is literally correct, but I think it is substantially so.

The heavy retired list is referred to. I am happy to say that for one I do not feel that retired list as a burden, and I do not think the country does. It is much larger than the number of officers in the Navy is entitled to; much larger than a thousand officer should furnish; but it is because our whole Navy was very large a few years ago, and we were obliged to retire many men wounded, aged, and disabled in various ways. After the Navy shall have run on for five, ten, or fifteen years longer, with only 900 or 1,000 line officers, the retired list will be rapidly diminished.

There have been some mistaken statements made also about the pay of these gentlemen on the retired list. Those salaries have been adjusted irregularly by special legislation from time to time; but while some of them have gone up grades upon the retired list, as a rule they have not, and they do not now; and have not lately received any additional pay by reason of their promotion on that list.

Why not amend this bill in detail? some gentleman says. That is precisely the trouble; there he has touched the very difficulty. I am greatly dissatisfied with some of the clauses, am sure that they are wrong; but I am not qualified here *ex tempore* upon this floor to propose half a page, or a page, or two or three pages, reorganizing the Navy.

If we should read along through the bill I could pick here and pick there, and move to strike out this, that, or the other, and change it, and I shall be obliged to try that method of improving it. But that is not the way to do it. Take the best you can get from the two Houses of Congress and from the Navy, and let them report to us in December, under as imperative instructions as you please, and then we shall have a report, a careful consideration, with reasons from somebody for the reduction. That we have not now.

I have various ideas that occur to me. I would take out masters entirely from the Navy. It is a useless grade. I would take out ensigns; it is an ancient relic. I would make first, second, and third lieutenants, and then midshipmen, and then I would give every cadet after his four years a warrant as a midshipman and let him file into his place as a third lieutenant. These are names, but names have a great deal to do with the satisfaction and the honorable feeling of these men. I would change many of the names. I would regrade as to numbers. I am not opposed to a reform; I am not opposed, if necessary, to a reduction in numbers, though this extraordinary, I may say, fury for a reduction of the *personnel* of the Navy is a surprise to me; it has come upon the country anew within about three weeks, making an apparent reduction in the annual cost of the Navy that we may complete some old monitors whose construction to me is doubtful anyhow.

Mr. LOGAN. What reduction is made in the Navy?

Mr. HAWLEY. By this bill?

Mr. LOGAN. Yes.

Mr. HAWLEY. It is a matter of figures. It is intended to strike off one hundred and twenty-five officers at any rate in time, though it will take considerable time. It is largely a prospective reduction.

Mr. LOGAN. Does it reduce a man?

Mr. HAWLEY. No, it does not turn an officer out, but it stops all promotion. I will not discuss those details. It has been argued here this afternoon, while the gentleman was out, by one of his colleagues on the committee, that it was a reduction of a million or two, and partly owing to the reduction of officers. Obviously it is intended to cut down one hundred and twenty-five officers.

Mr. LOGAN. It will in time.

Mr. HAWLEY. What we want is not another example of vicious legislation upon a general appropriation bill, but what we want is a navy. The whole country has been criticising us, censuring us, and calling for one, two, three, four, five years past for a navy, and we are not making a navy.

Mr. PLUMB. Not for officers of the Navy, but for a navy.

Mr. HAWLEY. They have been calling for a navy, and they have not been agitating for a reduction of officers. Whether if they were studying those matters they would not say perhaps you might cut a few officers off, I do not say; but that has not been the thing that has attracted their attention. The newspapers and general writers, the essayists, the magazine writers of the country have not troubled themselves as to whether you had forty lieutenants more than you ought to have or whether you would not save a few dollars by obstructing the promotion of these young gentlemen, but they have reproached us again and again and again with having nothing but thirty or forty old hulks and not one single first-rate fighting ship. We are at the mercy of some of the relatively weakest governments in the whole world, who are yet comparatively strong in their navies. We dare not resent an insult from Chili to-day.

Mr. LOGAN. Now, I should like to ask, inasmuch as the Senator is making himself the defender of the Naval Committee in its attack upon the Appropriations Committee, if he will tell the Senate and the country at what time the Naval Committee has ever reported a bill to increase the Navy.

Mr. HAWLEY. Hold yourself with patience.

Mr. LOGAN. What kind of a bill was it, and when was it introduced?

Mr. HAWLEY. I have the bill right here, sir; the bill was introduced in the House by the Naval Committee of the House in answer to public sentiment.

Mr. LOGAN. Oh, no; the Senate committee, not the House committee. We are not attacked to-day by the House committee, but by the majority of the committee of the Senate who are so excited by this. I remember the only thing they have done. Let the Senator produce what they have done to increase the Navy.

Mr. HAWLEY. I think the Senator has had a great many opportunities in life to learn that he would have done better if he had been patient a few moments. I do not know anybody who has had more opportunities to learn that than the Senator from Illinois.

Mr. LOGAN. I have not learned very fast, that is true.

Mr. HAWLEY. That is quite true. The public sentiment of the country demanded a navy, and in answer to that a very able commission was created last year to study that subject and to report what classes of new vessels and how many of them it would be wise for us to build. The Naval Committee of the House acted on that report. The committee of the Senate did wait upon them more than I wished them to do; they were not as energetic as I wished they had been upon that matter; and they would have stood better in this debate if they had done it. I will say that if it is a comfort to the Senator—

Mr. LOGAN. No comfort at all.

Mr. HAWLEY. But the committee of the House was industrious, energetic, and enthusiastic. It studied this question day after day and week after week and prepared a very good bill, and I was strongly in hopes that something would come up from the House giving us at least the beginning of a reasonable scheme for the creation of new vessels, that we might have something to put our men upon. But we are precisely reversed in our action. Instead of having the agreeable duty of considering that matter here, we are called upon to curtail so much as we do have, we are called upon to reduce, to discourage the *personnel* of the Navy.

Our ships are feeble, out of order, behind the time. There is one possible excuse for it. The governments of the Old World have been spending money by the million, the five, the twenty, and the one hundred millions, in making magnificent experiments in the creation of a navy. We have the benefit of all that money. Some of those ships, costing two, three, four, five million dollars, we never should imitate.

The money has been spent for our benefit, and fortunately no war has compelled us to make a navy in the mean time. But now we can go to work. Instead of that scheme which quite wisely has been brought in, which is wisely set forth by a naval commission, we are asked by this bill to reduce the *personnel*. That is all that we have that is good. There are some good things in the Navy, some good for harbor defense, some very passable sea-vessels, but you cannot challenge any government in the world that has got twenty ships to fight on the sea to-day; you could challenge it to a harbor fight. We have fourteen passable monitors, but there is not one of those which would not be knocked to pieces by any one of the ten or fifteen first-class ships of the French, Italian, or English navy. There is no one of those monitors that could stand a 1,700-pound shot.

The *personnel* of the Navy is good, as good as any country has. There is no better school, no school so good, I think, as Annapolis among all the special schools of the kind in the world. The men who come out of that are gentlemen, they behave as gentlemen, with as few exceptions as you will find anywhere; nor is the enterprise so desperate, I might say so foolhardy, that you cannot find the men to come forward by the score ready for it.

Mr. BUTLER. They are accomplished officers, too.

Mr. HAWLEY. Accomplished officers in every technical detail of their profession; learned in it. So other governments testify; so their record shows; so their writings show. Call them near to the mouth of the very infernal regions at a day's notice, and you can have as brave a set of men as ever went into battle. But instead of

giving them a navy, we say here: "You young gentlemen of twenty-two or twenty-three, right out of the academy, with six years of the best education given to any man in the world, cannot have the petty satisfaction of a warrant as midshipmen for several years; you cannot be made an ensign under a number of years, and as for being a master, a relic of the old time, a master, to say nothing of a mere lieutenant, you may wait until you are thirty or thirty-five, forty or forty-five years of age, but you cannot have it," and under bills like this we shall have gray-headed midshipmen.

What sort of promotion is offered? Two men shall go out of grade at the top before one shall come in from grade B, and then there must be four out of A before one can come in from C; there must be eight out of A before one can come in from D. In the mean time the young men at the bottom of the list are checked in their progress upward, their ambition taken away, and you are trying to wear out the Navy at the head, and wait until the old men shall die before you let the procession move at the rear, like a long queue going to the post-office. You have so blocked it up that the man in the rear cannot move for ten, fifteen, or twenty years.

Do you expect them to die? If I had a boy of twenty-five in the Navy with any ambition or power in him I would drag him out of it and tell him to wait until there was a war and then go in. Is he going to wait until he is forty or forty-five before he can call himself a lieutenant? Then he had better go into civil life. That is not the way.

There is more needed for fighting than guns and ships. There is needed the temper, the patient, still temper of men trained, respected, honored, taught to respect themselves and their profession, ready to meet the world, ready with alacrity, grace, and desperation to throw away their lives for the old flag. We have got to build men of that kind as well as build vessels. They are to be trained to it. You cannot keep them stupid and discouraged for twenty years in peace and expect to develop them into high-spirited, gallant, dauntless men the moment the drum sounds for war.

I am ready for a commission. I am ready to promise these gentlemen that I will give my careful consideration, my respectful consideration, and probably my support to a bill reported by a commission of naval officers and Congressmen reducing the Navy in numbers somewhat and regrading it, striking out two grades. I am willing to do that, but I would then very much rather see a bill come here to begin to give us something of a navy. Modern science has told us we can have beautiful, swift, powerful, marvelous triumphs of human invention and genius. Yes, there is a little laid aside for two swift steel cruisers. In time of war they might be allowed under plea of distress to go into some harbor and stay twenty-four hours to get coal. That is all we could do; we have no coaling port of our own; but they cannot stop to fight any one of the armor-clad ships. They are good to run. That has not been the character of the American Navy in what few wars we have had. They are good to run. It is not chasing alone. They could chase poor merchant ships and might fight some of their own class; but from all the heavier swift ships of foreign nations they would be obliged to run, and run under sail after a few days, for we have no coaling stations around the world.

One of our first duties is to create powerful vessels for harbor and shore defense, and these swift policemen of the seas are well in their place, and they are needed; but that is only a fraction of the sort of navy we should build.

Sir, it is a navy I want, and a reformed navy—a reformed navy, not a rotten one.

Mr. HALE. Mr. President, I think it more than probable that the Senate is ready to come to a vote on the motion of the Senator from Pennsylvania, and so I will not take much time. I am very glad that the issue of late has been fairly presented. This is not a question of conflict or squabble between two committees of the Senate. I insist that it shall not be so considered or so determined. It is something more than that. There is at the bottom of this bill an honest purpose to reduce the expenditures of Government money and to legitimately reform the American Navy; and it is not an essential thing whether that proposition, good as it is, is brought before Congress and before the country by the Committee on Appropriations or the Committee on Naval Affairs.

Had the Committee on Naval Affairs any time within the past seven months of this session introduced a bill here covering these propositions, or anything kindred to them, or laying the keel for a new Navy, such as would please the Senator from Connecticut, or trimming down the superfluous ranks and adjusting promotion in such way as would seem good to them, every member of the Committee on Appropriations would have bidden their bill God speed, and there would have been no question of jealousy about that committee.

It is not a question between the two committees, and I am very glad that the Senator from Ohio and the Senator from Florida and the Senator from Connecticut have put the issue squarely as objecting to legislation upon an appropriation bill, and I am glad that the Senator from Ohio, and the Senator from Florida especially, went into that question with some profundity, and pictured to us the abuses derivable from legislation upon appropriation bills. So that hereafter the Committee on Appropriations with what is left to it may know that the way to report an appropriation bill is to stick to the written law and to give to the Senate a bill that when any clause is

questioned it can lay its forefinger upon the statute and give the law that rests at the bottom.

But granting all that, this bill is legitimately before the Senate. I do not need to go over the ground that has been traversed by so many Senators. It comes here from the House of Representatives under their rules, and the things that were reported to the House of Representatives by the Committee on Appropriations of that House that were without their rules were shorn from the bill when points of order were made by members rising in their seats; and when it came to us everything in it had been submitted to the scrutiny of the rules of the House, and we took, under the order of the Senate referring to us this bill, a bill that had been sent here by the House and in which everything there was in order and is in order.

Now, I want to give some of the reasons, and only in brief, in addition to this bill being in order and being fitting as a matter of order for us to report to the Senate, why it was that its provisions intrinsically commended themselves to us. I will not go over many things, because I will not take time.

So many tables have been used here and so many tables have been cited and been questioned that I have taken the pains in some things to go back to the authorities. I hold in my hand the Official Navy Register for the year 1865, and here I have the Official Navy Register for the year 1882. I have no tables made by any disinterested or interested man, but I read from the records of the two. I turn to the force of the Navy in 1865, the year when the war had finished, when it had been swelled in every direction, when danger had summoned men to the front and they had been promoted and made officers in high rank, when, if at any time, the Navy would be full, and more than full, and ready for depletion, then would be the time. I looked to the organization of the Navy in 1865, the year that the war rolled up its curtain and was ended.

I find upon that 5 rear-admirals; I find on the register of 1882 10 rear-admirals; I find in 1865 15 commodores; I find in 1882 25 commodores; I find in 1865 35 captains; I find in 1882 50 captains; I find in 1865 67 commanders; I find in 1882 90; I find in lieutenant-commanders alone an excess that year of 169, and in 1882 80 only, and when I come to lieutenants I find, in 1865, 113, and in 1882 280.

Now, sir, without going into lower ranks, the Committee on Appropriations believe that that disproportion is undue; that it is a thing that, being in order under a bill sent from the House of Representatives, we ought to help correct, and we have tried to correct it in the bill before the Senate. But the motion of the Senator from Pennsylvania says, "Not one step shall you take in that direction at this time to regulate that disproportion; consider it no further."

I turn to the matter of the pay of officers and men. I find in 1881-'82 appropriated "for officers on sea duty, shore and other duty, \$4,044,500, for the officers alone; for officers on the retired list, \$697,925;" in the aggregate, \$4,742,425; while for the seamen of the Navy, the men who man the ships and who must be called upon to do the fighting, I find an appropriation of \$2,490,000 against nearly \$5,000,000 for the officers. The Committee on Appropriations believe that as this bill is in order under the rules of the House, that is a disproportion that the Senate of the United States ought to try to begin to correct. But the Senator from Pennsylvania comes in and says, "No, the Senate of the United States shall not consider that, but shall strike it from the appropriation bill."

I find only 4,000 men in all the Navy, appropriated for to the extent of \$2,490,000, and 2,200 officers appropriated for to the tune of the people's money spent of \$4,044,500, and you will not allow us to move an inch in the direction of correcting that. I find that this bill proceeds in the direction of saving after it is passed; that under the provisions limiting promotions hereafter there will be saved in annual pay upon the commodores, \$100,000; upon passed assistant surgeons, \$16,000; upon paymasters, \$52,000; upon passed assistant paymasters, \$20,000; upon assistant paymasters, \$7,750; upon engineers, \$26,000; upon passed assistant engineers, \$100,000; upon assistant engineers, \$82,000, and upon the lower grades, \$98,160; making an annual saving of \$502,410 of the people's money without the establishment being affected an iota, and the Senator from Pennsylvania says that the attempt of the Committee on Appropriations to regulate and restrict and save this money is not a thing to be considered, but shall be struck ruthlessly from this bill.

I find to-day a list of officers stationed in Washington, as follows: 1 Admiral, 1 Vice-Admiral, 4 rear-admirals, 12 commodores, 12 captains, 11 commanders, 12 lieutenant-commanders, 28 lieutenants, 14 masters, 6 ensigns, 2 midshipmen, 6 medical directors, 4 medical inspectors, 3 surgeons, 7 passed assistant surgeons, 3 pay inspectors, 3 paymasters, 3 passed assistant paymasters, 5 assistant paymasters, 11 chief engineers, 14 passed assistant engineers, 5 professors of mathematics, 2 naval constructors, 2 civil engineers, 2 secretaries to Admiral and Vice-Admiral, marine officers, colonels, 2; majors, (general staff,) 3; majors, (line,) 1; captains, (special duty,) 2; first lieutenants, 1; second lieutenants, 3; warrant officers, and so on.

The Committee on Appropriations believe that it is time to look into an establishment that is so run, where such an enormous force as that is maintained here, when no man can put his hand on actual duty that they can do, and when to-day if they are not found lobbying against this bill in the lobbies of the Senate and importuning Senators to vote against it and strike down the provisions of reform, you cannot tell what they are doing. And the Senator from Penn-

sylvania says it is not fitting for the Senate of the United States to consider these subjects, but that you must strike them out of the bill.

He goes further. Last night he amended his resolution, which at first only struck at the organization of the Navy, and has made it so broad that it seeks to embrace everything else that the House attempted to do and that the Committee on Appropriations has ventured in its jurisdiction to assent to the House of Representatives doing, and that is the navy-yards. On page 16 of this bill there is a provision recognizing the enormous abuses of the navy-yards, abuses that Senators on the other side have thundered in our ears volumes to be found in the RECORD, and now we are seeking to cure some of those alleged abuses as we do on page 16, and there it is provided that the Secretary of the Navy, if he believes it is not in the due economy of the Government to maintain all these yards, shall suspend work at those where the purposes of the Government do not need actual and present work, with a limitation that he shall at least keep two navy-yards on the Atlantic, one north and another south, and one upon the Pacific coast. One reason why it was believed that this was a fitting thing to do is found in some of the figures that I will give here.

What does the Senate suppose it is costing now to maintain these navy-yards, where in the aggregate the amount of Government work to-day or for a year past has not been more than two or three million dollars? Let me give some of the figures:

Annual cost of civil employés of the several navy-yards:
Washington..... \$99,168.50

Not including the laborers, not including the men who are at work doing the Government work, but the mere civil force, the clerks and writers and assistant clerks and watchmen.

We have been spending \$99,168.50 a year on this navy-yard, Senators. We have spent in Boston, \$76,588.40; in Portsmouth, New Hampshire, \$34,322.95; at Mare Island, \$41,823.15; at League Island, \$30,415.25; at Pensacola, \$13,795.50; at Norfolk, Virginia, \$34,016.35; at New York, \$47,885.75; total pay of civil force to keep running and open these navy-yards, \$378,015.85 every year; and in addition to that there are kept at these yards naval officers costing, at Portsmouth, \$70,500 a year; at Boston, \$102,970, and in the receiving-ship there, \$27,400; at the naval station at New London, where there is no more of a navy-yard than there is here in the Botanic Garden, \$24,300 for officers sent there; navy-yard in New York, \$148,450 a year, and on the receiving-ship there, \$32,624; navy-yard at League Island, \$100,940 for naval officers every year, receiving-ship, \$22,400; navy-yard at Washington, \$92,760, and the receiving-ship, \$11,800; navy-yard at Norfolk, \$82,450, receiving-ship, \$26,000; navy-yard at Pensacola, \$27,820; navy-yard at Mare Island, \$77,580; receiving-ship at Mare Island, \$22,100; total every year, \$870,094 of expenditures for salaries of naval officers at these navy-yards; and the grand and disgraceful total is that in spending \$11,957,803.65 of the Government money at these different yards during the last five years it has cost the Government to spend that money \$10,566,171.79.

And when the Committee on Appropriations comes in with a bill that the House has sent us, trying to reform these disgraceful things, the Senator from Pennsylvania rises and says, "We shall not consider that, but shall strike it from the bill, and every navy-yard Senator, the Senator from Connecticut representing New London, the Senator from Florida representing Pensacola, the Senator from Pennsylvania representing League Island, and the Senator from California representing Mare Island, every statesman in the United States Senate representing a navy-yard rises to the front and is at once seized with a spasm of interest in the American Navy and preaches to us the glories of the past and the gallant deeds that the men have done in the naval force.

I tell you, sir, and Senators, that our American Navy needs to be delivered from its friends who seek to perpetuate these abuses. Some of us have gone through long years of apprenticeship in an interest in the American Navy and have shown our interest in its legitimate welfare, and to-day, because we attempt to strike at abuses that are throttling that glorious establishment, because we seek to extirpate the ideas that have grown up and are beginning to make it obnoxious to the American people, we are assailed as if we had no interest in the glory of the Navy of the past.

Mr. JONES, of Florida. Will the Senator permit me?

Mr. HALE. Oh, yes.

Mr. JONES, of Florida. I will ask the Senator how long have the navy-yards on the Atlantic been maintained?

Mr. HALE. Just as long a time as the Naval Committee of the Senate has sat in its torpid condition and refused to report any bill to cure these things. That is the measure of the time they have endured, and they would have endured longer but for the action of the House of Representatives. There is no credit that the Committee on Appropriations claims for this bill; we would not have ventured to put these provisions on, but the House of Representatives, the popular body, charged with the administration of raising the revenues and with the initiating of appropriation bills, have dealt with this great grievance and have sent us their bill; and so the Committee on Appropriations has reported it after it had been sent unanimously to the committee by the Senate, and now at once there is lobbying and there is hurrying to and fro and every appliance brought to bear and every arrow is aimed against the Committee on Appropriations because it has reported this bill.

I do not care a fig about the Committee on Appropriations; it would be better for us personally if the Senate would strike all this out and leave the committee hereafter to report legitimate bills and not spend hours every day in the Committee on Appropriations examining these questions. It is not because the Committee on Appropriations wants to do this thing that the bill is before the Senate, but we represent the sovereign majesty of the popular branch of the American Congress that has seen these things that a wayfaring man cannot fail to see and that has sent the bill here, and the American Senate ought to see to it that it is not strangled in the ruthless way that the Senator from Pennsylvania proposes to strangle it; not by moving, as has been done with scores of appropriation bills that have had legislation upon them, to strike out where you will or amend where you must or provide other things where you need, but ruthlessly to strike them all out and throw this defiance at the House of Representatives.

Now, sir, who is against these things that have led the Committee on Appropriations to deal thus with the Senate, to send these bills in here? The House is for the measure, the committees of the House are for it, the Committee on Appropriations have sanctioned it and sent it in here. Is the Naval Committee against it? The head of the Navy Department is in entire sympathy with this bill. Sitting down in his place and striving to do that which is right and proper, he believes in reforming the Navy, and reducing it to such proportions that while not impairing its efficiency yet shall make it a better organization. He is in favor of this bill.

Now, I want Senators before they vote to strangle these provisions to know that upon the test vote they are declaring that the House of Representatives are wrong in the bent that they have given to this bill; that the House of Representatives have no right, or if they have a right that it shall be met by antagonism of the Senate against everything in the way of reform.

Senators have had no opportunity on any appropriation bill yet to vote for or against a reform measure. It has been incorporated upon this bill; it stands here alone of the appropriation bills with these features upon it. Now the Senate can do as it pleases, it can strike them all down; it can declare to the American people that nothing shall be done and that will be the end of it, and no committee will be more relieved personally in its labors than the Committee on Appropriations; but the man is bat-blind who does not see that this subject goes deeper and lower than these petty squabbles and jealousies of committees.

Senators cannot dispose of this thing in this way, nor on the question of putting legislation upon an appropriation bill. It is in order. The House of Representatives has made it in order, and the Committee on Appropriations of the Senate have not added a thing to it making it out of order, except perhaps the provision in relation to the retirement of the Admiral, and that can be struck out on a point of order here. The whole matter has, not the Committee on Appropriations under it, but the sovereign majesty of the popular branch of the Government, the House of Representatives. Now vote them down if Senators think that is best.

Mr. CALL. Mr. President, I do not wish to make a speech on this subject, and I shall have but little to say. I think, however, that no proposition has ever been presented in a legislative body so entirely indefensible in any point of view, so destitute of even a plausible reason, as the action of the Appropriations Committee.

Mr. President, what is the first objection to this action of the committee in reason and in argument, and not in declamation and not discoursing upon subjects not connected with the proposition? The Appropriations Committee bring in a bill here which deals with subjects that are connected only in a cognate and remote manner with the question of the appropriations of the Government, and they say to the Senate and to all Senators not upon that committee, "We deny to you the ordinary aids of legislation; we deny to you the examination and the report of a committee charged with the special duty of collating the facts and gathering the ideas which are pertinent to this subject, and we demand of you that you shall allow us to speak *ex cathedra* in regard to the facts and the law that govern and control this subject," notwithstanding the rules of the Senate absolutely require that that committee shall be charged with the sole duty of saying what are the requisite appropriations according to the law as it stands and germane to the existing condition of facts, not with regard to what may be better in the judicial, legislative, or executive departments of the Government. For if the argument of gentlemen is worth anything that because a subject may be improved by changing the existing law a reference to the Committee on Appropriations carries a power to change the existing law to that extent, then why have you committees upon other subjects, why upon the judiciary, why upon the Army, why upon the Navy?

The very commission which was given to this committee, and must have been when this bill was referred to them, was that they should consider what appropriations are necessary under the existing law of the country, and not what may be done by changing the entire system of law.

Then it is said, "Why, this bill came from the House." Gentlemen might as well have said in argument that it came from the north or the south pole, because when here, by the Constitution it is to be considered subject to and according to the rules of procedure which this body has established, and the Committee on Appropriations are

charged with the duty of considering that bill according to the course of proceeding which the Senate has determined, and not which the House has determined. That unquestionably is their plain and apparent duty.

Therefore, Mr. President, the objection to this is that when Senators make eloquent speeches here, citing the opinions of Secretaries as to deficiencies in the Navy, the necessities for reform, and the action of the House, they say to us, "We deny to you the opportunity of examination as to whether our statements and opinions are true; whether the conclusions we have arrived at are correct, and we demand that you accept our thoughts for your thoughts, our judgment for yours, and our opinion for that which the Constitution and your duty require you to make after an intelligent investigation of the facts for yourself." That is the reason why this legislation is entirely indefensible.

Gentlemen refer to the fact that in great emergencies appropriation bills have, according to the history of legislation, contained legislation upon subjects properly belonging to other committees; but they fail to remember that it was the emergency, the public necessity alone, that justified that action, and that until you supply the emergency, the necessity for immediate, sudden action, they have no predicate upon which to justify taking away from those other committees and, more important, from Senators at large, the aid of the examination of a committee and its report. They have no ground in reason to stand upon.

Therefore, Mr. President, I say for one that, whatever may be the condition of the Navy, no such necessity for sudden, immediate action has been demonstrated here as will justify depriving Senators of the opportunity of forming an intelligent and a just judgment upon the propositions which they have made. For that reason I shall vote for the motion of the Senator from Pennsylvania.

Mr. WINDOM. I shall take but about one minute, Mr. President. I have no prejudices against or for either committee; I take no part in the contest between the Naval Committee and the Committee on Appropriations, but I stand to-day where I stood three years ago. The Senate will remember very distinctly that an extra session of Congress was called, and that we remained in session over three months on this very proposition. I then opposed general legislation on appropriation bills. I was at that time a member of the Committee on Appropriations, and its chairman.

I then fought this proposition, and I am opposed to it to-day. I do not go into the merits of the amendments at all. I believe that there is more danger from vicious legislation by incorporating general provisions of law on an appropriation bill than there is benefit to be attained by these amendments. Therefore I stand precisely where I did at that time.

Now, the question has been asked, "Why not meet these general provisions as they arise?" If the Senator from West Virginia and others who have spoken are correct, the striking out of these general provisions of law requires considerable modification of the appropriations, and, therefore, I think the shortest way out for those of us who are opposed to general legislation on appropriation bills is to recommit the bill to the committee in order that they may adjust it to the needed amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolutions:

- A bill (S. No. 790) for the relief of Joseph Hertford;
- A bill (S. No. 838) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, New Jersey;
- A bill (S. No. 1582) to amend the statutes in relation to copyright;
- A bill (S. No. 1435) for the relief of Albert Elsberg, administrator of Gustave Elsberg, deceased;
- A joint resolution (S. R. No. 81) to authorize the construction and maintenance of a bridge across the Saint Lawrence River; and
- A joint resolution (S. R. No. 83) relating to the memorial address on the life and character of the late James A. Garfield.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

- A bill (S. No. 602) for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased;
- A bill (S. No. 979) regulating fees and the practice in extradition cases; and
- A bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes; and

A joint resolution (H. R. No. 271) authorizing the Secretary of War to loan twenty-five wall tents to the colony of Russian Hebrew refugees at Cimarron, Foote County, Kansas.

JAPANESE INDEMNITY FUND.

Mr. MORRILL. I desire to present a conference report. The PRESIDENT *pro tempore*. The Senator from Vermont presents a conference report.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 1052, in relation to the Japanese indemnity fund, having met, after full and free conference have been unable to agree.

JUSTIN S. MORRILL,
T. W. FERRY,
JNO. T. MORGAN,
Managers on the part of the Senate.
C. G. WILLIAMS,
W. W. RICE,
P. V. DEUSTER,
Managers on the part of the House.

Mr. MORRILL. I move that the Senate further insist on its amendments and ask for a further conference.

Mr. CONGER. I have no information of any kind what the point of difference is between the two committees, and if it is anything important, Senators should know what they vote upon. We should have a two or three minutes' statement to enlighten us.

The PRESIDENT *pro tempore*. The report was read. It is simply a disagreement.

Mr. CONGER. The report simply says the committee disagreed. The committee may possibly know on what point they disagree.

Mr. MORRILL. They disagreed upon the amendments made by the Senate. The Senate struck out all the provisions except for the payment back of the principal.

Mr. CONGER. One vote in the Senate which makes this difference between the Senate and the House would have changed it the other way.

Mr. MORRILL. The Senator is mistaken. There were three or four amendments voted on, and the votes were different. One vote would not have changed it at any time.

Mr. CONGER. There was one time when the Senator from Connecticut [Mr. HAWLEY] proposed making a return of the original sum with 5 per cent. interest on it, and it was lost by only one vote.

Mr. MORRILL. But there were several Senators opposed to it absent.

Mr. CONGER. I am talking about the record, not what the Senator thinks men might have done. It was so near as that. That is not a very distinctive declaration of the views of the Senate, and it might perhaps be well enough to test the question whether the Senate would make any other proposition, or recede from its proposition carried by one majority.

Mr. MORRILL. Make your motion.

Mr. CONGER. The Senator says "Make your motion." Not being on the committee, I do not know exactly the condition in which the matter stands now; but I do think that the differences between the House and Senate as indicated by the vote, especially on the particular amendment to which I allude, might be arranged. I regret to say that I gave a vote which would have made that one majority in the other direction, and I should be very happy if I had an opportunity to vote now in favor of giving 5 per cent. If I had voted as I should have voted, except for the fact that I was in favor of returning the whole sum, the amendment of the Senator from Connecticut would have prevailed.

Mr. MORRILL. I will say to the Senator from Michigan that the House has already agreed to the report of the conference committee, and will ask for another conference.

Mr. CONGER. I suppose there must be a free conference; but if there was a way to hint in a delicate manner that the allowance of 5 per cent. would be acceptable to the Senate, I should be very glad to make that insinuation.

The PRESIDENT *pro tempore*. The question is, Will the Senate further insist on its amendments to the Japanese indemnity bill and ask for a further conference?

Mr. HOAR. I suppose the House conferees can take notice that the Senate majority have changed their mind.

Mr. MORRILL. I think when we come to have another vote it will be found that the Senate has not changed its mind, but is very emphatically the other way.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. BAYARD, Mr. WINDOM, and Mr. SHERMAN were appointed the conferees on the part of the Senate.

BILL INTRODUCED.

Mr. MAXEY asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2167) to authorize the construction of a railroad and wagon bridge over the Rio Grande River at Laredo, Texas; which was read twice by its title, and referred to the Committee on Commerce.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Finance:

- A bill (H. R. No. 2428) for the relief of Thomas Walsh & Co.; and
- A bill (H. R. No. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

FEES AND PRACTICE IN EXTRADITION CASES.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 979) regulating fees and the practice in extradition cases; which was referred to the Committee on the Judiciary.

HYACINTHE ROBERT AGNEL.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from New Jersey [Mr. SEWELL] to a bill which the Chair will lay before the Senate.

The Acting Secretary read the amendment of the House of Representatives to the bill (S. No. 602) for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased; which was to strike out all after the enacting clause and insert in lieu thereof:

That the Secretary of the Treasury be, and he is hereby, directed to pay to the heirs at law and legal representatives of Hyacinthe Robert Agnel, deceased, out of any moneys not otherwise appropriated, the sum of \$650, in full satisfaction of his claim upon the Government for money expended by said Agnel for repairs and improvements made upon professors' house at West Point Military Academy.

Mr. SEWELL. I move that the Senate concur in the amendment made by the House.

The motion was agreed to.

AMENDMENTS TO POST-ROUTE BILL.

Mr. PLUMB and Mr. SAUNDERS submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5812) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 60) to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The PRESIDENT *pro tempore*. The question is on the resolution of the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. PENDLETON. Mr. President, I am sorry that I do not see the Senator from Pennsylvania, who offered this resolution, in his seat, because I wish to address to him a practical question in relation to the further conduct of the business of the Senate if his resolution should prevail. I am as much in favor of refusing general legislation on appropriation bills as any man in the Senate, and I will go as far to secure that rule as any man here.

I desire to see the practice adopted alluded to by my colleague, when every appropriation bill shall be purely an appropriation bill, and nothing else; and it is in reference to that that I am now addressing the Senator from Pennsylvania. Suppose his resolution is passed, and the Committee on Appropriations reports back this bill to the Senate stripped of all its general legislation, and also changed in all the items of appropriation so as to make it conform to the naval establishment as it now exists? The bill passes the Senate in that condition. It goes back to the House. The House non-concurs. The Senate insists, and asks for a committee of conference. I believe that is the regular order. The committee of conference take possession of the bill and the amendments. If the conferees of the Senate are true to the instructions now given by the resolution of the Senator from Pennsylvania they will say to the conferees of the House that it is useless to discuss any of these questions pertaining to general legislation; that they have their instructions from the Senate, delivered in the most forcible and solemn manner, in the form of a resolution directed to one of its standing committees. There is a disagreement. That disagreement is reported to the Senate and reported to the House. I wish to ask gentlemen now (and upon the general indication of the disposition in one direction will depend my vote) whether they are then prepared to adhere and refuse a further conference if it is demanded. What will be the result? The House must yield or the bill must fail.

Mr. LOGAN. That is it exactly.

Mr. PENDLETON. The House must yield, or the bill must fail. Now, I am prepared to go to that extent. I believe this bill ought not to pass. I am prepared to go to that extent and require a bill to be sent here which is purely an appropriation bill. But suppose gentlemen do not agree with me, and suppose the Senate is not then prepared to adhere, what is the result? The Senate insist; they appoint another committee of conference, and we have all these important measures in relation to the Navy settled in a committee of conference without the least consideration by the Senate. I am unwilling to see that alternative brought about, and I ask the Senator from Pennsylvania, and those who vote with him, whether at that particular juncture they are prepared to insist upon the action now being taken, or whether they are then going to yield and give up the reorganization of the Navy to a committee of conference. I yield to the Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. Does the Senator ask me what the course of the House will be in this matter?

Mr. PENDLETON. I am not asking the course of the House, but the course of the Senate.

Mr. CAMERON, of Pennsylvania. I cannot tell what the course of the Senate will be. I take it for granted that if the Senate pass this resolution they will adhere to it. I suppose any member of the Senate who votes for the resolution will not be willing to refer the matter altogether to a conference committee. We can stay here to see it out.

Mr. HALE. The Senator would be willing to stay here as long as anybody else?

Mr. CAMERON, of Pennsylvania. Just as long.

Mr. BECK. There is only one way that you could solve that question. Let the Senator from Pennsylvania and the Senator from New Hampshire and some friend of theirs on this side be put upon the conference and tell them to stick.

Mr. BUTLER. It seems to me that this is the most extraordinary proposition I have ever known in the Senate in my life. The proposition is deliberately made that unless we vote for a measure which comes from the House, a threat, a direct threat, is made by the friends of the measure on this floor that we shall defeat the appropriation bill. It is the most extraordinary proposition I have heard of in my life.

Mr. LOGAN. Who has made any threat?

Mr. BUTLER. Threats have been made here since this discussion began that if we did not take the proposition now, just as the Committee on Appropriations have seen fit to bring it in—

Mr. HALE. Who has ever said that?

Mr. BUTLER. Every Senator who has spoken on behalf of the Appropriations Committee has either said it directly or implied it.

Mr. HALE. All that I said was, consider these provisions, debate them, discuss them, modify them, amend them, strike them out, if you will, so that the House will see that it is the deliberate judgment of the Senate upon discussion and amendment, and not a thing thrust directly in their face and obliging them to put it upon us, which is what you do if you adopt the motion of the Senator from Pennsylvania.

Mr. BUTLER. Then, if Senators on this floor who have conscientious scruples about putting general legislation upon an appropriation bill should take it off, then you say the House will force us to abandon the appropriation bill or admit this general legislation.

Mr. HALE. The Senate by adopting the motion of the Senator from Pennsylvania does not even allow the Senate the privilege of making a point of order against these provisions as they come up. The Senator from Pennsylvania shuts us off by his proposition. He shuts the Senate off from the privilege even of making points of order, one by one, when these provisions come up. He is not content with all the rights that are inherent to the Senate, but must thrust this thing forward offensively to the House.

Mr. BUTLER. As I understand, the Senator from Maine, the Senator from Illinois, and the Senator from Kentucky have all insisted that the point of order cannot be made because the matter came in the bill from the House; that it is not amenable to a point of order.

Mr. HALE. The Senator can make a point of order upon everything the Committee on Appropriations reported.

Mr. BUTLER. But one cannot make a point of order upon any proposition that comes from the House, I understand. That is all there is in it.

Mr. BECK. Will the Senator from South Carolina allow me to say to him that when I addressed the Senate this morning I not only said that I desired discussion, but I said there were many propositions in the bill concerning which I differ with the majority of the Committee on Appropriations, and I propose to vote against them; that all I wanted was to have a fair hearing and for the Senate to have a fair hearing, and let us discuss those provisions. We cannot make a point of order against what the House has done, but every amendment or suggestion made by the Committee on Appropriations is subject to a point of order.

Mr. HALE. Let us have a vote.

Mr. BECK. I desire to say one word before the vote is taken. I want to say that there is no more obnoxious legislation in the bill than was sent to us and urged upon us by the Senator from South Carolina [Mr. BUTLER] in the amendment which I shall read. He sent to the Committee on Appropriations the following amendment to the bill making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes:

Insert the following:

"For establishing a coaling dock and naval storehouse at Port Royal Harbor, South Carolina, \$30,000."

Mr. BUTLER. Will the Senator state it accurately, if he pleases?

Mr. BECK. Here is the amendment. I will send the amendment to the Reporter.

Mr. BUTLER. The Senator knows perfectly well that that amendment was referred to the Committee on Appropriations by the Committee on Naval Affairs.

Mr. BECK. That makes it all the worse that the Committee on Naval Affairs should now be complaining about legislation on the appropriation bill when they sent that amendment to us through the Senator from South Carolina.

Mr. BUTLER. That is not general legislation, I submit to the Senator, any more than it is general legislation to authorize the building of a fort in this country.

Mr. HALE. The Senator does not think that a coaling station could be established without a new law?

Mr. BUTLER. Of course it could not.

Mr. HALE. You therefore reported it from the Naval Committee, and you asked the Committee on Appropriations to make that new law.

Mr. BUTLER. I am not on the Naval Committee.

Mr. HALE. They reported it to us?

Mr. BUTLER. Precisely; and the chairman of that committee very quietly refused to adopt it, as I understand, and yet that same committee, which refused that amendment, takes in one gulp every thing that comes from the House and says it is gospel, and that everybody else must say it is gospel or he is defeating the appropriation bill. That is the argument presented by the Committee on Appropriations.

Mr. HALE and others addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield further?

Mr. BECK. I do not yield further.

The PRESIDENT *pro tempore*. The Senator from Kentucky has the floor.

Mr. BECK. Again, the Senator from New Hampshire, [Mr. ROLLINS,] who has been so furious against new legislation on the bill and has called us usurpers and everything else, offered an amendment. The only complaint he makes against us is that we did not heed him, did not adopt his amendment, did not pay the respect to him in committee that he thought the merits of his amendment demanded. He proposed this amendment:

At the end of line 578 add the following:

"The sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated, to be expended under the direction of the Secretary of the Navy, for the manufacture or purchase of the necessary tools or plant for the construction of iron or steel vessels and their armament in the appropriate navy-yards."

Mr. ROLLINS. Will the Senator allow me a word?

Mr. BECK. Yes, sir; a great many of them.

Mr. ROLLINS. My only regret is that the Committee on Appropriations did not adopt that amendment and prepare our yards to enter into a little competition with contractors in building ships for the Navy. I think they would have exhibited a vast amount of wisdom and showed the country that they purposed to promote the welfare of the nation and save money if they had adopted the amendment which was proposed by the Committee on Naval Affairs and had some competition between the Navy Department proper and the contractors, or those men who purpose to build ships of war for the Government of the United States. Therefore—

Mr. BECK. Come back to the question, is not that new legislation?

Mr. BUTLER. It is not general legislation.

Mr. ROLLINS. If the Senator from Kentucky will allow me in one moment I will answer that point, and I will answer it so that he will understand it.

Mr. BECK. I ask it is new legislation? Yes, or no? He cannot answer. He knows it is.

Mr. ROLLINS. If the Senator will give me a chance I will answer.

Mr. BECK. I gave the Senator about a minute, when he stood dumb as an oyster. He cannot answer.

Mr. ROLLINS. You ask me a question and then rule me out; that is what you do.

Mr. BECK. The Senator from Pennsylvania [Mr. CAMERON] came before us, the Senator who moves this new resolution about legislation. He came before us on behalf of the Committee on Naval Affairs, who are making all this trouble, and he proposed to insert in the naval appropriation bill the following:

That the Secretary of the Treasury, the Secretary of the Navy, and the Postmaster-General, together with three Senators and three Representatives in Congress, to be appointed by the presiding officers of the respective Houses, be, and they hereby are, constituted a commission to inquire into the practicability and expediency of securing the construction in the United States of iron or steel ocean steamers for commercial purposes, upon such models and with such strength and speed that they may be readily converted into efficient ships of war when needed for such uses, and into the advisability of encouraging the construction of such vessels, and their maintenance in regular steamship lines over the highways of ocean commerce, by paying a fair and just compensation for carrying the mails therein to and from foreign countries, upon the condition that they shall be built in the United States and owned exclusively by American citizens, under the supervision of the Government and subject to be taken by it at a reasonable price whenever needed as ships of war; said commission to report to Congress their conclusions on the matters herein submitted at as early a day as is consistent with the due investigation thereof.

I ask the Senator from Pennsylvania whether that is new legislation on an appropriation bill?

Mr. CAMERON, of Pennsylvania. Yes; and it is good legislation; and if the Committee on Appropriations had not taken upon themselves a duty which they had not any right to assume the proposition never would have gone to them, but the Naval Committee would have taken it upon themselves to decide such matters and report to the Senate.

Mr. BECK. I ask the question, why did not the Naval Committee, which was not interfered with by the Committee on Appropriations for five months, report it to the Senate if it was good legislation? Why send it to us and then complain? The result is that whenever the Naval Committee or any member of it sends any proposition to us that is not favorably considered they raise the cry of new legislation against the Committee on Appropriations.

Mr. BUTLER. Let me ask the Senator whether that amendment is general legislation in the contemplation of Rule 29?

Mr. BECK. I do not care whether it is general legislation or not; it is not providing for the carrying on of the Navy in accordance with existing law.

Mr. BUTLER. The Senator says he does not care whether it is general legislation or not. That is precisely the point between us.

Mr. BECK. The point the Committee on Naval Affairs have made is that all we have a right to do is to make appropriations in accordance with existing laws to carry on the Navy of the United States, and neither the building of a coaling station in South Carolina nor the granting of a subsidy to steamship lines to carry the mails, nor the giving of \$150,000 to establish a plant in a navy-yard, has anything to do with the efficiency of the Navy of the United States under existing law.

Mr. BUTLER. The Senator from Kentucky avoids answering my question. Rule 29 provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

I ask the Senator whether the amendment of the Senator from Pennsylvania is general legislation or not? Let him answer that question.

Mr. BECK. I say that it is general legislation in each one of the three cases suggested. The establishment of a plant in a navy-yard is general legislation; the establishment of a commission to grant subsidies to mail lines is general legislation—

Mr. BUTLER. Is it general legislation to build a fort?

Mr. BECK. It is general legislation to build a fort.

Mr. BUTLER. Is it general legislation to build a coaling dock?

Mr. BECK. Yes, sir.

Mr. BUTLER. That will not do. It is part of a system.

Mr. BECK. It may not, but it is the fact. Whether it is the fact or not, it comes within the rules that we are criticised for.

The Senator from New Hampshire [Mr. ROLLINS] again from his committee, not as Mr. ROLLINS, the Senator from New Hampshire, but "from the Committee on Naval Affairs," with the consent of all the committee, I presume, or he would not present it in that form, proposed to "add as a new section the following:"

SEC. —. That hereafter the chiefs of the Bureaus of Construction and Repair, of Steam-Engineering, of Provisions and Clothing, and of Medicine and Surgery, in the Department of the Navy, shall be appointed by selection from the officers of the corps to which they belong whose relative rank is not below that of commander.

That, too, is new legislation. Again:

Amendment reported by Mr. ROLLINS, from the Committee on Naval Affairs, to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, namely:

Insert the following:

"That the Secretary of the Treasury be, and he hereby is, authorized to pay to Isaac A. Sylvester, for the losses and damages sustained by him on account of the collision of the United States sloop of war Lancaster with the drill-platform and sloop Derry, at Gangway Rock, Portsmouth, New Hampshire, out of any money in the Treasury not otherwise appropriated, the sum of \$2,940."

Again:

Amendment intended to be proposed by Mr. ROLLINS to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, namely: Insert the following:

"That the Secretary of the Navy is hereby authorized and directed to appoint a commission, composed of officers of the Navy not below the grade of lieutenant-commander, who shall without delay report to Congress which (if any) of the navy-yards or stations on the Atlantic and Gulf coasts it will be for the interest of the Government to abolish as navy-yards or stations, and to further report a general plan, and the estimated cost thereof, for the improvement of the navy-yards or stations it shall recommend to retain and permanently improve to meet the present and future needs of the Government in the construction and repair of naval vessels."

Mr. ROLLINS. Now I appeal to the Senator for just one minute. Give me sixty seconds.

Mr. BECK. These are amendments that the Senator has taken it upon himself to send to us.

Mr. ROLLINS. Will you allow me sixty seconds?

Mr. BECK. I will.

Mr. SAULSBURY. I rise to a point of order. I desire to interpose a point of order in the discussion. If this persistency of Senators, which I hold is entirely out of order, is allowed to obtain in the Senate, the reputation of every member of the Senate will be ruined before his constituents. I hope, therefore, the Senator from Kentucky will not be allowed to be interrupted.

Mr. BECK. While I have other amendments here that I proposed to read, I do not want to ruin my reputation. Those I have read will appear in the RECORD.

Mr. ROLLINS. It would be a fair addition to the literature of the country if they were all printed in the RECORD; but I desire to say simply—

The PRESIDENT *pro tempore*. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BECK. I believe I will surrender the floor, because the Senator from Delaware is afraid of his own reputation.

Mr. ROLLINS. I desire simply to say that I am opposed to general legislation on appropriation bills; but when the Committee on Appropriations bring in an appropriation bill full of general legislation, then I think it is highly proper that any member of the Senate or any committee of the Senate should offer an amendment.

But the Committee on Appropriations come in here with a bill full of general legislation, and then turn around and make the point of order on every member of the Senate.

Mr. BUTLER. On every committee of the Senate.

Mr. ROLLINS. On every committee of the Senate, the Senator from South Carolina suggests. That is true. They bring in their bill full of general legislation and then make the point of order as against every single Senator on the floor who belongs to the Committee on Naval Affairs. Against that I enter my solemn protest. That is my position. If the Committee on Appropriations will keep off their bills general legislation, I will stand by them; but when they bring in their bills full of general legislation I claim that I have a right to offer amendments to those bills, and I claim that any committee of the Senate has a right to offer its amendments to such a bill and not be throttled here upon the floor of the Senate.

Mr. HALE. Let us have a vote, Mr. President. Senators are more anxious for that than anything else.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution of the Senator from Pennsylvania, [Mr. CAMERON,] which will be read.

The resolution was read, as follows:

Resolved, That the naval appropriation bill be recommitted to the Committee on Appropriations, with instructions to strike out all general legislation changing existing laws, and provide appropriations for the naval establishment as it now exists.

Mr. HALE. I ask for the yeas and nays on agreeing to the resolution.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. WALKER, (when Mr. GARLAND's name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. ROLLINS, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. MCPHERSON.]

The roll-call having been concluded, the result was announced—yeas 29, nays 34; as follows:

YEAS—29.

| | | | |
|-----------------|----------|-------------------|-----------|
| Anthony, | George, | Jones of Florida, | Van Wyck, |
| Bayard, | Groome, | Lapham, | Vest. |
| Blair, | Grover, | Mahone, | Voorhees, |
| Butler, | Hampton, | Maxey, | Williams, |
| Call, | Hawley, | Miller of Cal., | Windom. |
| Cameron of Pa., | Hoar, | Mitchell, | |
| Farley, | Ingalls, | Sherman, | |
| Ferry, | Jonas, | Vance, | |

NAYS—34.

| | | | |
|--------------------|------------------|------------------|------------|
| Aldrich, | Davis of W. Va., | Kellogg, | Plumb, |
| Allison, | Dawes, | Logan, | Pugh, |
| Reck, | Frye, | McDill, | Saulsbury, |
| Brown, | Gorman, | McMillan, | Saunders, |
| Cameron of Wis., | Hale, | Miller of N. Y., | Sawyer, |
| Chilcott, | Harris, | Morgan, | Slater, |
| Coke, | Harrison, | Morrill, | Walker. |
| Conger, | Jackson, | Pendleton, | |
| Davis of Illinois, | Jones of Nevada, | Platt, | |

ABSENT—13.

| | | | |
|-----------|-------------------|------------|---------|
| Camden, | Garland, | Lamar, | Sewell. |
| Cockrell, | Hill of Colorado, | McPherson, | |
| Edmunds, | Hill of Georgia, | Ransom, | |
| Fair, | Johnston, | Rollins, | |

So the resolution was not agreed to.

Mr. HALE. Now I hope the Chief Clerk will begin the reading of the bill. Let us proceed for a little while.

The PRESIDENT *pro tempore*. There is no use for the reading to commence until order is restored in the Chamber.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. I hope we shall go on with the bill. We want to get through and adjourn some time. Let us go on with the bill for an hour.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from South Carolina that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—yeas 27, nays 24; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at five o'clock and forty-three minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, July 27, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had adopted a resolution, in which

the concurrence of the House was requested, authorizing the Secretary of the Senate in the enrollment of the bill (S. No. 972) creating the Oregon Short-Line Railway Company, a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes, to correct an error in line 10 of the engrossed bill by striking out the word "with" and inserting the word "within."

OREGON SHORT-LINE RAILWAY COMPANY.

Mr. ALDRICH. I ask unanimous consent to take from the Speaker's table for present consideration the concurrent resolution just received from the Senate in relation to the correction of an error in the engrossment of the bill (S. No. 972) creating the Oregon Short-Line Railway Company, a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes, by striking out the word "with" and inserting the word "within."

There being no objection, the resolution of the Senate was taken from the Speaker's table and was concurred in.

SALARY OF COLLECTOR OF CUSTOMS, CHICAGO, ILLINOIS.

Mr. DAVIS, of Illinois. I ask unanimous consent to take from the Committee of the Whole House on the state of the Union for present consideration the bill (H. R. No. 6682) to fix the salary of the collector of customs of the district of Chicago, Illinois.

Mr. RANDALL. I reserve the right to object for the purpose of inducing a statement on the part of the gentleman from Illinois [Mr. DAVIS] that this bill in fact makes a reduction of the present salary.

Mr. DAVIS, of Illinois. I ask the gentleman to withhold his objection till the bill and report are read.

Mr. RANDALL. I merely wish to have it go on record that this is a decrease of salary, and not an increase.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That from and after the 30th day of June, 1882, the salary of the collector of customs of the district of Chicago, Illinois, shall be \$7,000 per annum, and the same shall be in place of all salary, commissions, fees, and charges now allowed by law as compensation of that officer: *Provided*, That all fees and emoluments now received by the said collector and applied to his compensation under the provisions of existing law shall from and after the 30th day of June, 1882, be accounted for and paid into the Treasury of the United States.

Mr. HOLMAN. I wish to ask a question of the gentleman from Illinois. That is, whether the perquisites now received by the collector are to go into the public Treasury, and whether he is to be paid his entire salary out of the Treasury?

Mr. DAVIS, of Illinois. Yes, sir.

Mr. HOLMAN. The same perquisites as he now receives?

Mr. DAVIS, of Illinois. Yes, sir; every dollar of them. And this bill reduces the emoluments of the office.

Mr. HOLMAN. Can the gentleman assure the House that fees, &c., to the same extent connected with the collection of customs will be received hereafter?

Mr. KASSON. If the gentleman from Illinois [Mr. DAVIS] will allow me I will answer the gentleman from Indiana. Under existing law the salary of this officer is \$2,000. Then he has a commission upon the amount collected, and there are various other items, which all added together make the amount of his compensation \$8,000. This bill provides that all these commissions, fees, &c., shall go into the Treasury, and his salary is fixed at \$7,000.

Mr. HOLMAN. But under the general law those commissions go into the Treasury.

Mr. KASSON. They will by this law.

Mr. HOLMAN. Will the compensation received by the collector for the sale of blanks used by shipping and other such perquisites go into the Treasury?

Mr. KASSON. The bill has been phrased for the express purpose of turning it all into the Treasury, and it is so provided.

Mr. DAVIS, of Illinois. Mr. Speaker, the bill which has just been read at the Clerk's desk, and which I ask the House to consider at this time, is a substitute reported by the Committee on Ways and Means for House bill 3580, introduced by myself some time since, which was referred to this committee by order of the House. It provides for fixing a salary as compensation to the collector of the district and port of Chicago instead of compensating him as at present by part salary and part fees.

The original bill provided that the salary be the sum of \$8,000—same as at the ports of Boston and Charlestown, Massachusetts, and Philadelphia, Pennsylvania, but the committee have reduced that sum to \$7,000, same as at the ports of Baltimore, New Orleans, and San Francisco. The compensation received by the collector of the port of Chicago under the present law for the period of four years ending with the last incumbent's term was many hundred dollars in excess of \$7,000 per annum, and is received part as salary and part on account of storage and on sale of blanks, as provided for at non-enumerated ports.

The collector has in addition to his duties as collector those also of custodian of the Government building and disbursing officer for the payment of employes and for supplies required, a responsibility and duty for which he in justice should be paid; but from the fact that we are interested in adding Chicago to the number of enumerated ports to be placed on the same footing that obtains upon the seaboard, and knowing something of the advantages to our business community of an organization of this character over the present system, we urge the passage of this bill, though it does not give full justice to Chicago and her business community; she is entitled by the magnitude

of her business and commercial importance to take rank in this regard with Philadelphia and Boston.

The growth of the business at the port of Chicago has been so rapid and is increasing so marvelously that it is difficult to impress the true condition upon our members who have not given the matter attention. Few of our members will hardly credit the statement that the number of vessels entered and cleared from the port of Chicago for the year 1881 exceeded those which arrived and cleared from New York by over seven thousand, or that they exceeded for the same period those arrived and cleared from Baltimore, Boston and Charlestown, New Orleans, Philadelphia, Portland, and San Francisco combined, or that they exceeded those of New York, Philadelphia, and New Orleans; yet such is the fact, as shown from the records as reported from the several ports, as per the following statement:

Statement of vessels entered and cleared, foreign and coastwise, at certain ports in the United States for the year ending December 31, 1881.

| Ports. | No. of vessels arrived. | | | No. of vessels cleared. | | | Joint total. |
|------------------------------|-------------------------|------------|--------|-------------------------|------------|--------|--------------|
| | Foreign. | Coastwise. | Total. | Foreign. | Coastwise. | Total. | |
| Baltimore | 982 | 1,264 | 2,246 | 891 | 2,121 | 3,012 | 5,258 |
| Boston and Charlestown | 3,130 | 833 | 3,963 | 3,026 | 1,163 | 4,189 | 8,152 |
| New Orleans | 784 | 291 | 1,075 | 868 | 267 | 1,135 | 2,210 |
| New York | 6,849 | 2,216 | 9,065 | 6,412 | 3,511 | 9,923 | 19,888 |
| Philadelphia | 1,343 | 835 | 2,178 | 1,151 | 1,286 | 2,437 | 4,615 |
| Portland and Falmouth | 307 | 540 | 847 | 418 | 420 | 838 | 1,685 |
| San Francisco | 843 | 274 | 1,117 | 910 | 360 | 1,270 | 2,387 |
| Total | 14,238 | 6,253 | 20,491 | 13,676 | 9,128 | 22,804 | 43,295 |
| Chicago | 339 | 12,709 | 13,048 | 346 | 12,633 | 12,979 | 26,027 |

Comparative statements of vessels entered and cleared, foreign and coastwise, at certain ports in the United States for the year ending December 31, 1881.

STATEMENT NUMBER ONE.

| Ports. | Arrivals. | Clearances. | Total. |
|--|-----------|-------------|--------|
| Baltimore | 2,246 | 3,012 | 5,258 |
| Boston and Charlestown | 3,963 | 4,189 | 8,152 |
| New Orleans | 1,075 | 1,135 | 2,210 |
| Philadelphia | 2,178 | 2,437 | 4,615 |
| Portland and Falmouth | 847 | 838 | 1,685 |
| San Francisco | 1,117 | 1,270 | 2,387 |
| Grand total | | | 24,307 |
| Chicago, total arrivals and clearances | | | 26,027 |

STATEMENT NUMBER TWO.

| | | | |
|--|-------|-------|--------|
| New York | 9,065 | 9,923 | 18,988 |
| New Orleans | 1,075 | 1,135 | 2,210 |
| Portland and Falmouth | 847 | 838 | 1,685 |
| San Francisco | 1,117 | 1,270 | 2,387 |
| Grand total | | | 25,270 |
| Chicago, total arrivals and clearances | | | 26,027 |

STATEMENT NUMBER THREE.

| | | | |
|--|-------|-------|--------|
| New York | 9,065 | 9,923 | 18,988 |
| New Orleans | 1,075 | 1,135 | 2,210 |
| Philadelphia | 2,178 | 2,437 | 4,615 |
| Grand total | | | 25,813 |
| Chicago, total arrivals and clearances | | | 26,027 |

STATEMENT NUMBER FOUR.

| | | | |
|--|-------|-------|--------|
| New York | 9,065 | 9,923 | 18,988 |
| Philadelphia | 2,178 | 2,437 | 4,615 |
| San Francisco | 1,117 | 1,270 | 2,387 |
| Grand total | | | 25,990 |
| Chicago, total arrivals and clearances | | | 26,027 |

STATEMENT NUMBER FIVE.

| | | | |
|--|-------|-------|--------|
| New York | 9,065 | 9,923 | 18,988 |
| Baltimore | 2,246 | 3,012 | 5,258 |
| Portland and Falmouth | 847 | 838 | 1,685 |
| Grand total | | | 25,931 |
| Chicago, total arrivals and clearances | | | 26,027 |

It may be said that our vessels are in the coastwise trade and are small. This is true to some extent, but they require attention. Many of our vessels take 100,000 bushels of grain in a single cargo.

The collections of duties and tonnage tax at Chicago for the last fiscal year I have not in exact amount, but it will not vary much from three and one-half millions.

The collections for the fiscal year ending June 30, 1881, expense, cost of collecting \$100, and average number of men employed at Baltimore, New Orleans, and Chicago were as follows:

| | Baltimore. | New Orleans. | Chicago. |
|--------------------------------------|----------------|----------------|----------------|
| Duties and tonnage tax | \$3,012,121 07 | \$2,608,753 30 | \$2,604,845 55 |
| Expense | \$308,964 65 | \$242,345 85 | \$91,485 09 |
| Cost to collect \$100 | \$10 00 | \$9 06 | \$3 45 |
| Average number of men employed | 218 | 172 | 68 |

The increase of business in custom-house at Chicago is shown by the following comparative statement:

| | |
|---|----------------|
| January 1, 1880, to February 18, 1881 | \$1,659,851 50 |
| January 1, 1881, to February 18, 1882 | 2,173,776 36 |
| Showing an increase of 31 per cent. | |
| January 1 to February 18, 1881 | \$314,131 02 |
| January 1 to February 18, 1882 | 499,504 49 |
| Showing an increase of 59 per cent. | |
| Receipts from all sources: | |
| 1880 | \$2,280,395 34 |
| 1881 | 2,650,190 98 |
| Showing an increase of 17 per cent. | |
| Last half of calendar year— | |
| 1879 | \$1,029,078 90 |
| 1880 | 1,343,950 27 |
| Showing an increase of 36 per cent. | |
| 1880 | \$1,343,750 27 |
| 1881 | 1,674,271 87 |
| Showing an increase of 25 per cent. | |
| Calendar years— | |
| 1879 | \$1,807,452 27 |
| 1880 | 2,548,406 87 |
| Showing an increase of 41 per cent. | |
| 1880 | \$2,548,406 87 |
| 1881 | 2,931,008 51 |
| Showing an increase of 11 per cent. | |
| Domestic exports: | |
| 1880 | \$3,438,671 00 |
| 1881 | 4,189,255 09 |
| Showing an increase of 22 per cent. | |
| Number of entries of merchandise: | |
| 1880 | 4,414 |
| 1881 | 7,644 |
| Showing an increase of 27 per cent. | |
| Expense of collection: | |
| 1880 | \$85,095 95 |
| 1881 | 91,485 09 |
| Showing an increase of only 7 per cent. | |

It is seen by these exhibits that we have the volume and the rapid and reliable increase in business which warrants the demand we make to be placed upon the same footing, with the same facilities and the same organization, as cities upon the seaboard. There should be no separate and distinct organizations, one for the seaboard cities and another entirely different for the lake cities. If the organization is right, is proper, and is good for Baltimore, the same will be good for Chicago. A fixed compensation gives your collector more independence and is much to be preferred. Do not discriminate against this great and marvelous city of the West. The Government has never expended a dollar or granted increased facilities for transacting business in that city which has not been met with a larger return in increased revenue, whether it has been in the improvement of its harbor, in the improvement of its postal facilities, in public buildings, or in any other manner.

The policy of good statesmanship would seem to point in the direction of recognizing the wants and necessities of our great business centers, from which large revenues are received, and curtailing at those points where the cost of collecting the revenue exceeded the revenue itself.

The Treasury officials report many useless customs districts in the United States, twenty-two ports of entry at which not a dollar of revenue has been received during the year, and thirty-two ports where the total collections have not equaled the total expenses. These districts should be consolidated, and the number of ports of entry reduced. This can be done, it is said by our Treasury officials, "without impairing the means necessary to prevent smuggling or withdrawing proper facilities for documenting vessels."

This bill has been thoroughly considered by the Committee on Ways and Means and has received their unanimous approval, and I trust it may pass.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. DAVIS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIA A. NUTT.

Mr. SINGLETON, of Mississippi. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 1472, for the relief of Julia A. Nutt, widow and executrix of

Haller Nutt, deceased. If the House will allow me a few moments to explain the bill, I think there will be no objection to it.

Mr. HISCOCK. I reserve the right to object until the bill shall have been read.

The SPEAKER. The bill will be read, subject to objections. The bill was read, as follows:

Be it enacted, &c., That the Quartermaster-General of the United States is hereby authorized and directed to examine, adjust, and settle the claims of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, late of Natchez, in the State of Mississippi, growing out of the occupation and use by the United States Army during the late rebellion of the property of the said Haller Nutt during his lifetime, or of his estate after his decease, including live stock, goods, and moneys taken and used by the United States or the armies thereof; and full jurisdiction is hereby given to the Quartermaster-General to try and determine the same, and he may consider the evidence heretofore taken on said claim, so far as applicable, before the commissioner of claims and such other legal evidence as may be adduced before him in behalf of the legal representatives of Haller Nutt, deceased, or in behalf of the United States: *Provided*, That no part of said claims upon which said commissioners of claims have passed on the merits shall be considered by the Quartermaster-General.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. HISCOCK. I object.

The SPEAKER. Objection being made, the bill is not before the House.

PROTESTANT ORPHAN ASYLUM OF NATCHEZ.

Mr. LYNCH. I ask consent to take from the Speaker's table for consideration at this time Senate bill No. 1939, for the relief of the Protestant orphan asylum of Natchez, in the State of Mississippi. I think there will be no objection to the bill.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury be authorized and required to audit, sell, and pay the claim of the Protestant orphan asylum of the city of Natchez for the use and occupation of the property of the said asylum by the United States military authorities during the late war: *Provided*, That the amount allowed shall not exceed the sum of \$1,750, unanimously recommended to be paid on such account by the Committee on War Claims of the House of Representatives on the 29th day of June, 1876; nor shall any allowance be made for any damage done to said property during such use or occupation, or otherwise.

Mr. HISCOCK. I object to that bill.

ORDER OF BUSINESS.

Mr. RANDALL. Then I call for the regular order.

Mr. LYNCH. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LYNCH. I desire to inquire of the Chair if after the expiration of the hour under the new rule a motion to proceed to business on the Speaker's table will be in order?

The SPEAKER. That motion will be in order after the morning hour has intervened.

Mr. LYNCH. I desire to make that motion at the proper time.

DUTY ON IMPORTED HAY.

Mr. KASSON, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. No. 6809) to adjust the duty on imported hay; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. VAN HORN. Mr. Speaker, I desire to ask—

The SPEAKER. The regular order has been called for.

Mr. VAN HORN. I think the gentleman from Pennsylvania [Mr. RANDALL] will not insist on the regular order.

Mr. RANDALL. He does not often change.

The SPEAKER. The regular order is called for.

Mr. CALKINS. I desire to ask unanimous consent to pass a bill. If I can get the ear of the House, I think there will be no objection.

The SPEAKER. The regular order is called for, and the hour for the consideration of business under the new rule will begin—

Mr. HASKELL. I desire to call the attention of the Speaker to the fact that when the House adjourned on Saturday the previous question had been ordered upon a pending bill and amendment.

The SPEAKER. The attention of the Chair having been called to the matter, it will state that the bill (S. No. 1255) relating to the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska was under consideration yesterday, and the previous question was ordered on the bill and pending amendment. That will come up the first thing this morning as unfinished business.

SALE OF OMAHA INDIAN RESERVATION.

The House accordingly resumed the consideration of the bill (S. No. 1255) to provide for the sale of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes.

The pending amendment was to add to the eighth section the following:

Provided further, That no part of said land shall be sold until the allotments shall have been made to the said Indians under the fifth section of this act. And said Indians, or any part of them, may, if they shall so elect, select the land which shall be allotted to them in severalty in any part of said reservation, either east or west of said right of way mentioned in the first section of this act.

Mr. SCALES. Is it in order to offer an amendment now?

The SPEAKER. It is not; the previous question is operating.

Mr. SCALES. I ask the gentleman from Kansas [Mr. HASKELL] to allow me to offer an amendment; I will not discuss it.

Mr. HOLMAN. As the amendment was read the word "all" does not appear. It should read "until all the allotments shall have been made."

Mr. VALENTINE. I desire to state to the gentleman from Indiana [Mr. HOLMAN] that there could be no objection to his amendment if he would leave out the first sentence. Under the present treaty, which this bill states shall not be affected by this act, the Indians have the right to go upon any portion of that reservation to make their selection; and if the gentleman thinks there is any ambiguity in the bill, there is no objection to placing that in specifically. But that part of his amendment which provides that "no part of the reservation shall be sold until all the allotments shall have been made" is clearly erroneous, and will defeat the very desire of the Indians themselves, because the children, the younger members of the tribe, will not be able to make their selections for a great many years. That portion of his amendment would defeat the very object of the bill and the wishes of the Indians themselves who have asked for this legislation.

Mr. HASKELL. Why not modify the amendment so that no sales shall be made until the Indians now of proper age shall have made their selections?

Mr. VALENTINE. They do not care about making selections over on that side of the road at all.

The SPEAKER. The Chair will state that this is not debatable, the previous question operating. The question is upon agreeing to the amendment which has been read.

Mr. HOLMAN. I ask unanimous consent that there may be allowed some time to come to an understanding about this matter, which is of some moment to this Indian tribe.

The gentleman from Nebraska [Mr. VALENTINE] proposes to omit from the amendment the provision that "no part of said lands shall be sold until all the allotments shall have been made to the said Indians under the fifth section of this act," and leave the rest of the amendment to stand. Now, I am free to say that rather than have the whole amendment rejected (for I think the last clause is of some value) I should prefer to accede to his proposition. I do not, however, understand this matter so well as my friend from North Carolina, [Mr. SCALES.]

Mr. VALENTINE. Then I desire to offer an amendment to the amendment.

The SPEAKER. It is not in order.

Mr. VALENTINE. If the gentleman from Indiana will not accept an amendment to his amendment, I ask that his amendment be voted down entirely, because if adopted it would defeat the very object of the bill.

Mr. HOLMAN. I hope that by unanimous consent the gentleman from Nebraska may be permitted to offer his amendment to strike out the first clause of my amendment, and have the sense of the House taken upon it.

Mr. VALENTINE. The amendment would be a very wise one with that provision struck out.

Mr. HASKELL. Let the gentleman from Indiana modify the amendment by striking out the first sentence, because with that sentence retained these allotments would continue for twenty years, and consequently the object of the bill would be defeated. If the first clause of the amendment be struck out I will support it.

Mr. VALENTINE. So will I.

Mr. HASKELL. Otherwise I must ask the House to vote it down.

Mr. HOLMAN. I am anxious that the last clause of the amendment should be adopted.

Mr. HASKELL. Will not the gentleman modify his amendment as suggested?

Mr. SCALES. I hope the gentleman from Indiana will not withdraw the first part.

Mr. HOLMAN. I hope that by unanimous consent the gentleman from Nebraska may be permitted to offer an amendment to strike out the first clause of my amendment.

The SPEAKER. If the gentleman desires to modify his amendment the Chair will submit it.

Mr. HOLMAN. No; I desire that permission be granted to amend.

The SPEAKER. The gentleman from Nebraska has not made that motion.

Mr. VALENTINE. I will, if I am permitted to do so.

Mr. HOLMAN. I will withdraw the first clause of the amendment.

The SPEAKER. If there be no objection, the gentleman will be allowed to modify his amendment.

Mr. SCALES. I object.

Mr. VALENTINE. Then let us have a vote on the amendment.

The question being taken on the amendment of Mr. HOLMAN, there were—ayes 15, noes 49.

Mr. HOLMAN. I do not wish to raise the question of a quorum; but I ask my friend from North Carolina to consent that my amendment be modified. He can see that the House is inclined to vote the whole thing down if the first clause be retained.

The SPEAKER. Is there objection to the modification of the amendment of the gentleman from Indiana as indicated?

Mr. VALENTINE. Let the Clerk read the part proposed to be struck out.

The Clerk read as follows:

No part of said land shall be sold until all the allotments shall have been made to the said Indians under the fifth section of this act; and.

Mr. HASKELL. With that modification I have no objection to the amendment.

The SPEAKER. Is there objection to allowing the amendment to be thus modified? The Chair hears none.

Mr. SCALES. I will not further object. As it is the amendment of the gentleman from Indiana, he may modify it in his own way.

The question being put on the amendment of Mr. HOLMAN as modified, it was agreed to.

The question was then taken on agreeing to the substitute as amended, and it was agreed to.

The bill as amended was ordered to a third reading; and was accordingly read the third time.

The question being taken on the passage of the bill, there were—ayes 68, noes 24.

Mr. SCALES. No quorum.

Tellers were ordered; and Mr. HASKELL and Mr. SCALES were appointed.

Mr. SCALES. I ask for the yeas and nays. That will dispense with the call for tellers.

The SPEAKER. If the gentleman withdraws the point, the Chair will put the question on ordering the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 20, noes 87; less than one-fifth voting in the affirmative.

So the yeas and nays were not ordered.

Mr. SCALES. I think I was misunderstood about this matter. I said that if I could have the unanimous consent of the House I would be willing to take the vote by yeas and nays instead of calling for tellers.

The SPEAKER. The gentleman did not submit that statement to the Chair.

Mr. SCALES. Then I call for tellers now.

Tellers were ordered; and Mr. HASKELL and Mr. SCALES were appointed.

Mr. SCALES. I understand the vote now to be taken by tellers is upon ordering the yeas and nays.

Mr. HASKELL and others. No; upon the passage of the bill.

Mr. VALENTINE. Mr. Speaker, I rise to a parliamentary inquiry. What is this vote upon?

The SPEAKER. Upon the passage of the bill.

Mr. HOLMAN. Oh, no.

The SPEAKER. The gentleman's statement was, as the record will show, that he demanded tellers.

Mr. HOLMAN. On the yeas and nays.

Mr. SCALES. I expressly said so in so many words.

The SPEAKER. There is no use of having any controversy about it; the Reporter's notes will show what took place.

Mr. SCALES. Several gentlemen around me were making the suggestion to me.

Mr. MANNING. I was making the suggestion to the gentleman from North Carolina, and understood him to say that.

Mr. VALENTINE. What do the reporters say.

The SPEAKER. The Chair did not so understand it.

Mr. COX, of New York. The Speaker will take the intention of the member.

The SPEAKER. If the gentleman from North Carolina states he intended to do it, of course that will be sufficient.

Mr. SCALES. I not only intended to do it but my opinion is I did do it.

The SPEAKER. The Chair does not controvert the gentleman's statement, but it did not so understand him. There need be no difficulty about the matter at all. The Chair understands the notes of the Reporter do not show he called for tellers on the yeas and nays, but the Chair will submit that question to the House now if gentlemen will resume their seats.

Mr. HASKELL. Let us take a direct vote by yeas and nays on the passage of the bill, which will be the easiest way out of this difficulty.

The SPEAKER. The Chair will submit that question to the House on ordering the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 105, nays 65, not voting 119; as follows:

YEAS—105.

| | | | |
|--------------------|------------------|--------------------|------------------|
| Aldrich, | Cassidy, | Dingley, | Haseltine, |
| Anderson, | Caswell, | Dowd, | Haskell, |
| Bayne, | Chape, | Dunn, | Hatch, |
| Berry, | Crapo, | Farwell, Sewell S. | Hepburn, |
| Bliss, | Culberson, | Fisher, | Hill, |
| Brown, | Cullen, | Ford, | Hiscock, |
| Buckner, | Cutts, | Fulkerson, | Hort, |
| Burrows, Julius C. | Davis, George R. | George, | Houk, |
| Campbell, | Dawes, | Godshalk, | Jones, George W. |
| Candler, | Deering, | Gunter, | Kasson, |
| Cannon, | De Motte, | Harmer, | Kelley, |
| Carpenter, | Dezendorf, | Harris, Benj. W. | Ketchum, |

| | | | |
|-----------|-------------------|--------------------|-------------------|
| Lewis, | Peirce, | Ryan, | Upson, |
| Lynch, | Pettibone, | Shallenberger, | Valentine, |
| McClure, | Pound, | Sherwin, | Van Horn, |
| McCoid, | Prescott, | Shultz, | Van Voorhis, |
| McKinley, | Ranney, | Skinner, | Wadsworth, |
| Mills, | Reagan, | Smith, Dietrich C. | Wait, |
| Moore, | Reed, | Smith, J. Hyatt | Ward, |
| Morey, | Rice, Theron M. | Spaulding, | Washburn, |
| Moulton, | Rich, | Straight, | Watson, |
| Norcross, | Richardson, D. P. | Steele, | Wellborn, |
| Oates, | Robeson, | Strait, | White, |
| O'Neill, | Robinson, Geo. D. | Taylor, | Williams, Thomas. |
| Page, | Robinson, Jas. S. | Townsend, Amos | |
| Parker, | Rosecrans, | Tyler, | |
| Peelle, | Russell, | Updegraff, J. T. | |

NAYS—65.

| | | | |
|-----------------|------------------|--------------------|------------------|
| Atherton, | Ellis, | Manning, | Speer, |
| Barbour, | Ermentrout, | Martin, | Springer, |
| Briggs, | Errett, | Matson, | Stockslager, |
| Buchanan, | Evins, | McKenzie, | Thompson, P. B. |
| Cabell, | Forney, | McMillin, | Townsend, R. W. |
| Caldwell, | Garrison, | Morrison, | Turner, Henry G. |
| Carlisle, | Hardenbergh, | Muldrow, | Turner, Oscar |
| Chapman, | Henderson, | Murch, | Vance, |
| Clements, | Hewitt, Abram S. | Mutchler, | Warner, |
| Colerick, | Hoge, | Payson, | Webber, |
| Converse, | Holman, | Phelps, | West, |
| Cox, Samuel S. | House, | Robertson, | Whithorne, |
| Cox, William R. | Hubbell, | Ross, | Willis, |
| Covington, | Kenna, | Scales, | Wise, George D. |
| Cravens, | Klotz, | Simonton, | |
| Dibrell, | Leedom, | Singleton, Otho R. | |
| Dugro, | Le Fevre, | Smith, A. Herr | |

NOT VOTING—119.

| | | | |
|------------------|-------------------|-----------------|---------------------|
| Aiken, | Curtin, | Jadwin, | Ray, |
| Armfield, | Darrall, | Jones, James K. | Rice, John B. |
| Atkins, | Davidson, | Jones, Phineas | Rice, William W. |
| Barr, | Davis, Lowndes H. | Jorgensen, | Richardson, Jno. S. |
| Beach, | Deuster, | Joyce, | Ritchie, |
| Belford, | Dunnell, | King, | Robinson, Wm. E. |
| Belmont, | Dwight, | Knott, | Scoville, |
| Beltzhoover, | Farwell, Chas. B. | Lacey, | Scranton, |
| Bingham, | Flower, | Ladd, | Shackelford, |
| Bisbee, | Frost, | Latham, | Singleton, Jas. W. |
| Black, | Geddes, | Lindsey, | Smalls, |
| Blackburn, | Gibson, | Lord, | Sparks, |
| Blanchard, | Grout, | Lowe, | Stephens, |
| Bland, | Guenther, | Mackey, | Stone, |
| Blount, | Hall, | Marsh, | Talbott, |
| Bowman, | Hammond, John | Mason, | Thomas, |
| Bragg, | Hammond, N. J. | McCook, | Thompson, Wm. G. |
| Brewer, | Hardy, | McLane, | Tucker, |
| Brumm, | Harris, Henry S. | Miles, | Updegraff, Thos. |
| Buck, | Hazelton, | Miller, | Urner, |
| Burrows, Jos. H. | Heilman, | Money, | Van Aernam, |
| Butterworth, | Herbert, | Morse, | Walker, |
| Calkins, | Herndon, | Mosgrove, | Williams, Chas. G. |
| Camp, | Hewitt, G. W. | Neal, | Willits, |
| Clardy, | Hoblitzell, | Nolan, | Wilson, |
| Clark, | Hooker, | Orth, | Wise, Morgan R. |
| Cobb, | Hubbs, | Pacheco, | Wood, Benjamin |
| Cook, | Humphrey, | Paul, | Wood, Walter A. |
| Cornell, | Hutchins, | Phister, | Young, |
| Crowley, | Jacobs, | Randall, | |

So the bill was passed.

During the roll-call the following pairs were announced from the Clerk's desk:

Mr. AIKEN with Mr. VAN AERNAM.

Mr. LOWE with Mr. HERNDON.

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOY with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. WALKER with Mr. WILSON.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DUNNELL with Mr. HARDY.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. GROUT with Mr. TALBOTT.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. SCRANTON with Mr. BEACH.

Mr. CORNELL with Mr. LATHAM.

Mr. CURTIN with Mr. THOMAS.

Mr. HAMMOND, of New York, with Mr. PHISTER.

Mr. GEDDES with Mr. RITCHIE.

Mr. ORTH with Mr. COBB.

Mr. GUENTHER with Mr. DEUSTER.

Mr. McLANE with Mr. URNER.

Mr. MASON with Mr. MONEY.

Mr. FARWELL, of Illinois, with Mr. SCALES.

Mr. DWIGHT with Mr. STEPHENS.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. MCCOOK with Mr. RANDALL.

Mr. UPDEGRAFF, of Iowa, with Mr. RICHARDSON, of South Carolina.

Mr. WILLITS with Mr. HAMMOND of Georgia.

Mr. RANDALL. I notice, Mr. Speaker, I am announced as paired

with Mr. McCook, of New York. While I am up on my feet I will state that the RECORD of Tuesday does not show the announcement of my pair with that gentleman during Tuesday, which existed as it had been announced on Monday. There were one or two important votes on Tuesday, and I wish to make the announcement that I did not vote because I was paired. It was the understanding when either one of us returned we should vote, and that is the reason I have voted. But in order there may be no misunderstanding, and rather than have any construction made against the gentleman from New York, I will withdraw my vote and let the pair stand between him and myself.

On motion of Mr. VALENTINE, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of joint resolution (H. R. No. 271) authorizing the Secretary of War to loan twenty-five wall tents to the colony of Russian Hebrew refugees at Cimarron, Foote County, Kansas.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles:

Joint resolution (S. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary; and

Joint resolution (S. No. 77) allowing the widow of General Judson Kilpatrick, late minister to Chili, one year's pay.

Mr. WARNER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles:

A bill (H. R. No. 3599) granting a pension to David T. Stephenson;

A bill (H. R. No. 1873) for the relief of Patrick Sullivan; and

A bill (H. R. No. 864) granting a pension to Amanda J. McFadden.

ORDER OF BUSINESS.

The SPEAKER. The order of business is the consideration of bills offered by consent under the operation of the new rule.

Mr. ROBESON. I desire to make a parliamentary suggestion in that connection, or rather to ask unanimous consent of the House that in proceeding under the "Pound" rule, to avoid the obvious difficulty which must arise in being called upon to make objections before we know what the bills are which we are called to pass upon, and inasmuch as some of us, if we had an opportunity of hearing the report read or a brief statement of the measure, might be willing to give consent to the consideration of bills to which we would otherwise feel called upon to object—I ask that the objections to the consideration of any such proposition may be reserved until the report has been read for five minutes, or until five minutes have been occupied by a statement made in behalf of the bill, in which manner the House will be informed as to the nature of the measure and can act upon it understandingly; the five minutes so occupied to be taken out of the time allowed in advocacy of the bill.

Mr. RANDALL. I think that would be a very good arrangement, as the House would then act understandingly.

Mr. HOLMAN. I think that ought to be done.

The SPEAKER. The Chair will submit the proposition to the House. Is their objection to the suggestion made by the gentleman from New Jersey?

Mr. TURNER, of Kentucky. I object. If the gentleman will confine his request to having the reports read for five minutes I will withdraw my objection. We want something reliable, not a five-minute speech on every bill. We may get some idea of the bill from the committee's report more reliable than a five-minute speech from an advocate of a bill.

Mr. ROBESON. Well, it is better to have even that much of the report read than to act without any information, and I will modify the request to that extent, that five minutes be allowed in reading the report before objection is called for to the consideration of the measure.

The SPEAKER. Is there objection to allowing five minutes' time to be occupied in reading the report, if required, before objection to the consideration of the bill is insisted upon?

Mr. BURROWS, of Michigan. I hope objection will be withdrawn to the suggestion that a statement of five minutes may be allowed for information. It is obvious that cases will arise where no report accompanies the measure or where a report will be of such length that little information could be obtained from reading a portion of it for five minutes.

Mr. WILLIS. I understand my colleague withdraws his objection.

Mr. TURNER, of Kentucky. I withdraw the objection, as I stated to the gentleman from New Jersey.

The SPEAKER. The Chair will again state the proposition to the House, in order that there may be no mistake. The Chair understands the proposition of the gentleman from New Jersey is this: that the Pound rule shall be so modified that upon the request of a

member five minutes may be allowed in explanation of the bill or five minutes' time occupied in reading the report prior to the time when objections are called.

Mr. SPRINGER. The time so occupied to be taken out of the time allowed in support of the bill.

The SPEAKER. Certainly; to be taken out of the time allowed in favor of the measure. Is there objection to the request?

There was no objection, and it was ordered accordingly.

ADMINISTRATION OF OATHS BY POSTMASTERS IN CERTAIN CASES.

Mr. KELLEY, from the Committee on Ways and Means, by unanimous consent, reported a bill (H. R. No. 6842) to empower postmasters to administer oaths to importers of books; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SUPPORT OF COMMON SCHOOLS.

The SPEAKER. The hour under the operation of the Pound rule begins at twenty minutes after twelve o'clock. The regular order under the rule is the unfinished business coming over from yesterday, which is the bill (H. R. No. 6158) to aid in the support of common schools, reported from the Committee on Education and Labor by the gentleman from Ohio, [Mr. UPDEGRAFF.] This bill has been read, but objection had not been called for when the hour expired. It is now in order. Is there objection to the consideration of the bill?

Mr. UPDEGRAFF, of Ohio. I ask five minutes' time to make an explanation or statement in reference to this bill.

Mr. HOLMAN. Let the title of the bill be read.

Mr. HISCOCK. I object to the bill.

The SPEAKER. The right to object under the modification of the rule this morning is reserved until after the gentleman from Ohio makes a statement for five minutes.

Mr. McMILLIN. Was not the modification only applicable to the reading of the report?

The SPEAKER. Either the reading of the report or a statement occupying five minutes. The Chair of course could not give directions as to which shall be selected.

Mr. McMILLIN. I am sure it was understood by the House that the provision with reference to the explanation was objected to, and that the time allowed for explanation related only to reading of the report.

The SPEAKER. It was not so stated to the House. The gentleman from Ohio is recognized.

Mr. UPDEGRAFF, of Ohio. Mr. Speaker, this bill which I presented to the House on yesterday by the unanimous direction of the Committee on Education and Labor, and for which we now ask consideration, provides a fund to be divided among the States of this Union on the basis of illiteracy to aid in the education of the people. In the brief time allowed me by the "fearfully and wonderfully" constructed rules of this House it is impossible either to state fully the scope of the bill or its imperative necessity. I can only briefly give a few suggestive facts.

The last census has revealed a condition of illiteracy in a large part of this country which is both surprising and alarming. It shows that 6,239,958 persons in the United States, nearly one-eighth of our whole population over ten years of age, cannot read and write. It shows that 4,715,395 of these are in the former slave States. But it shows further that this illiteracy is not confined either to children or freedmen. It shows that in sixteen Southern or late slaveholding States nearly one-third of the voters, white and black taken together, are unable to read and write. In several of these States the illiterate voters are one-half of the voting population.

In the sixteen States referred to there are 1,354,974 voters who cannot read and write. Of these 410,550 are white voters. Kentucky has 54,956 illiterate white voters and 43,177 illiterate colored voters. Missouri has 40,655 white voters and 19,028 colored voters who cannot read and write. Tennessee has 46,948 and North Carolina 44,420 illiterate white voters.

The State of Mississippi has 111,541 voters who cannot read and write, and in 1880 the popular vote of that State was 117,078.

The State of Georgia has 145,087 illiterate voters, and in 1880 the popular vote of that State was 155,651.

The State of Louisiana has 102,932 illiterate voters, and in 1880 the popular vote was 97,201.

Georgia has 520,416 persons, or 33.75 percentage of her whole population ten years of age and over, who cannot read and write. North Carolina has 463,975 persons, or 33.15 percentage of her entire population ten years old and over, who are illiterate. Of these illiterates 192,019 are white persons ten years old and over, or 22.14 of her whole white population.

Kentucky has 348,392 persons, or 21.13 percentage of her whole population ten years old and over, who are illiterate. Of these illiterates 214,497 are whites ten years old and over, or 15.58 percentage of her white population.

Tennessee has 410,722 persons ten years old and over, or 26.63 of her whole population, who are illiterate. Of these illiterates 216,227 are whites ten years old and over, being 18.90 of her white population.

But let no self-complacent Northern man conclude illiteracy is confined to the South. Massachusetts has 92,980 persons ten years old and over, or 5.21 per cent. of her whole population, who are illiterate.

Of these, 90,658 are white, being 5.14 of her white population. Illinois has 132,426 white persons ten years old and over who are illiterate, or 4.37 of her white population.

Ohio has 115,491 white persons ten years old and over, or 3.70 of her white population, who are illiterate.

Pennsylvania has 209,981 white persons ten years old and over who are illiterate, or 5 per cent. of her whole white population.

Rhode Island has 8.72 per cent. of her white population, and 18.95 per cent. of her entire population, of illiterates.

Even Iowa, which marks a higher standard in education than any other great State in the Union, and indeed than any State except Kansas, Nebraska, and Oregon, has 44,337 white persons ten years old and over, who are illiterate, being 2.75 of her white population.

The tables from which I take these statements were furnished me by Henry R. White, of the Census Bureau, who, while claiming their general correctness, stated that they were subject to final revision. Of the appalling facts they reveal there is no possible dispute.

There should be as little controversy in applying at once the remedy. The bill now under discussion appropriates \$10,000,000 annually, for ten years, to be divided among all the States, North and South, in proportion to illiteracy, to aid in common-school education. In what possible way could this Government now invest a small portion of its vast revenue that would yield results so beneficial and so far-reaching as would be the educational advancement of millions of her people now deprived of these great advantages? Truly, as was wisely said by one of our country's greatest thinkers, "Education is the cheap defense of nations."

I know a false economy is the cheap policy of cowardly statesmanship. A wise and careful expenditure of our national revenues is the duty of the legislator. But the people of this country neither admire nor demand that short-sighted and small-souled parsimony which constantly sits itself up for special virtue, but which is neither patriotism nor wisdom, and which is inadequate even to conceive the just demands of a great and rapidly advancing people such as we are. No object of equal importance with those provided for by this bill has received the aid of the Government since I have been in this House.

Only yesterday nearly twenty millions were voted by this House for the rivers and harbors of the country. Some of the objects were justly entitled to such aid, and doubtless some were not; but when money is appropriated for intelligence, for the education of the people, it is the concurrent testimony of all history and of all statesmanship that it is a wise and worthy expenditure.

It has been the policy of our Government from its earliest history. In 1785 the Continental Congress adopted the report of Jefferson, chairman of the committee on the organization of the Western territory, and set apart section 16 in every township for the maintenance of public schools. This act was incorporated into the ordinance of 1787, of which Daniel Webster said:

No single law, ancient or modern, has produced effects more distinctly marked and lasting. It impressed the soil itself while it was yet a wilderness with an incapacity to sustain any other than freedom.

In his Farewell Address, Washington says:

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government is shaped by and gives force to public opinion, it is essential that public opinion shall be enlightened.

Jefferson, in his sixth annual message, said:

Patriotism would certainly prefer its [tax on imports] continuance and application to the great purposes of public education, roads, rivers, and canals.

Madison, in his inaugural, March 4, 1809, pledges himself "to favor the advancement of science and the diffusion of information as the best element of liberty."

In 1848, when Oregon was organized, the quantity of land reserved for common schools was doubled, and to each new Territory organized since that time, and to each State admitted since that time, except West Virginia, the sixteenth and the thirty-sixth sections of each township, or about one-eighteenth of the whole area, have been granted for common schools.

In 1836 more than \$28,000,000 surplus revenue was distributed to the States on the basis of representation in Congress, which was mostly used to create educational funds in the several States.

Such has been the wise and beneficent policy of the Government since its foundation, and yet we can hear every day small modern statesmen proclaim that the Constitution forbids such appropriations for such purposes.

The condition of the South at this time presents an exceptional demand for this aid. Impoverished by the war and its results, it is unable to educate the millions of freedmen whom this Government has made citizens and voters. This work must be aided by the national power or the present generation of freedmen, with millions of the white population, must remain in ignorance—a blind and dangerous power for evil in a free government.

More than any other means education would mold these dangerous millions into order-loving American citizens, heal the scars of war, and make impossible the disorders and perils which always belong to such conditions as now exist in large sections of our country. The most economical of all expenditure is that for education. A great statesman—a real statesman—well said, "To open the schools is to close the jails;" and one of our greatest and best leaders has

said on this floor, "Liberty can be safe only when suffrage is illuminated by education."

I beg of this Congress to give to this great national question the consideration its magnitude demands, and to which the far-reaching results entitle it. In so beneficent a work partisanship should be forgotten and the diverse interests of sections and races unknown.

John Milton, in his wonderful little work *Way to Establish a Free Commonwealth*, has compressed so much of forceful truth into one paragraph that I will read it, and with that conclude what I may now say on this subject, which I trust Congress will at no distant day fully consider:

To make the people fittest to choose, and the chosen fittest to govern, will be to mend our corrupt and faulty education; to teach the people faith not without virtue, temperance, society, modesty, economy, justice; not to admire mere wealth or honor; to hate turbulence and disorder, to place every one, his private welfare and happiness in the public peace, liberty, and safety.

Mr. WILLIS. Mr. Speaker, as a member of the committee reporting this bill I appeal to the House to give it prompt and cordial support. It has been considered by the Committee on Education and Labor in three or four successive Congresses; it has been discussed by the National Association of Teachers which meets annually in this city, and by similar organizations throughout the country; and everywhere and upon all occasions its objects have been commended and the manner of attaining those objects has been approved by the representative educators of the land.

What objection, then, Mr. Speaker, can be urged against the passage of this bill in its present shape? It appropriates \$10,000,000 to the education of our future citizens, and makes illiteracy the basis upon which that sum is to be distributed. Can objection be urged to such distribution upon any constitutional grounds? Certainly not. It is well known to every gentleman upon this floor that not only by the act of 1862 establishing the agricultural colleges, but long prior to that time, millions of acres and millions of money had been voted away by Congress for similar purposes. The policy of the Government in this direction even antedates the Constitution itself.

It is equally well known that this policy not only has the Constitution for a basis and numerous prior acts of Congress for precedents, but it has been recommended by one President after another from Washington down, and has been passed upon in many well-known decisions of our Supreme Court. There can be no question, therefore, as to the right of Congress to undertake the legislation which this bill proposes.

But admitting the right—the constitutional authority—to pass such a law, who can deny its necessity? From the census of 1870 the aggregate number of illiterate persons among our people was 4,528,084. From the same source it appears that out of a school population of 14,418,923 only 5,003,298 were in actual daily attendance at school. In other words, nearly two-thirds of our school population were, according to that census, without education. It also appears that of the adult population of the late slave-holding States there were in 1870 45 per cent. illiterate. The census of 1880 presents even more appalling statistics. The able report of our subcommittee presents those statistics. They are an argument in themselves infinitely more eloquent and forcible than any words. I call attention to these figures. Think of it, Representatives, one-eighth of our entire population illiterate!

The last census shows that there are 6,239,958 people of this country above the age of ten years who cannot write—12.44 per cent., or about one-eighth of our entire population. The census further shows that 4,715,395, or 75.56 per cent. of them, are in the recent slave States, which contain but 36.8 per cent. of the population of the country. In six of those States one-third or more of the population above the age of ten years are illiterate, while in the Territory of New Mexico nearly one-half cannot write. Of the white population of the country only 6.96 per cent. cannot write, while 47.7 per cent. of the colored population are in that condition. More than one-fourth of the entire population of those States is illiterate.

The committee call attention to the illiteracy of the voters in the late slave-holding States. The following table has been furnished the committee by the Superintendent of the Census. It shows the total number of persons of twenty-one years of age and upward, and also the number of that age and upward who are illiterate:

| States. | Total males of 21 years of age and upward. | Number of males 21 years and upward who cannot write. | | |
|----------------|--|---|----------|-----------|
| | | White. | Colored. | Total. |
| Alabama | 259,884 | 24,450 | 96,408 | 120,858 |
| Arkansas | 182,977 | 21,349 | 34,300 | 55,649 |
| Delaware | 38,298 | 2,955 | 3,787 | 6,742 |
| Florida | 61,699 | 4,706 | 19,110 | 23,816 |
| Georgia | 321,438 | 28,571 | 116,516 | 145,087 |
| Kentucky | 376,221 | 54,956 | 43,177 | 98,133 |
| Louisiana | 216,787 | 16,377 | 86,555 | 102,932 |
| Maryland | 232,166 | 15,152 | 30,873 | 46,025 |
| Mississippi | 238,532 | 12,473 | 99,068 | 111,541 |
| Missouri | 541,207 | 40,655 | 19,028 | 59,683 |
| North Carolina | 294,740 | 44,420 | 80,282 | 124,702 |
| South Carolina | 205,789 | 13,924 | 93,010 | 106,934 |
| Tennessee | 330,305 | 46,948 | 58,601 | 105,549 |
| Texas | 380,476 | 33,085 | 59,669 | 92,754 |
| Virginia | 334,505 | 31,474 | 100,210 | 131,684 |
| West Virginia | 139,161 | 19,055 | 3,830 | 22,885 |
| Total | 4,154,125 | 410,550 | 944,424 | 1,354,974 |

Of these the greatest portion are of course those who were recently slaves. By consecutive amendments to the Constitution they were made freedmen, then citizens, and finally clothed with all the duties and responsibilities of citizenship. Thus by a single stroke of the pen 4,000,000 persons, one-tenth of the whole population at that time, without education or previous preparation, were incorporated into our body-politic. When to this large number of illiterate adults and minors who do not attend school we add the hundreds of thousands of immigrants who are pouring into our country, so many of whom have imperfect or erroneous views of our Government, the great, the indispensable necessity for the passage of this bill most strongly appears.

It is an admitted truth that virtue and intelligence are essential to our free institutions. If ignorance is at the helm, or immorality prevails, our ship of state must go down. These are familiar truths when stated. We all assent to them, and yet what have we done or what do we propose to do? The balance of power in our politics is now and has been for years on the side of ignorance and incompetency. The evil is one of immense magnitude, it is one which demands action, and that action should be vigorous and immediate. The bill which we present to-day proposes at once to divide this sum of ten millions among the different States. Need I say that the necessity for action is urgent as well as immediate.

If we wish to use this money it should be done at once. The peril to our institutions from this great mass of voters who are unable to read the very charter of their liberties is a present peril and should be removed at once. The public debt which has been under discussion upon this floor so often during the last few years is a great evil, a great burden and menace to our welfare, and should, if possible, be paid and removed at once and forever. I am opposed to any funding, to any perpetuation of that debt.

Public ignorance is a more overshadowing evil, a more threatening danger to our free institutions than the public debt, and I am equally opposed to its refunding or perpetuation; I want to see the debt paid and gotten rid of, and I want this mass of ignorance removed by the speediest possible means. For one I do not want the solution of this great problem postponed for ten or fifteen years. When that time shall have arrived the tides of passion and prejudice may have swept away our institutions. If we educate the present generation they will become themselves in turn the educators of future generations.

Will it be said that this bill will place education under the exclusive control of the Government and will build up another department, thus centralizing power? Sir, I appreciate the force of this argument. I know and we all know how these great departments of our Government have been established, how they have grown from small beginnings until they have aggrandized authority never originally given them. I am as much opposed as any gentleman on this floor to such a result. I do not want the Federal Government to take from the States their control in educational matters; I would deprecate such a result.

Only a few years ago a bill was introduced into this House which gave the Federal Government entire supervision and management of the public schools of the country, authorizing it to appoint under certain prescribed rules teachers for every school district in the country. That bill had its active supporters upon this floor. I would oppose such a bill. I am not in favor of surrendering the schools of the country to Federal control. I would not consent to have a board located here to dictate what text-books shall be used in our State schools. Gentlemen will find that no such results can follow if this bill becomes a law. It avoids all such contingencies. It hands over this money immediately to the State governments, who thereupon assume the responsibility of its disbursement.

Nor can any gentleman with the facts before him have a doubt as to the manner in which that responsibility will be met by the States. The greater portion of this fund is, as we know, for the benefit of the colored people of the South. I had expected when this bill came up for discussion to present some statistics upon the subject of the education of the freedmen of the South. I hope on some future occasion to have an opportunity of doing so. Every one who has not examined the subject will be astonished to find what efforts have been made in this direction.

Although the Southern States by the emancipation of their slaves lost over \$2,000,000,000, in addition to an equal amount resulting from the ravages and expenses of war, yet they have applied themselves to the problem of educating their freedmen to an extent and with a zeal which reflects no less honor upon their judgments than upon their hearts. In my own State, Kentucky, every dollar of tax collected from colored men is set apart for their education. In my own city, Louisville, in addition to the State tax, we have levied a special tax for the benefit of our colored citizens, and as a result you will find their school edifices vieing in size, beauty of architecture, and other appointments with those erected for the white children. Not only that, but the salaries of white and colored teachers have been equalized, so that there is now absolutely no distinction as to advantages and opportunities. What is true of Kentucky is, I am glad to say, equally true of nearly every former slave-holding State. If you send this money to those States you will find them ready to consecrate every dollar of it to the education of the colored men, and you

will soon witness the good results in their increased usefulness, patriotism, and happiness.

Under these circumstances it would be not a mistake but a legislative crime for our Government to give 4,000,000 people the right to vote and not supplement that with an education that will qualify them for the discharge of the duties of citizenship thus imposed upon them. This bill looks in that direction. It proposes to give for the education of American citizens one-half of the amount you have just now voted for your rivers and harbors.

We are not asking even a vote on the bill, but that a day be set apart for its consideration. For three successive Congresses, in one form or another, it has been reported to this House. We are now asking simply a hearing. You have adopted rules that tie our legislative hands. We now ask you to lay aside those rules and give us a day for this bill.

It has been carefully examined by the sub-committee of which the honorable gentleman from Illinois [Mr. SHERWIN] is chairman. It is believed to be the best bill of the kind that has ever been offered to the American Congress. I appeal, therefore, to gentlemen on all sides, in view of the great importance of this question, in view of the fact that this committee in five years, as I know as one of its members, has never obtained a day for the consideration of any bill pending before it; in view of these facts, I appeal to this House to grant us this request and consider this bill. If it be wrong in any of its provisions, the House has entire control of it. It can be modified; it can be entirely changed if the House sees fit. All we ask is a hearing from the American Congress, and I believe that hearing will be given to us.

The SPEAKER. The time allowed for explanation has expired.

Mr. REED. I wish to ask the gentleman from Kentucky whether he was silent when it was proposed to change the rule so that his committee might have a hearing.

Mr. WILLIS. The gentleman from Kentucky is not discussing the rules now.

Mr. REED. He did discuss them and said the House had tied itself up by its rules.

The SPEAKER. The time allowed for explanation has expired.

Mr. BURROWS, of Michigan. I wish to understand what is the proposition before the House. I understood the gentleman from Ohio [Mr. UPDEGRAFF] to ask for the immediate consideration of the bill. The gentleman from Kentucky [Mr. WILLIS] wanted a time fixed for its consideration.

Mr. WILLIS. I find I was mistaken as to that, and that the request of the gentleman from Ohio is to have the bill put upon its passage.

The SPEAKER. Is there objection to the present consideration of the bill?

Eleven members rose and objected.

The SPEAKER. Eleven gentlemen objecting, the bill is not before the House.

Mr. UPDEGRAFF of Ohio, Mr. BISBEE, Mr. CALKINS, and Mr. MANNING asked and, by unanimous consent, obtained leave to have printed in the RECORD remarks on the bill. [See Appendix.]

Mr. LYNCH rose.

The SPEAKER. For what purpose does the gentleman from Mississippi rise?

Mr. LYNCH. I understood the gentleman from Ohio desired to fix a day for the consideration of the bill.

The SPEAKER. That was not the proposition.

Mr. UPDEGRAFF, of Ohio. I now ask unanimous consent to fix a day for the consideration of the bill.

Mr. RANDALL. You cannot get that.

The SPEAKER. Objection is made, and the bill is not before the House.

COPYRIGHT.

The Committee on the Militia was called, but presented no measure for consideration.

The Committee on Patents was called.

Mr. RITCHIE. I am instructed by the Committee on Patents to ask that the bill (S. No. 1582) to amend the statutes in relation to copyright be taken from the Speaker's table and put upon its passage.

Mr. COX, of New York. I am sure there will be no objection to that bill.

The bill was read, as follows:

Be it enacted, &c., That manufacturers of designs for molded decorative articles, tiles, plaques, or articles of pottery or metal subject to copyright may put the copyright-mark prescribed by section 4962 of the Revised Statutes, and acts additional thereto, upon the back or bottom of such articles, or in such other place upon them as it has heretofore been usual for manufacturers of such articles to employ for the placing of manufacturer's, merchant's, and trade marks thereon.

Mr. BURROWS, of Michigan. I desire to ask the gentleman from Ohio if this matter has been acted upon by a committee of the House?

Mr. RITCHIE. It has been acted on by the committee and is unanimously reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RITCHIE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. YOUNG. I call up for consideration—

The SPEAKER. Under the rule a committee can be recognized under this call but once until it is called again.

ENROLLED JOINT RESOLUTION.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 271) authorizing the Secretary of War to loan twenty-five wall tents to the colony of Russian Hebrew refugees at Cimarron, Foote County, Kansas.

JOSEPH HERTFORD.

The Committees on Invalid Pensions and on Pensions were called, but presented no measures for consideration.

The Committee on Claims was called.

Mr. SMITH, of Illinois. I am instructed by the Committee on Claims to call up for present consideration the bill (H. R. No. 5215) for the relief of Joseph Hertford. The bill was reported by the Committee on Claims, and is now on the Private Calendar.

The SPEAKER. Is there not a Senate bill of the same nature?

Mr. SMITH, of Illinois. There is.

The SPEAKER. The gentleman can call up the Senate bill.

Mr. SMITH, of Illinois. I will do so.

The SPEAKER. Is it the same as the House bill?

Mr. SMITH, of Illinois. It is. I call up the Senate bill (S. No. 790) for the relief of Joseph Hertford.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to Joseph Hertford, of Cairo, Greene County, New York, the sum of \$413.93, in full for all claims by him for compensation for services as clerk at the Sac and Fox Indian agency from April 24, 1879, till July 9, 1879, inclusive, and from October 1, 1879, till December 31, 1879, inclusive.

Mr. HOLMAN. I suppose there is a report accompanying the House bill.

Mr. McMILLIN. Let us have the report read.

The SPEAKER. The report will be read.

Mr. SMITH, of Illinois. It is quite a long report.

The SPEAKER. Gentlemen are entitled to have it read if it does not take more than five minutes for the reading.

Mr. SMITH, of Illinois. I will state that the bill has been unanimously reported by both the committee of the House and the committee of the Senate.

The SPEAKER. The report will be read.

The report, which was read in part, is as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 5215) for the relief of Joseph Hertford, respectfully report that they have considered the same, and desire to recommend that the bill do pass, and to make part of this report the very exhaustive report made by Senator HOAR on this case to the Forty-seventh Congress, Senate Report No. 33, which is as follows:

"The Committee on Claims, to whom was referred the petition of Joseph Hertford, praying compensation for services as clerk to the Indian office at the Sac and Fox agency in Indian Territory in the year 1879, have considered the same, and respectfully report:

"That Joseph Hertford, the claimant, was employed as a clerk at the Sac and Fox Indian agency from April 24, 1879, till December 31, 1879, (both days inclusive,) at an annual salary of \$1,100; that for the periods between April 24 and July 9, and between October 1 and December 31, he has received no pay; and that there is due him for service during said period the sum of \$413. The petitioner first applied for relief to the Forty-sixth Congress, and his petition was referred to the Committee on Claims. The chairman of that committee referred to the Secretary of the Interior for information in regard to the matter; and the facts in the case, together with the reasons which made it necessary to apply to Congress for relief, are fully set forth in the reply from that Department to the inquiries of Senator COCKRELL. The report is accordingly appended hereto:

*To the honorable United States Senate
and House of Representatives in Congress assembled:*

The petition of the undersigned respectfully represents to your honorable body that he was appointed clerk at the Sac and Fox agency, Indian Territory, on the 24th of October, 1878, at \$1,100 per annum.

That while so acting as clerk he was granted leave of absence by the honorable Secretary of the Interior for ninety days, which leave commenced on the 14th day of January, 1879. On his return from England to New York he reported his arrival in that city, on the 28th day of March, 1879, to the office of Indian Affairs, and requested to be informed when his services would be required at the Sac and Fox agency, and received a reply that his services would be needed on the 14th of April, 1879. He proceeded as notified, arriving at the Sac and Fox agency on the 24th day of April, and reported to the agent, Levi Woodard, as instructed. Said Agent Levi Woodard refused to recognize the orders of the Commissioner of Indian Affairs or receive your petitioner as clerk, alleging as a reason for such refusal that his (Woodard's) son suited him, and although only temporarily employed during the absence of your petitioner.

These facts being reported to the office of Indian Affairs, your petitioner was instructed by telegraph to remain at the agency until an inspector was sent to investigate the agent.

On the 8th day of June, 1879, Inspector McNeil visited the agency and commenced an investigation and found Agent Woodard a defaulter, whereupon the inspector suspended said agent and placed your petitioner in charge of the agency.

Agent Woodard then refused to place your petitioner's name on the pay-roll of employes, namely, from the 24th of April to the 9th day of June, 1879, inclusive.

Therefore your petitioner respectfully prays that your honorable body will take into consideration the following, namely, that your petitioner remained in the service of the Indian Department at Sac and Fox agency from the 24th of April,

1879, to the 31st day of December, 1879, and that he claims salary for that period of time, (at \$1,100 per annum,) as per statement herewith, namely:

| | |
|---|----------|
| Salary, at \$1,100 per annum, from April 24 to December 31, both inclusive: | |
| April, 7 days..... | \$21 15 |
| May..... | 93 60 |
| June..... | 90 70 |
| July, August, and September..... | 275 00 |
| October, November, and December..... | 275 00 |
| | 755 45 |
| Credit, cash received..... | \$321 57 |
| Disallowed..... | 19 50 |
| | 341 07 |
| | 414 38 |

It may be proper in this connection to state that your petitioner was sent by the honorable Commissioner of Indian Affairs to the Sac and Fox and other agencies as an expert to examine into the accounts, with the sanction and approval of the honorable Secretary of the Interior, and while acting in that capacity incurred the enmity of the two agents, Levi Woodard and John S. Shorb, the present agent, from whom your petitioner received the most brutal and inhuman treatment while suffering from malarial fever and pleurisy. This can be verified by General John McNeil, United States Indian inspector, he being present at the time. And in consequence of the refusal of the above-named agents to place my name on the pay-roll of employes and certify to the same, I am compelled to seek relief and redress from your honorable body.

And your petitioner will ever pray.

JOSEPH HERTFORD.

DEPARTMENT OF THE INTERIOR.

Washington, February 17, 1881.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st ultimo, inclosing the petition of Joseph Hertford for compensation as clerk, &c., with accompanying papers, asking for a full history of the case, all the facts known to this Department, and all action had on the claim, and whether application for his pay has been made and what action has been taken; whether his application has been reported as a deficiency or otherwise; also whether his claim is just and proper, and, if so, why it has not been or cannot be paid by this Department without special Congressional action.

In reply, your attention is respectfully invited to the inclosed report from the office of Indian Affairs, in which all the facts and circumstances in the case are on file and are of record, of the 11th instant.

The views of the Indian Office have the concurrence of the Department.

I am, sir, very respectfully,

C. SCHURZ, Secretary.

Hon. F. M. COCKRELL,

Chairman Committee on Claims, United States Senate.

Three inclosures.

Petition and statement of Mr. Hertford returned.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS.

Washington, February 11, 1881.

SIR: I have the honor to acknowledge the receipt, by Department reference of the 24th ultimo, for report, of a communication from Hon. F. M. COCKRELL, transmitting petition of Joseph Hertford for compensation as clerk at the Sac and Fox agency, Indian Territory, during the year 1879.

In reply, I have to say that the correspondence in this case (copies of which accompany the petition of Mr. Hertford) very fully sets forth the facts in relation thereto. Briefly, these facts are as follows:

In October, 1878, Mr. Hertford was appointed clerk at the Sac and Fox agency at a salary of \$1,100 per annum. In January, 1879, he was granted leave of absence for ninety days, the latter part of said leave being without pay. On the 28th of March he reported his arrival in New York, and requested to be informed when his services would be required at Sac and Fox agency. He was informed that said services would be required about the 14th of April, 1879. He proceeded to the agency, but did not arrive there until the 24th of April.

The agent, Levi Woodard, refused to place him on duty, and Mr. Hertford was directed to remain at the agency until an inspector was sent out there. On the 1st of June, 1879, Inspector McNeil suspended Mr. Woodard from duty as agent, and placed said Hertford in charge from June 9. Mr. Hertford remained in charge of the agency until August 10, 1879, when he was relieved by the present agent John S. Shorb. For this period, from June 9 to August 10, 1879, both days inclusive, he has received his pay at the rate of \$1,100 per annum. The records of this office show that Mr. Hertford again became clerk, by direction of this office, on the 11th of August, 1879, and remained such until the 31st of December, 1879, although the agent refused to place him on his rolls beyond October 1, 1879, from which date until December 31, 1879, he has received no pay.

For the periods for which no payment has been made, namely, from April 24 to June 8, both days inclusive, and from October 1 to December 31, 1879, both days inclusive, the two agents, Woodard and Shorb, refuse to certify to the employment of Mr. Hertford, and in fact claim that he rendered no service. If allowed payment for these periods there would be due him the sum of \$413.

Under the act of March, 3, 1875, it is provided that "Indian agents shall be required to state under oath, upon rendering their quarterly accounts, that the employes claimed for were actually and bona fide employed at such agency, and at the compensation as claimed, and that such service was necessary, and that such agent is not to receive and has not received, directly or indirectly, any part of the compensation claimed for any other employe."

In the absence of this affidavit, and in view of the refusal of both Agent Woodard and Agent Shorb to furnish the same covering the periods above mentioned, there does not appear to be any power vested in this office whereby payment can be made, and the only remedy left to Mr. Hertford would seem to be that chosen by him, namely, by a bill of relief.

As, however, Mr. Hertford was at the agency during the periods for which he claims payment, under an appointment from this office, prepared and requesting permission to enter upon the duty as clerk, I am of the opinion that his claim is just and proper, and I have the honor to recommend that the above statement of facts be transmitted to the Committee on Claims of the United States Senate, with the recommendation that the relief prayed for by said Hertford be granted. The letter of Hon. F. M. Cockrell, with its inclosures, is herewith returned.

Very respectfully,

E. M. MARBLE, Acting Commissioner.

To the honorable SECRETARY OF THE INTERIOR.

"The committee therefore report the accompanying bill, and recommend that it be passed."

The SPEAKER. Is there objection to the present consideration of the bill which has been read? [After a pause.] The Chair hears none.

The bill was then ordered to a third reading, read the third time, and passed.

Mr. SMITH, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SMITH, of Illinois. I move that the House bill be laid on the table.

The SPEAKER. It will lie there.

GARFIELD MEMORIAL CARDS.

The list of committees was called until the Committee on Printing was reached.

Mr. MCCLURE. I am directed by the Committee on Printing to call up for consideration at this time the Senate joint resolution No. 83 relating to the memorial cards to accompany the memorial address on the life and character of the late James A. Garfield.

The joint resolution, which was read, appropriates \$1,600 to enable the Secretary of the Treasury to furnish the memorial cards to accompany the memorial address on the life and character of James A. Garfield, ordered to be printed by joint resolution approved June 7, 1882.

The SPEAKER. Is there objection to considering at this time the joint resolution which has been read?

Mr. SKINNER. I ask that the report be read.

The SPEAKER. It is a Senate joint resolution.

There was no objection, and the joint resolution was ordered to a third reading, read the third time, and passed.

Mr. MCCLURE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The list of committees was then called through, and the Committee on Elections, at the beginning of the list, was again called.

Mr. ATHERTON. I have here a joint resolution in regard to printing the digest of the contested-election cases of the Forty-fifth and Forty-sixth Congresses, which I have been directed by the Committee on Elections to report to the House for consideration.

The SPEAKER. Is the gentleman instructed by his committee to call it up in this hour?

Mr. ATHERTON. I believe it is the unanimous report of the committee.

The SPEAKER. The Chair is not certain from the statement of the gentleman that it comes within the rule under which the House is now acting.

Mr. ATHERTON. In order that there may be no misunderstanding about it, I will state that I was directed by the Committee on Elections to call it up whenever I could get the opportunity to do so.

The SPEAKER. It has never been reported to the House, and the rule under which the House is now acting requires that House bills and joint resolutions to be called up in this hour shall have been previously reported. The Chair does not think that this joint resolution comes within the rule.

Mr. ATHERTON. Then I withdraw it.

ALBERT ELSBERG.

Mr. ERRETT. I am authorized by the Committee on Ways and Means to call up for consideration at this time from the Speaker's table Senate bill No. 1435, for the relief of Albert Elsberg, administrator of Gustave Elsberg, deceased.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to examine into the claim of Albert Elsberg, administrator of Gustave Elsberg, deceased, late of Santa Fé, New Mexico, to be paid the value, with the accrued interest on June 21, 1873, the date when they were called for redemption and when interest was stopped, of the following-described coupon bonds, which were subscribed and paid for by said Gustave Elsberg and were stolen from him on the 14th day of June, 1865, and are believed to have been destroyed, namely: United States 5-20 6 per cent. bonds numbered 22515, 22516, 22517, 22518, 22519, 22520, 22521, and 22522, issued under the act approved February 25, 1862, second series, and of the value of \$500 each; and if the Secretary of the Treasury, after such examination, is satisfied that the said bonds were lost as aforesaid, and is also satisfied that they have not since been presented to and paid by the Government, he shall cause the value of the same, as aforesaid, to be paid to the said Albert Elsberg, administrator of Gustave Elsberg, deceased, late of Santa Fé, New Mexico: *Provided,* That the said administrator of the said Gustave Elsberg shall execute and file with the Secretary of the Treasury a bond of indemnity, with at least two good and sufficient sureties, citizens of the United States, in a penalty double the amount provided to be paid hereunder, the sufficiency of which shall be properly certified by a court or courts of competent jurisdiction, guaranteeing the United States against any future demand or liability on account of the said bonds and coupons or either of them: *And provided further,* That the said administrator of the estate of the said Gustave Elsberg shall also file with the Secretary of the Treasury a satisfactory affidavit that the said bonds and coupons, or any part thereof, have not, by the said Gustave Elsberg in his life-time, nor by his said administrator since, been sold, transferred, assigned, or otherwise in any way disposed of.

Mr. HOLMAN. Before the question of objection is disposed of, I trust the report will be read.

The SPEAKER. The gentleman is entitled, under the modification of the rule, to have the report read if there be one.

Mr. ERRETT. There is a report accompanying the House bill upon the same subject.

Mr. HUTCHINS. I would inquire of the gentleman why this party cannot obtain relief under the general statute?

Mr. ERRETT. The general statute only covers cases where the parties can make absolute proof of loss.

Mr. HUTCHINS. Why should not that be required in this case?

Mr. ERRETT. Because the bonds have been stolen and are supposed to have been lost. This bill gives the Secretary of the Treasury power to pay only upon being satisfied that the bonds were lost.

The SPEAKER. The report will be read.

The report was read, as follows:

This bill is a duplicate of one presented in the Forty-sixth Congress, (H. R. No. 3711,) which was reported upon favorably by the Committee on Ways and Means, but was not acted upon by the House. That report was as follows, and is hereby admitted as a succinct statement of the facts in the case:

"On the 13th day of June, 1863, Gustave Elsberg, of Santa Fé, in the Territory of New Mexico, subscribed for and purchased, through Clark Brothers & Co., bankers in Saint Louis, Missouri, \$4,000 of United States 5-20 6 per cent. bonds, second series, issued under the act of February 25, 1862, and paid in full for the same. The bonds were severally of the denomination and value of \$500, numbered 22515 to 22522 inclusive, with interest coupons attached. They were left for safe-keeping with the bankers from whom they were purchased until the 11th day of June, 1865, when Elsberg took them and left Saint Louis for Santa Fé. He arrived at Leavenworth, Kansas, on the 14th, and took a room at the Planters' Hotel. The bonds, with other papers, were in a small valise. He left his room for a few moments, and on returning to it found it had been entered in his absence and his valise and contents stolen. He gave immediate notice of his loss at the office of the hotel, and telegraphed Clark Brothers & Co., requesting them to give public notice, which they did at once through circulars, describing the bonds. Notices were also given in all the Leavenworth papers and conspicuously posted about the city, and a reward of \$500 offered for the recovery of the bonds. Other rooms in the hotel were also entered and robbed on the same day.

"Just before dark on the evening of that day the boatman who had charge of the ferry over the Missouri River at Leavenworth rowed a suspicious-looking man across the river, who had in his possession a valise answering the description of Elsberg's, and when the boat was in the middle of the river, which was then high and the current very rapid, threw the valise overboard, and it was never, to the knowledge of Elsberg, afterward seen.

"No coupons had been detached from the bonds at the time of their loss, and Elsberg was the *bona fide* owner of both bonds and coupons, and has never since disposed of his interest in them, nor made any assignment, negotiation, or contract with respect to them. The class of bonds to which they belonged was called for redemption on the 21st day of June, 1873, and neither the bonds nor any of the coupons have ever been presented at the Treasury for payment.

"The committee are of opinion that relief should be granted on the execution of satisfactory indemnity to the Government, and recommend the passage of the bill."

Your committee report herewith a substitute for the bill, giving the Secretary of the Treasury power to hear and adjudicate this claim, instead of directing him to pay it; and authorizing him to pay it if satisfied it is correct, under certain restrictions, to prevent the occurrence of any attempt at fraud; and, thus guarded, they recommend the passage of the substitute.

The SPEAKER. Is there objection to the consideration of this bill at this time? [After a pause.] The Chair hears none.

The bill was then ordered to a third reading, read the third time, and passed.

Mr. ERRETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES AND PRACTICE IN EXTRADITION CASES.

Mr. REED. I have been directed by the Committee on the Judiciary to ask that Senate bill No. 979, to regulate the fees and practice in extradition cases, may be taken from the Speaker's table and passed at this time.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That all hearings in cases of extradition under treaty stipulation or convention shall be held on land, publicly, and in a room or office easily accessible to the public.

SEC. 2. That the following shall be the fees paid to commissioners in cases of extradition under treaty stipulation or convention between the Government of the United States and any foreign government, and no other fees or compensation shall be allowed to or received by them:

For administering an oath, ten cents.
For taking an acknowledgment, twenty-five cents.
For taking and certifying depositions to file, twenty cents for each folio.
For each copy of the same furnished to a party on request, ten cents for each folio.

For issuing any warrant or writ, and for any other service, the same compensation as is allowed clerks for like services.

For issuing any warrant under the tenth article of the treaty of August 9, 1842, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any crime or offense as set forth in said article, \$2.

For issuing any warrant under the provision of the convention for the surrender of criminals between the United States and the King of the French, concluded at Washington November 9, 1843, \$2.

For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of any treaty or convention, \$5 a day for the time necessarily employed.

SEC. 3. That on the hearing of any case under a claim of extradition by any foreign government, upon affidavit being filed by the person charged setting forth that there are witnesses whose evidence is material to his defense, that he cannot safely go to trial without them, what he expects to prove by each of them, and that he is not possessed of sufficient means and is actually unable to pay the fees of such witnesses, the judge or commissioner before whom such claim for extradition is heard may order that such witnesses be subpoenaed; and in such cases the costs incurred by the process, and the fees of witnesses, shall be paid in the same manner that similar fees are paid in the case of witnesses subpoenaed in behalf of the United States.

SEC. 4. That all witness fees and costs of every nature in cases of extradition, including the fees of the commissioner, shall be certified by the judge or commissioner before whom the hearing shall take place to the Secretary of State of the United States, who is hereby authorized to allow the payment thereof out of the

appropriation to defray the expenses of the judiciary; and the Secretary of State shall cause the amount of said fees and costs so allowed to be reimbursed to the Government of the United States by the foreign government by whom the proceedings for extradition may have been instituted.

Mr. HOLMAN. I presume some report has been prepared by the committee.

Mr. REED. This bill, I will say to the gentleman from Indiana, [Mr. HOLMAN,] does not contain any important matter; it is merely a regulation of fees and practice in extradition cases. The amendment which I desire to offer contains the matter for which it is really desirable to pass this bill. I think it is nothing more than fair, under the operation of the new rule, that the amendment should be read in order that gentlemen may understand precisely what they are asked to do.

I will say in explanation that this is a matter which the State Department regards of great importance. If this bill be not passed, then under the present state of the law it will be impossible to extradite criminals who are charged with very atrocious offenses.

The SPEAKER. If there be no objection, the amendment proposed to be offered will be read.

The Clerk read as follows:

Amend by adding:

"That in all cases where any depositions, warrants, or other papers or copies thereof shall be offered in evidence upon the hearing of any extradition case under title 60 of the Revised Statutes of the United States, such depositions, warrants, and other papers, or the copies thereof shall be received and admitted as evidence on such hearing for all the purposes of such hearing, if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped; and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any deposition, warrant, or other paper or copies thereof, so offered are authenticated in the manner required by this act.

"SEC. 6. The act approved June 19, 1876, entitled 'An act to amend section 5271 of the Revised Statutes of the United States,' and so much of said section 5271 of the Revised Statutes of the United States as is inconsistent with the provision of this act, are hereby repealed."

Mr. REED. The evil which this bill is designed to remedy—

The SPEAKER. The question of objection has not been submitted. Is there objection to the consideration of the bill? The Chair hears none. The gentleman from Maine moves to amend the bill as indicated by the reading of the Clerk.

The amendment was agreed to.

The SPEAKER. The question is on ordering the bill as amended to be read a third time.

Mr. HUTCHINS. I wish to ask the chairman of the Committee on the Judiciary in relation to the fees provided for by this bill.

Mr. REED. I am informed that there are no very great changes in the fees. If the gentleman will look at the bill he will perceive that the fees as fixed by it are not unreasonable.

Mr. HUTCHINS. I do not know as to that. It appears to me that the charge per folio is a large one, and might be excessive upon a large record. I do not know what the present fees are; but I know there is a constant tendency on the part of officers in New York to have their fees increased. I know that the office of the clerk of the district court is the best office in the United States, paying probably \$40,000 to \$75,000 a year. I do not know to whom these fees are to go; but unless the chairman of the Judiciary Committee can give us some good reason, I do not think we ought to change the fee bill.

Mr. REED. I think that twenty cents per folio is the fee now, although I will not undertake to assert the fact confidently. My attention has been more particularly directed to the amendment. I looked over the bill in general; and the fees seemed to be, according to my recollection, the usual fees in such matters. I think twenty cents per folio is the ordinary charge.

Mr. HUTCHINS. To whom do these fees go?

Mr. REED. To the magistrate who performs the work—to the commissioner.

The bill as amended was ordered to a third reading; was accordingly read the third time, and passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSAY OFFICE AT DEADWOOD, DAKOTA.

Mr. FISHER. On behalf of my colleague on the Committee on Coinage, Weights, and Measures, the gentleman from California, [Mr. ROSECRANS,] and by instruction of the committee, I ask that Senate bill 1604, to establish an assay office at Deadwood, in the Territory of Dakota, be taken from the Speaker's table and passed. A House bill of similar purport has already been reported from that committee.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required to establish an assay office at Deadwood, in the Territory of Dakota; the said assay office to be conducted under the provisions of title 37 of the Revised Statutes of the United States of 1878.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be constructed a suitable building at Deadwood, in the Territory of Dakota, for the purposes of said assay office, and provide the same with the necessary fixtures and apparatus, at a cost not exceeding \$50,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. FISHER. I ask that the report submitted upon the House bill on this subject be read.

The Clerk read as follows:

The Committee on Coinage, Weights, and Measures, to whom was referred the bill (H. R. No. 1887) to establish an assay office in the city of Deadwood, in the Territory of Dakota, respectfully report the same back to the House with the recommendation that the same do pass.

It was shown that the city of Deadwood, in the Black Hills, Dakota, is the principal city of that region and in the midst of the gold mines. Although these mines have been discovered but for a short time and are now in the infancy of their development, the product of gold for the year ending June 30, 1881, was \$4,500,000, and the amount will be much larger for the year ending June 30, 1882. The total product of these mines deposited in the mints and assay offices of the United States is shown to have been \$10,644,000 in gold up to June 30, 1881.

There are a great number of undeveloped mines of gold and silver and very rich placer diggings, and it is the opinion of your committee that the product of the precious metals will be greatly stimulated by the establishment of an assay office at this point.

The question being taken on the consideration of the bill, six members objected.

The SPEAKER. Objection being made by six members, the bill is not before the House.

MERIDIAN TIME OF NAVAL OBSERVATORY.

Mr. WHITE. I am directed by the Committee on Commerce to ask that the bill which I send to the desk be put on its passage. I have here a report accompanying the bill.

The SPEAKER. Has this bill already been reported?

Mr. WHITE. Yes, sir; some time ago. The report of the committee is unanimous.

The bill was read, as follows:

A bill (H. R. No. 5009) to provide for transmitting the meridian time of the Naval Observatory at Washington to ports of entry and other cities, and for placing time-balls on custom-houses, for the protection of commerce, and for other purposes.

Be it enacted, etc., That the sum of \$25,000 be, and is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to provide for the expense of transmitting daily by telegraph the meridian time of the Naval Observatory at Washington, District of Columbia, to all the principal maritime ports of the United States having a custom-house, to United States navy-yards, and to State capitals, and cities having a population of not less than 15,000 inhabitants, when requested by the authorities thereof. The Secretary of the Treasury shall erect a suitable clock and time-ball on the custom-house at each of said maritime ports, and detail a person in each to attend to them, at an additional compensation of \$5 per month at each custom-house for the extra work thus imposed. The Secretary of the Treasury is hereby authorized to pay for the same out of any money in the Treasury not otherwise appropriated: *Provided,* That no city other than a port of entry with a custom-house shall be furnished with a clock and time-ball, or keeper for the same, by the Secretary of the Treasury. The said appropriation of \$25,000 to be expended under the direction of the Secretary of the Navy.

Mr. WHITE. The Committee on Commerce, after fully considering this subject and consulting the late Rear-Admiral Rodgers, who was at that time Superintendent of the Naval Observatory, decided by a unanimous vote to recommend the passage of this bill. I shall not ask to consume the time of the House by the reading of the report, but will say that this measure has been fully approved by the late Secretary of the Navy, Mr. Hunt, and by the Navy Department. It is considered by the committee to be demanded for the safety of the commerce of the country on the land and on the sea.

Mr. TOWNSHEND, of Illinois. Let the report be read.

Mr. WAIT. I do not object, as it is a very interesting report.

Mr. TOWNSHEND, of Illinois. Very well; let it be read.

The SPEAKER. The report will be read.

The report was read, as follows:

The Committee on Commerce, to whom was referred a bill to provide for placing time-balls on custom-houses at ports of entry, and for other purposes, having considered the same, make the following report:

The Naval Observatory, our only national observatory, is the proper and sole reliable source under the control of the Government from which exact time can be furnished for the promotion of foreign and interstate commerce.

Foreign nations have for years taken care to signal the correct time from their observatories, whereby the master of a ship, up to the last day of his stay in port, may ascertain the corrections to his chronometers. By these he is enabled, with the help of astronomical observations, to find the correct place of the ship on the chart. Having this, he sails with more security, with more confidence, in less time, with fewer chances, consequently, of bad weather, with diminished charges for passage, freight, and insurance. These are important helps to commerce, so important that foreign governments are careful to secure them. We, if true to our interests, will not neglect them.

The railroads of the United States, embarrassed by the evils arising from their multiple schedules of service, about seventy in number, are now earnestly seeking a remedy for them. This remedy can be readily furnished by the Government through the Naval Observatory. The benefit will be appreciated by the public at large. It only needs that Congress make the necessary appropriation to do this work, which will give greater security to life and property, as well by sea as by land.

The local time and the Washington time can be furnished wherever desired by very simple and inexpensive means; while, in truth, but a single signal need be sent at Washington noon; or a local clock, regulated through the telegraph by the Washington clock, may be so arranged as to drop a ball, automatically, at any hour which the citizens or the corporations may prefer. This may be done for any number of local clocks. From the Zeitsignal Stationen it will be seen how earnestly the countries of Europe and of the colonies have taken up the subject of time-signals for securing this important and indeed indispensable aid to the commerce and convenience of nations.

It is the general and most suitable rule to use the national meridian for the prime meridian of the country; most suitable, since the national meridian must be nearer any local one than a foreign meridian can be.

The Naval Observatory already finds the time with the necessary accuracy, and to send it out only needs funds to pay for the transmission of the telegraphic signals. Having the observatory, the Government consequently possesses exact time, the important and difficult part of the work being already paid for. The small appropriation asked will secure to a very large extent the benefits contemplated by the bill.

The time is to be furnished by officers of the Naval Observatory, under the direction of the Secretary of the Navy, and through instruments and apparatus

solely under the control of the Navy Department. It seems therefore proper that the appropriation should be expended under the sanction of that Department.

On this subject your committee have the honor to call your attention to communications from the honorable Secretary of the Navy and Rear-Admiral John Rodgers, of the Naval Observatory.

In view, therefore, of these benefits, your committee report the bill named above, with the accompanying modifications, and recommend its passage.

NAVY DEPARTMENT, WASHINGTON, January 20, 1882.

GENTLEMEN: The bill with reference to placing "time-balls on custom-houses at ports of entry and at other cities, and for other purposes," was submitted by me to Rear-Admiral John Rodgers, Superintendent of the United States Naval Observatory.

The report of that learned and distinguished officer is forwarded to your committee and commended most strongly to their approval. It entirely coincides with the views entertained on the subject by the Department. The appropriation contemplated by the bill ought properly to be made by the Committee on Commerce. The measure proposed is especially for the benefit of the commercial interests of the nation. The information is to be furnished by the Naval Observatory, by officers and through instruments and apparatus solely under control of this Department. It is, therefore, proper that the appropriation should be expended under the sanction of the Department.

It is to be hoped that a measure so generally useful will be promptly adopted by Congress.

I have the honor to be, very respectfully, your obedient servant.

WILLIAM H. HUNT,

Secretary of the Navy.

To Hon. JOHN D. WHITE, WILLIAM WARD, THOS. H. HENDON,
Sub-committee on Commerce, House of Representatives.

UNITED STATES NAVAL OBSERVATORY,
Washington, February 4, 1882.

SIR: Every one has remarked that with the seasons the stars and the planets change their apparent places in the heavens, or, in other words, that time enters into their positions with respect to their places in the sky. At an observatory, consequently, accurate time must be kept. This can only be done by regulating clocks, the highest human mechanism for measuring time, by means of the movements of the heavenly bodies, which, regulated by the Divine Artificer, move with perfect accuracy.

That the Naval Observatory keeps time as accurately as humanity allows may then be assumed without any statement to this effect. It has in practical use all the means of doing this, telescopes, chronographs, clocks, and trained observers.

It sends out the time every day to New York; and besides dropping a ball at noon from the dome of the Observatory it gives daily signals to several places in the city.

The telegraph is used in the transmission of time, and as the signal travels at a rate sometimes reckoned as equal to ten times the circumference of the earth in one second of time it may for any practicable distance be considered as instantaneous.

Carefully elaborated mechanism devised here is used to give automatically the time to the electric wires. These pass it on in a flash to the end of the route; and the telegraph company has it in its power to signal to as many places as it chooses the same flash at the same moment. This flash may be used, and is used, to drop a ball, which it is needless to say falls at once.

Ships find their longitude mainly by means of chronometers—time-pieces regulated to run accurately independent of the movements of the vessel. Other means are known to navigators; but practically these other methods are little used at sea. The chronometer is used to show the time at the prime meridian of Greenwich, Paris, Madrid, Pulkova, or other places. The local time of the ship is found by astronomical observation at sea. The difference between the time shown by the chronometer and the local time is an expression, in time, for the difference of longitude between the prime meridian and the ship, at the rate of 15 degrees for each hour.

Our ships navigate by Greenwich as the prime meridian. This is in obedience to a law of Congress. Originally, the United States published no chart and no nautical almanac, and our ships were forced to use the publications of England. When in process of time private publishers copied the charts of England, the prime meridian of the mother country continued to be used. When the Nautical Almanac was calculated and published in the United States, it was then proposed to adopt for the United States Washington as the prime meridian. This so conflicted with private interests, since the adoption would necessitate throwing away all the large and valuable copper-plates of private publishers, engraved to Greenwich as the prime meridian, that Congress passed a law that the Nautical Almanac should have certain parts for the use of shipping calculated and published for the meridian of Greenwich, and certain parts for the meridian of Washington. (Revised Statutes, section 435.)

This law is now operative, and I am not prepared to say it is not a good one. The great chart-makers of the world are the English. Their surveying vessels explore every coast and every sea. Wherever our ships sail they find that the principal sources of maritime knowledge are English ones; and they use the longitude which our sailors use, namely, Greenwich.

In signaling time, however, it makes no difference what noon is shown. Since our noon is 5h. 8m. 12s. from Greenwich, the navigator has 5h. 8m. 12s., Greenwich, signaled to him when our time at noon is shown; so for other prime meridians—Russian, German, French, or Spanish.

All the countries of Europe show time-signals in their seaports from their national observatories.

As navigation is based upon knowing the latitude and longitude of the ship, astronomy, as applied to navigation, cannot be used without the time for which the Nautical Almanac are computed.

Facilities to rate chronometers are then a necessary aid to the navigator. The navigator may rate his chronometer by his own observations, but not so well as by the help of an observatory; and it is not every ship which has an artificial horizon, or has an observer accustomed to its use.

As was before said, the nautical tables predict the places of the heavenly bodies in the sky for the prime meridian of the almanac. As these places change every hour the time of the prime meridian must be known with accuracy. This time is shown by the ship's chronometers; and their rate or daily performance must be known as well as the accumulated error. It has been found impossible to make watches which neither gain nor lose in time. The world, therefore, contents itself with ascertaining the daily change, which is called rate; and the accumulated daily rate, which is called error. A single comparison establishes the error; but the rate is found by continuous comparisons with a correct standard. For example: If the face of the chronometer on January 1 be one minute faster than, say, Washington time, one minute is the error; and if it gain one second every day, its rate is one second, gaining. The rate is supposed to remain constant; but the error changes every day by the addition of one second. On January 30 the error will be one minute thirty seconds; but the rate is still one second, gaining.

This error and this rate are necessary to the navigator; he cannot else find his place on the charts, and the ship would lose her way. She would not know where she was, nor her position with regard to her port, nor to the shoals, rocks, and islands which may lie in her path. Time-signals from an observatory give the

captain the means of finding the error and rate of his chronometer to the last day of his stay in port, a most important boon, one which enters as a prime factor in safety, and consequently in freights and insurance.

Most people who travel extensively by rail in the United States find the changes of time on railroads from one meridian to another a vexatious snare and delusion. His watch running on mean time cannot inform the traveler of the constant alterations in the schedules of the railroads. He finds by his time-table that the next train starts five minutes after his arrival, or even before he arrives, when, in fact, he has half an hour for his meal. This arises from the connecting trains using different prime meridians.

The people away from observatories find that their clocks and watches differ extremely, and no one knows which are right; they may all be wrong. Jewelers are considered the repositories of correct local time. The intelligent ones know that they have no means of ascertaining this correctly. The citizen knows that they all differ. He is often content to take railroad time brought from a distance. Savages, to whom time is of little importance, are content to estimate it very roughly; but the civilized man, making exact appointments, specifies the time of his various engagements, and in proportion to his activity and usefulness exact time is to him a matter of necessity. Some of the large towns of the United States have made arrangements with their State observatories whereby they have observatory time of their own selection sent to them by electric telegraph. These towns are entitled to their preferences. Congress, I presume, has no wish to interfere with them. I think it would be well to have Washington time given to shipping, for the benefit of commerce, by means of a time-ball on the custom-house, or other building, selected by the Secretary of the Treasury. All sailors who cross the ocean keep local time for the regulation of life and labor on shipboard and that of some prime meridian in order properly to use the astronomical predictions of the Nautical Almanac for finding the position of the ship.

This solution of the time problem seems the plain-sense, practical one: the national prime meridian of Washington for certain purposes requiring continuous time, and local time for the daily purposes of life.

If no objection be found in law, I should venture to propose, as a boon to travelers, that, under the power to regulate post-roads given by the Constitution to Congress, all railroads which carry the mails be required to print continuous Washington time in their tables, leaving them at liberty to run on the time they may select, and to print whatever else they please. The traveler will be protected from vexation and annoyance, and the railroads have the same freedom as now to select their standards and print their schedules regulating travel.

It appears, however, that the railroads, finding the inconveniences of the multiple standards of time, are seeking for a uniform one for their own use. (See notice from Mr. W. F. Allen, secretary, printed on the forty-third page of the Travelers' Official Railroad Guide for January, 1881.)

The only proper standard of time is, if the practice of the world be taken as a guide, that of the national prime meridian, namely, Washington time for the United States.

Finally, it is recommended from all the foregoing premises that a time-ball be dropped from this observatory at all the principal ports of entry of the United States at Washington noon, and that any city, town, or railroad desiring it may receive the same signal. It will only be necessary that at each point where the signal is received a suitable means be provided. This may be accomplished by having a clock connected with the telegraph wire over which the signal passes. The clock may be so arranged that the signal will set the clock every day to Washington noon. By having two hour and two minute hands upon the same dial the clock could be made to show the local time of the place as well as Washington time.

It seems advisable that the appropriation for time-signals be inserted in the bill for the protection of commerce rather than in the bill for the Navy proper, as the Navy would in the latter case be charged for an accommodation which belongs to commerce rather than to the Navy. To the Government it can make no great difference, as the cost will be the same in either case. An additional advantage will be that the cost stands out alone, and not covered up in other appropriations. It may be that the first cost of telegraphing time-signals to all the cities having a population of not less than 15,000 inhabitants will involve an outlay greater than Congress is willing to sanction.

The system should be allowed to grow gradually rather than be forced at once into full vigor. No town, apparently, should have time-signals unless they be asked for, and the town should be at the expense of providing a suitable clock and a suitable person to take care of it; the signal only to be sent free of cost. Few towns of 15,000 inhabitants are without a jeweler who would gladly undertake the work, either singly or by co-operation.

Very respectfully, your obedient servant,

JOHN RODGERS,
Rear-Admiral, Superintendent.

Hon. JOHN D. WHITE,
Chairman sub-committee of Committee on Commerce,
House of Representatives, Washington, D. C.

UNITED STATES OBSERVATORY,
Washington, March 1, 1882.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, with its inclosure.

It is difficult to ascertain the exact cost of erecting time-balls, since the plans for doing the work are many, each one having its separate features.

I would recommend a simple, light cylinder of metal, about four feet in length and of the same diameter, running on a gas tube three inches in diameter, about eleven feet long, falling into a metal tub. The cylinder falling into the tub of nearly the same size will compress the air, thus cushioning and coming to rest.

The cylinder, the tub, and tube are simple, easily made, and of common materials. They cannot be dear. The exact cost I cannot know, as I have not made them; but for this and for dropping apparatus I estimate \$175.

I have an offer from Mr. P. H. Dudley of suitable clocks for \$285 each, and his electrical attachment to set the clock automatically by time-signal each day for \$50; wire, battery, and connections, \$100; miscellaneous, packing, freight, &c., \$50; in all \$660 for each station in order to equip it for dropping the time-ball, and for a clock which will serve for regulating chronometers when the time-signal shall fail from storms or other causes. The bill of Hon. J. FLOYD KING (H. R. No. 894) has been so amended as to confine the time-signals, by Government, to the principal maritime ports.

In looking over a list of ports I estimate the "principal maritime ports" as numbering about twenty-three; which number, multiplied by the cost of time equipment, will amount to \$15,840 for the United States. If this sum be proportioned to the value of our foreign commerce, it will be seen that it is not great.

The letter of the honorable Secretary of the Treasury is herewith returned.

Very respectfully, your obedient servant,

JOHN RODGERS,
Rear-Admiral, Superintendent.

Hon. JOHN D. WHITE,
Chairman of the sub-committee of Committee on Commerce,
United States House of Representatives.

The SPEAKER. Is there objection?
Mr. COX, of New York. There is.

The SPEAKER. Eleven members object, and the bill is not before the House.

FORT BENTON MILITARY RESERVATION.

Mr. MAGINNIS. I am directed by the Committee on Military Affairs to take up House bill No. 5222, to restore the Fort Benton military reservation to the public domain, and for other purposes, and to move as a substitute therefor the following.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of War is hereby directed to restore to the Secretary of the Interior the custody and control of the military reservation at Fort Benton, Montana. The Secretary of the Interior shall dispose of the same under the public-land laws, and such actual settlers as are now on said tract in pursuance of military authority shall be entitled to the first right of entry: *Provided*, That the following-described portion of said tract shall be disposed of under the provisions of section 2387 of the Revised Statutes of the United States, relating to town-sites on public lands, to wit: Beginning at the northeast corner of lot numbered 3, in section 14, township 24 north, of range 8 east of the principal meridian; running thence due east eighty chains; thence due south to the Missouri River; thence along the northern bank of said Missouri River to the intersection of the eastern line of lot 3 in section 23 of said township; thence due north along the line of the town-site of Fort Benton to the place of beginning, as an addition to and a part of the present town site of Fort Benton: *And provided further*, That there is reserved from said described tract of land to Mrs. Sarah E. Eastman, widow and administratrix of Francis Henry Eastman and William S. Wetzel, the land on which the fur-trading post known as Old Fort Benton stands, and the land inclosed and occupied by them, as described on plats on file in the War Department, the same being six acres, more or less, to which they shall have the prior right of entry, and that the same be conveyed to them by the proper authorities upon their compliance with law. The county judge of the county in which said town-site is situated shall cause to be made a survey and plat of said tract of land, and the said plat thereof shall be filed in the office of the register of the proper land office within ninety days from and after the passage of this act; and thereupon it shall be lawful for the county judge, as trustee of said town-site, to make entry of said tract of land at the local land office and to dispose of the same to occupants in the same manner as if the same had been a part of the original town-site of Fort Benton.

Mr. RANDALL. Let us have the report read.

The SPEAKER. The hour has expired, and the bill will go over as unfinished business.

Mr. MAGINNIS. I ask by unanimous consent that the report of the Senate committee, as well as the report of the House committee, be printed in the RECORD.

The SPEAKER. The Chair hears no objection; and it is ordered accordingly.

The reports are as follows:

The bill proposes to restore the Fort Benton military reservation to the Secretary of the Interior, for disposition under the general laws and as therein provided. Its history is given in H. Ex. Doc. No. 39, Forty-seventh Congress, first session, entitled *Abandoned Military Reservations*, as shown in following extracts:

HEADQUARTERS OF THE ARMY,
Washington, September 19, 1881.

Respectfully submitted to the Secretary of War.

A military reservation for Fort Benton, Montana, was declared by the President of the United States, under date of December 1, 1869, with boundaries as announced in General Orders, No. 77, November 6, 1869, from headquarters Department of Dakota, copy inclosed, the area being 3.24 square miles—about one mile wide and three miles long.

Upon the occupation of the post by United States troops in October, 1869, the buildings, which belonged to the "Northwest Fur Company," were rented by the Government at \$167 per month.

For several years past the troops have been stationed in the town of Fort Benton, adjoining the reservation on the west, and the old "fort" appears to be in ruins, (*vide* accompanying transcript.)

By Special Orders No. 77, paragraph 4, May 2, 1881, from headquarters Department of Dakota, the "post of Fort Benton" was discontinued, and the rented buildings directed to be turned over to the owners by May 31, 1881.

In response to an inquiry of the Adjutant-General, the district and department commanders now unite in reporting that the reservation will not in the future be required for military purposes.

As to condition of buildings on the reservation attention is invited to report of the district commander, third indorsement hereon.

The Quartermaster-General recommends that the reservation be turned over to the Interior Department for such disposition as may by that Department be legally made of it; but under the ruling of the War Department, and in view of the recent opinion of the Attorney-General in case of the Fort Fetterman hay reservation, it will require the authority of Congress to dispose of it.

Under a House resolution asking what military posts could be disposed of, the abandonment of Fort Benton (among others) was recommended by the division commander, and in letter of February 24, 1872, the Secretary of War informed the House that the reservation at this post could be disposed of without injury to the service. No final action appears to have been taken by Congress in the matter.

W. T. SHERMAN, General.

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Montana, July 26, 1881.

Respectfully returned to the adjutant-general, Department of Dakota. I am of opinion that the military reservation at Fort Benton will not in the future be required for military purposes. The improvements on the reservation consist of one frame stable, 28 by 128 feet, condition good, approximate value \$300; also one adobe building, (the old post of the American Fur Company,) 25 by 35 feet, present condition bad, roof and part of wall broken. This building is of little, if any, value for sale apart from the land, and of no certain value under any condition of sale. There are two small log houses and one small frame house on the reservation belonging to citizens, who, it is reported, placed such buildings on the reservation by permission of the then commanding officer.

There appears to have been no record of this matter at Fort Benton. The frame stable will be sold at public auction August 10, in accordance with directions, by indorsement of June 27, 1881, from headquarters Department of Dakota, on letter of June 11, 1881, from the Quartermaster-General to the chief quartermaster Military Division of the Missouri.

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District.

Your committee find that the lands embraced in the reservation are mostly of the ordinary character and value of the surrounding public lands, and recommend that they be disposed of under the public land laws, reserving the right of first entry to actual settlers.

To this general disposition of the lands two exceptions are made: of one tract, containing about 160 acres, adjoining the village of Fort Benton, which the Secretary is authorized to dispose of under the provisions of the town-site laws of the United States and of the Territory, whereby actual settlers only are entitled to enter lots.

Another exception is made in favor of the owners of the old Fort Benton fur-trading establishment, who are given the first right of entry on six acres of ground occupied by their establishment for thirty years or more, and on which their buildings are still standing. To this their first right of entry is protected.

Your committee recommend certain amendments to said bill to make it conform to the above recommendations, and as so amended recommend the passage of the bill.

The Committee on Military Affairs, to whom was referred the bill to restore the military reservation at Fort Benton to the public domain, and for other purposes, respectfully report:

That no fort or other military post was ever erected on this reservation. The land was withdrawn from the public domain at a time when the Government had under consideration the purchase of certain adobe buildings which belonged to an old fur-trading establishment known as Fort Benton. Afterward the military authorities changed their opinions, the buildings were not purchased, and no military post was ever constructed on the reservation.

Your committee find that the lands embraced in the reservation are mostly of the ordinary character and value of the surrounding public lands, and recommend that they be disposed of under the public-land laws, reserving the right of first entry to actual settlers.

To this general disposition of the lands two exceptions are made: of one tract, containing about one hundred and sixty acres, adjoining the village of Fort Benton, which the Secretary is authorized to dispose of under the provisions of the town-site laws of the United States and of the Territory, whereby actual settlers only are entitled to enter lots.

Another exception is made in favor of the owners of the old Fort Benton fur-trading establishment, who are given the first right of entry on six acres of ground occupied by their establishment for thirty years or more, and on which their buildings are still standing. To this their first right of entry is protected.

WAR DEPARTMENT,
Washington City, January 30, 1882.

SIR: Referring to bill H. R. No. 1916, entitled "A bill to restore the Fort Benton military reservation to the public domain, and for other purposes," a copy of which was received with your letter of the 20th instant asking the views of this Department in relation thereto, I have the honor to invite attention to executive communication of the 26th instant, transmitting to Congress a letter of this Department of the 17th instant, reporting a list of reservations no longer needed for military purposes, and recommending such legislation as will provide for their disposal.

Said list, which, with its accompanying papers, was on the 26th instant referred to the Committee on Military Affairs, includes the Fort Benton reservation, mentioned above.

The bill (1916) meets the approval and recommendation of the General of the Army and of this Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. GEO. R. DAVIS,
Of the Committee on Military Affairs,
House of Representatives.

The committee therefore recommend the passage of the accompanying bill.

JOHN GARDNER, DECEASED.

Mr. KASSON, from the Committee on Ways and Means, reported back the bill (H. R. No. 6609) to authorize the sale of certain lands in Dallas County, Iowa, devised to the United States by the last will and testament of John Gardner, deceased; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NICK S. McCOWN.

Mr. TOWNSHEND, of Illinois, by unanimous consent, introduced a bill (H. R. No. 6843) to increase the pension of Nick S. McCown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS THE SAINT LAWRENCE.

Mr. PARKER. I ask by unanimous consent to call up from the Speaker's table joint resolution (S. No. 81) to authorize the construction and maintenance of a bridge across the Saint Lawrence River. It has been reported favorably upon by the committee of this House. It has not only passed the Senate, but it has the indorsement also of the Secretary of War. The location and construction of the bridge are to be subject to the supervision of the Secretary of War.

The joint resolution was read, as follows:

Resolved, &c., That any bridge and its appurtenances which shall be constructed across the river Saint Lawrence from a point on the right or southerly bank thereof in or near the village of Waddington, in the county of Saint Lawrence, in the State of New York, to a point on the left or northerly bank thereof in the county of Dundas, Province of Ontario, in the Dominion of Canada, by the New York and Canada Bridge Company, or any other company which has been or may be incorporated by the Legislature of the State of New York for that purpose, shall be lawful structures, and shall be so held and taken; and the same are hereby authorized to be constructed and maintained under the limitations and restrictions of this joint resolution.

SEC. 2. That the bridge herein named shall be subject in its location and construction to the supervision of the Secretary of War of the United States, to whom the plans and specifications relative to its location and construction shall be submitted for approval. And all railway companies desiring to use the said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the district court of the United States for the northern district of New York, upon hearing the allegations and proofs of the parties, in case they shall not agree.

SEC. 3. That the right to alter or amend this joint resolution so as to prevent or remove all material obstructions to the navigation of the said river by the construction of said bridge is hereby expressly reserved.

SEC. 4. That the company authorized by this joint resolution to construct and maintain said bridge may for that purpose unite with the Ottawa, Waddington and New York Railway and Bridge Company, a company incorporated by an act of the Parliament of the Dominion of Canada, or with any other company incorporated by the Parliament of said Dominion for such purpose, under the limitations and restrictions of sections 1 and 2 of this joint resolution.

The SPEAKER. Is there objection?

Mr. HOLMAN. I did not notice whether there is any provision in regard to the charge for the transportation of the mails.

Mr. PARKER. There is no such provision in the bill.

Mr. HOLMAN. It might not under the circumstances of the case be important. If the gentleman thinks it is of no consequence in this case to provide for the transportation of the mails, I will not insist.

Mr. PARKER. I do not want to send the bill back to the Senate, and an amendment would do that.

There was no objection, and the joint resolution was taken from the Speaker's table, read a first and second time, and ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PARKER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HYACINTHE ROBERT AGNEL.

Mr. OATES. I ask unanimous consent to take from the Speaker's table Senate bill No. 602 and put it upon its passage. It will not take five minutes, I think, to dispose of it.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to examine into, ascertain, and determine the value of the construction of certain quarters at the United States Military Academy at West Point which was heretofore paid for by Hyacinthe Robert Agnel, deceased, late professor of the French language at said Military Academy; and the amount so ascertained, with legal interest thereon from the time of such payment by the said deceased, shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, to the heirs and legal representatives of the said Hyacinthe Robert Agnel, deceased: *Provided,* That the amount so to be paid shall not exceed the sum of \$5,000.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURROWS, of Michigan. I wish to inquire, reserving the right to object, whether this matter has been considered by any committee of this House?

Mr. OATES. It has been thoroughly considered by the Committee on Claims, and a unanimous report made.

Mr. BURROWS, of Michigan. Then I have no objection.

Mr. HOLMAN. I ask that the report be read.

Mr. OATES. I think if I may make a brief statement the gentleman will not make any objection to the bill. I move to amend the bill in accordance with the suggestion of the report.

The SPEAKER. The Chair cannot entertain a motion to amend the bill until the right to consider it is conceded by the House.

Mr. OATES. I will state that this was considered by the Committee on Claims, and from the evidence it was ascertained that the amount to be paid should be \$650, and this upon testimony which the committee believed to be entirely sufficient to establish the justice of the claim.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Let the report be first read.

The report was read, as follows:

Hyacinthe Robert Agnel, late professor of the French language at the United States Military Academy at West Point, New York, in the year 1848, made improvements and additions to certain houses on the Government land occupied by the professors at said academy, and paid for the same out of his individual funds. He claimed to have thus expended over \$700. The work was necessary, and was accepted by the Government. Lieutenant Gillmore, the quartermaster, examined the work in 1856, and reported to the War Department that it was worth \$650.

Your committee therefore recommend the passage of said bill with the following amendment: Strike out all after the enacting clause and insert the following in lieu thereof, to wit: "That the Secretary of the Treasury be, and he is hereby, directed to pay to the heirs at law and legal representatives of Hyacinthe Robert Agnel, deceased, out of any moneys not otherwise appropriated, the sum of \$650, in full satisfaction of his claim upon the Government for money expended by said Agnel, for repairs and improvements made upon professors' houses at West Point Military Academy."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. OATES. I now move to amend by striking out all after the enacting clause and insert as follows:

That the Secretary of the Treasury be, and he is hereby, directed to pay to the heirs and legal representatives of Hyacinthe Robert Agnel, deceased, out of any moneys not otherwise appropriated, the sum of \$650, in full satisfaction of his claim upon the Government for money expended by said Agnel for repairs and improvements made upon professors' houses at West Point Military Academy.

The amendment was agreed to.

The bill as amended was ordered to be read a third time; and being read the third time, was passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PICCATINNY POWDER DEPOT, NEW JERSEY.

Mr. HILL. I ask unanimous consent to call up the bill S. No. 838 and put it upon its passage.

The bill was read. It is as follows:

Be it enacted, &c., That the right of way, not exceeding one hundred feet in width, through the lands of the United States included in the Piccatinny powder depot, near Dover, in the State of New Jersey, is hereby granted to the Central Railroad Company of New Jersey for the purpose of constructing a railroad: *Provided,* That the said right of way, and the width and location thereof, through said lands, and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property, shall be submitted to and approved by the Secretary of War prior to any entry on said lands or the commencement of the construction of said works: *Provided, also,* That such sidings, tracks, switches, and loading stations as may at any time be required by the Secretary of War shall be promptly provided by said railroad company; and that such stoppage of trains and generally such facilities and privileges as the United States may desire for the shipment of materials of war at any time shall be provided by said railroad company: *Provided, also,* That whenever said right of way shall cease to be used for the purposes aforesaid the same shall revert to the United States: *And provided further,* That the right to repeal, alter, or amend this act is reserved to Congress.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. ANDERSON. I would like to know something about this first. Has it been before any committee of this House?

Mr. HILL. It has been before a committee.

Mr. ANDERSON. What committee?

Mr. HILL. The Committee on Military Affairs.

Mr. DAVIS, of Illinois. The Committee on Military Affairs reported it unanimously.

Mr. HILL. This road was promised to be built at the time the Government bought the property, provided the right of way could be secured.

Mr. HOLMAN. I ask that the report be read.

The report was read, as follows:

The title of this bill indicates the general purpose thereof, granting the right of way through the property of the United States near Dover, New Jersey, used by the Government and known as the Piccatinny powder depot, to the Central Railroad of New Jersey. The nearest point from the depot to any railroad is three miles away, over a difficult road for hauling, which adds largely to the expense of the building operations at the depot, and it would seem therefore to be necessary that closer connection should be had.

The railroad company named are willing to extend their road, as indicated in the bill, up to and into the depot next spring, provided the right of way be granted as aforesaid.

Upon the suggestion of the Secretary of War, the committee adopt and offer the following amendment, fourteenth line, after words "said works;":

Provided, also, That such sidings, tracks, switches, and loading stations as may at any time be required by the Secretary of War shall be promptly provided by said railroad company, and that such stoppage of trains and generally such facilities and privileges as the United States may desire for the shipment of materials of war at any time shall be provided by said railroad company."

The bill, with the foregoing amendment, meets the approval of the honorable the Secretary of War, based upon a report upon the subject by Brigadier-General S. V. Benét, Chief of Ordnance. The communication of the Secretary of War and the report of the Chief of Ordnance are herewith made a part of this report, and are as follows:

WAR DEPARTMENT,
Washington City, January 28, 1882.

SIR: I am in receipt of your letter of the 18th instant, inclosing Senate bill 838, to grant the right of way for railroad purposes through the United States lands at the Piccatinny powder depot, near Dover, New Jersey, and in reply have the honor to invite your attention to the inclosed report of the Chief of Ordnance on the subject, and to state that the bill, with the amendment suggested by the Chief of Ordnance, meets the approval of this Department.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. W. J. SEWELL,
Of Committee on Military Affairs, United States Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, January 26, 1882.

SIR: I have the honor to return the bill (S. 838) "to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, New Jersey, with the following report:

I recommend that, on line 14, after the word "works," the following proviso be added, namely:

Provided, also, That such sidings, tracks, switches, and loading stations as may at any time be required by the Secretary of War shall be promptly provided by said railroad company, and that such stoppage of trains and generally such facilities and privileges as the United States may desire for the shipment of materials of war at any time shall be provided by said railroad company."

The passage of this bill and the construction of a railroad through these lands will connect the powder depot with the railroad system of the country. This connection was contemplated when the site was selected and the land purchased as being an economical necessity in the cheap transportation of material during the construction of the magazines and other buildings, and for the prompt and safe distribution of gunpowder after the depot is in operation.

The distance of boundary line from the nearest railroad is over three miles, through a rather difficult country for hauling, at a cost of over \$1.15 per ton, which increases the expense of the building operations at the depot. The Central Railroad Company of New Jersey are willing to extend their road up to and into the depot this spring, for the convenience of the United States, provided the right of way be granted through the lands as provided for in this bill, and of which it can avail itself to make railroad connections beyond the reservation, thus bringing the depot in direct connection with all parts of the country.

I consider this a fair and liberal proposition on the part of the railroad. The line of the railroad will be located on the side-hills bordering the track, at a very safe distance from all buildings, and effecting no damage whatever to the value of the Government property.

I respectfully recommend the passage of this bill as herewith amended.

Very respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

The honorable the Secretary of War.

The consideration by which the Central Railroad Company is willing to perform this work for the convenience of the United States, and by which the required grant is made on the part of the Government to the said company, is one of mutual

benefit—the United States being able to carry on its business more rapidly and at less expense at the depot, and the railroad company having thereby the means of making its connections beyond the boundaries of the depot.

Your committee therefore recommend the passage of the bill.

Mr. HOLMAN. Mr. Speaker, still reserving the right to object I wish to ask if this is a House or Senate bill?

Mr. HILL. It is a Senate bill.

Mr. HOLMAN. Now, as to the amendment suggested by the Secretary of War, has that been incorporated into the bill?

Mr. HILL. It has been.

Mr. HOLMAN. Then I hope the gentleman will consent also to add to that amendment suggested by the Secretary of War the words "at the expense of said company." For of course if these changes are made at the instance of the Government of the United States, the inference would be that the expense incident to such changes should be borne by the Government. I have no doubt that the object is to require the company to pay this expense, but it ought to be so stated and specifically.

Mr. HILL. Of course that is the intention of the bill.

Mr. HOLMAN. It is not so provided. I suggest, therefore, that after the word "company," in the twentieth line of the bill, after this proviso inserted at the suggestion of the Secretary of War, the words I have specified may be inserted.

Mr. HILL. I do not think that is necessary. I do not want to delay the passage of the bill by requiring it to go back to the Senate. It has been lying here upon the table for over two months.

The SPEAKER. The Chair will ask if there is objection to the present consideration of the bill?

Mr. HOLMAN. Still reserving the right to object, I ask the gentleman to allow this amendment to be incorporated.

Mr. HILL. This company promised, when the Government bought this tract of land, to build the railroad in order to give communication with the main railroad systems of the country and to enable material to be obtained from the seaboard with facility. It was never contemplated that the Government should have anything to do with building the road, but simply to grant the right of way to the company.

Mr. HOLMAN. But all the facilities which the Government may require shall be furnished as required in this bill, and of course that will be at the expense of the United States unless otherwise provided. I think it should be clearly provided in the bill that this expense is to be borne by the company.

Mr. HILL. I do not think it is at all necessary.

Mr. HOLMAN. This proviso reads as follows:

Provided, also, That such sidings, tracks, switches, and loading stations as may at any time be required by the Secretary of War, shall be promptly provided by said railroad company, and that such stoppage of trains, and generally such facilities and privileges as the United States may desire for the shipment of materials of war at any time shall be provided by said railroad company.

Now, I think after the word "company," at the end of that proviso, it should be amended so as to read, "at its own expense."

Mr. HILL. Personally I have no objection to the amendment; but it is entirely unnecessary, and will simply require the bill to go back to the Senate.

Mr. HOLMAN. Unless this is done the inference would be plain that this expense is to be borne by the Government.

Mr. HILL. Such an amendment will only hinder the passage of the bill and accomplish no good.

Mr. HOLMAN. I think the words which I have suggested ought to come in after the word "company" in this proviso.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I desire to have inserted the words "at the expense of said company." I reserve the right to object.

Mr. HILL. I will allow that amendment to go in.

The SPEAKER. The question is whether the bill shall be brought before the House for consideration. Is there objection? [After a pause.] The Chair hears none. Does the gentleman from Indiana offer an amendment?

Mr. HOLMAN. I offer the amendment which I send to the desk. The Clerk read as follows:

After the word "company," in the proviso, insert the words "at the expense of said company."

The SPEAKER. The question is on the amendment.

The amendment was not agreed to.

The bill was ordered to a third reading, and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HOLMAN. Upon that I call for a division.

The question being taken, there were—ayes 66, noes 4.

Mr. HOLMAN. No quorum, I believe.

The SPEAKER. A quorum not having voted the Chair will appoint as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from New Jersey, Mr. HILL.

Mr. HOLMAN. I desire that the facts should be stated to the House that before this bill came before the House for consideration it was agreed the words embraced in my amendment should be added.

Several members called for the regular order.

The SPEAKER. The Chair could not do anything further than to submit the amendment to a vote.

Mr. HOLMAN. I suggested an amendment, and unanimous consent for the consideration of the bill was based upon that. The bill came before the House on that condition.

The SPEAKER. That was perhaps an arrangement between the gentleman from Indiana and some others. The Chair does not know anything about that. The gentleman from New Jersey and the gentleman from Indiana will take their places as tellers.

Mr. HOLMAN. I believe it has been customary for the Chair in such cases to submit the request for unanimous consent that a certain amendment might be adopted.

The SPEAKER. The House has voted down the amendment offered by the gentleman from Indiana.

Mr. HOLMAN. But it did so under a misapprehension. Good faith should rule in the House in such matters.

The SPEAKER. The Chair will submit the question again. Is there objection to having the amendment made which was suggested by the gentleman from Indiana?

Mr. HARRIS, of Massachusetts, and others objected.

The SPEAKER. The tellers will take their places.

The House again divided; and the tellers reported—ayes 79, noes 6.

Mr. HOLMAN. I withdraw the point as to a quorum and call for the regular order.

So (further count not being called for) the bill was passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate disagreed to the amendment of the House to the bill (S. No. 126) to reimburse the Creek orphan fund, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. SLATER, Mr. DAWES, and Mr. COKE as conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. HASKELL. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. ELLIS. I move to dispense with the morning hour for the call of committees.

Mr. BAYNE. Pending that I ask unanimous consent—

The SPEAKER. The demand for the regular order cuts off everything else.

The motion to dispense with the morning hour was agreed to, two-thirds voting in favor thereof.

Mr. ELLIS. Mr. Speaker, I desire to call up—

The SPEAKER. The regular order is called for. The gentleman from Kansas [Mr. HASKELL] calls up the partially executed special order of the House relating to business presented by the Committee on Indian Affairs.

Mr. HASKELL. I yield to my colleague on the committee, the gentleman from Iowa, [Mr. DEERING.]

RIGHT OF WAY THROUGH CHOCTAW AND CHICKASAW LANDS.

Mr. DEERING. I call up for present consideration from the Speaker's table the bill (S. No. 60) to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes.

Mr. HOLMAN. Is that the regular order?

The SPEAKER. It is. The regular order is the further consideration of business presented by the Committee on Indian Affairs.

Mr. COX, of New York. How long does that run?

The SPEAKER. For two hours and thirty minutes, the Chair is informed.

The bill was read, as follows:

Be it enacted, &c., That a right of way is hereby granted to the Saint Louis and San Francisco Railway Company, a corporation duly organized under the laws of the State of Missouri, for the construction of a railroad and telegraph line, said right of way to be one hundred and fifty feet in width, through that part of the lands of the Choctaw and Chickasaw Nations occupied by the Choctaws, and three hundred feet in width at each station for a distance of four thousand feet in length, said right of way to commence at any point to be selected by said company on the line of the Choctaw Nation immediately contiguous to Sebastian or Scott Counties, in the State of Arkansas, and run thence in a southwesterly direction on the most direct and practicable route through the lands of the said Choctaw and Chickasaw Nations in the direction of Paris, in the State of Texas; said road to continue or connect with a proposed road from the city of Paris aforesaid.

SEC. 2. That the said Saint Louis and San Francisco Railway Company shall accept this right of way upon express condition, binding upon itself, its successors and assigns, that they will neither aid, advise, nor assist in any effort looking toward the changing or extinguishing the present tenure of the Choctaws or Chickasaws in their lands, and will not attempt to secure from the Choctaw or Chickasaw Nation any further grant of land, or its occupancy, than is hereinbefore provided: *Provided, That any violation of the condition mentioned in this section shall operate as a forfeiture of all the rights and privileges of said railway company under this act.*

SEC. 3. That the said railway company shall pay for all property injured or destroyed by said company, and for all material taken and used in the construction, operation, or repairs of said road and telegraph line, and shall take no such material except under contract with the proper authorities of the Choctaw or Chickasaw Nation, and according to the laws thereof: *Provided, That before the construction of said road through any lands held by individual occupants according to the laws, customs, and usages of said nations, full compensation shall be made to such occupants for all property to be taken or damages to them by reason of the construction of the said road and telegraph line. In case of failure to make and*

cable settlements in any case, either national or individual, such compensation shall be determined by appraisalment of three disinterested referees, one to be named by the Commissioner of Indian Affairs, one by the principal chief of said nation claiming damages or to which the persons claiming damages belong, and one by said company. This provision shall also apply to all cases of injury to persons or property occasioned by the construction or operation of said road and telegraph line, after the construction thereof shall have been commenced. Said arbitrators shall receive not exceeding \$4 per day for each, with mileage not exceeding six cents per mile, and witnesses shall receive the usual fees allowed by the courts of said nations. Costs shall be made a part of the award, and be paid by the losing party.

In case of failure to pay such award, the Secretary of the Interior shall be, and is hereby, authorized to forbid the further passage of trains, or the use of said right of way, and to remove the agents and employees of said company from the limits of said nations, as intruders under the intercourse laws of the United States, until such time as payment shall be made by said company.

And in addition to the foregoing, the injured parties shall have the right of recourse to all legal remedies that may be applicable in like cases in the judicial tribunals; and consent is hereby given that the civil jurisdiction of the district court of the United States for the western district of Arkansas, and such other courts as may be established by authority of the United States, shall be extended within the territory and limits of the Choctaw and Chickasaw Nations, without distinction as to citizenship of the parties, so far as may be necessary for the enforcement of the provisions of this act.

SEC. 4. That for and in consideration of the uses and grants aforesaid, the said railway company shall pay quarterly annually to the national treasurers of said nations, every year during the existence of the rights and privileges granted to said company by this act, to be used for the benefit of schools therein, the sum of \$750, one-fourth of said payments to be paid to the Chickasaws and three-fourths to be paid to the Choctaws; and until the first of such payments be made, no right or power to enter upon said lands, except for the purpose of surveying and locating its line of road and telegraph, shall be acquired under the provisions of this act: *Provided*, That if the general councils of the Choctaw and Chickasaw Nations, or either of them, shall, within sixty days after the passage of this act, by resolution duly adopted, dissent from the allowance provided for in this section, and shall certify the same to the Secretary of the Interior, then the compensation to be paid for the use and grants in this act made for such dissenting tribe shall be determined as provided in section 3 for the determination of the compensation to be paid to the individual occupants of lands, except that one of said appraisers shall be appointed by the council of the dissenting tribe; and the award made shall be paid as and under the penalties provided for in said section 3: *And provided*, That nothing in this act shall be construed to prohibit Congress from imposing such taxes as it may deem just and proper, upon the railroad hereby authorized, for the benefit of the Choctaw and Chickasaw Indians, so long as they shall occupy and possess the territory, or to prohibit any State or States which may hereafter be formed out of said territory from imposing taxes upon said road.

SEC. 5. That within ninety days after the passage of this act the said company shall accept the provisions of this act, and within thirty days thereafter the said company shall fix and determine the general route of its line of road in accordance with this act, by filing with the Secretary of the Interior a map of preliminary survey, and by filing copies thereof in the offices of the principal chiefs of said nations, respectively; and thereafter no claim for a subsequent settlement and improvement along such line, within seventy-five feet on either side thereof, shall be valid as against the said right of way; and within one year from the date of the acceptance of this act by said company as herein provided, the said company shall file with the Secretary of the Interior a map showing the definite location of its line of roads and telegraph as designated in the first section of this act, and shall complete the said road and telegraph through the lands of said nations within the further period of one year.

SEC. 6. That the said right of way shall not be settled upon, by authority of said railway company, by non-citizens of said nations, except such employees of said company as are necessary to the successful operation of said railway and telegraph line, and their families: *Provided*, That only agents, operators, employees, and sectionmen shall be exempt by reason of such employment from payment of permits as required of other non-citizens of said nations.

SEC. 7. That no greater rates of fare or freight shall be charged in the Choctaw or Chickasaw Nation by said railway company than the lowest rate authorized by law in the States of Arkansas and Texas, or either of them, for services or business of the same kind; and said railway company agree to convey all passengers and to accept and transport all freight that may be offered, and to bill any freight which may be offered for shipment from points on said line by persons lawfully residing or doing business in the Choctaw or Chickasaw Nation to Chicago, with the privilege of stopping said freight at Saint Louis, by the shipper, on the same terms as if the bills had been made for Saint Louis in the first instance.

SEC. 8. That said company shall provide a sufficient number of tracks to do the business that may be offered, and shall permit any railroad company to have the rights of user of its main tracks and sidings by the payment of a fixed charge as rental therefor. The maintenance of superstructure, tracks, depots, and other buildings and appurtenances, and of stations and operating expenses, and such other expenses as may be imposed by law, shall be based upon the wheelage of such trains as may run over said road, each company paying such proportion as its wheelage shall bear to the total wheelage passing over said road. The rental shall be a fixed charge in addition to maintenance of road, and shall be determined by mutual agreement, or, in case of disagreement, by arbitrators, each party choosing one such arbitrator, the third to be chosen by the others appointed, whose decision upon all points respecting such rental shall be final. Each company enjoying the right of user as aforesaid shall pay for any and all damages to the property of the nation or individuals caused by the running of its own trains, to the company owning the franchise hereby granted, whenever such company has been required to pay the same under the provisions of this act. If said companies shall disagree as to damages aforesaid, all disagreements shall be settled and determined between them by arbitration, as provided in case of rental: *Provided*, That all trains running over said railroad shall be under the exclusive control of the company owning and operating said railroad.

SEC. 9. That the said railroad company shall execute a bond to the United States, to be filed with and approved by the Secretary of the Interior, in the penal sum of \$500,000, for the use and benefit of the Choctaw and Chickasaw Nations, to cover any and all damages which may accrue by reason of the failure of said railway company to comply with all or any of the provisions and conditions of this act. Said bond shall be good and valid against said company, its successors and assigns, and shall be renewed at the expiration of every five years, and whenever, in the judgment of the Secretary of the Interior, a renewal of the same shall be deemed necessary for the protection of the interests of the Indians or of the United States.

SEC. 10. That if within ninety days after the passage of this act the company aforesaid shall fail to accept the conditions herein specified, by a resolution of its board of directors, certified to and filed with the Secretary of the Interior, or shall fail within one year from the filing of the acceptance of its charter to file its map of definite location in accordance with this act with the Secretary of the Interior, or shall fail to construct its road within the time and as hereinbefore provided, then all the rights of said company under this act shall thereupon cease and determine, and the Secretary of the Interior shall so declare; and thereupon the Secretary of the Interior shall give a consent in writing to the Chicago, Texas and Mexican Central Railway Company, a corporation duly organized under the laws of the State of Texas, which shall succeed to all the rights, privileges, im-

munities, duties, and obligations hereby conferred by this act upon the Saint Louis and San Francisco Railway Company, to the same extent as if said successor had been the grantee first herein named, upon filing with the Secretary of the Interior its acceptance of the provisions of this act within ninety days from the date of the expiration of the period herein granted to the Saint Louis and San Francisco Railway Company, and upon filing bond as prescribed in the ninth section of this act to comply with the provision of this act, and upon filing with the Secretary of the Interior within twelve months its map of definite location in accordance with this act, and within twelve months thereafter completing said road. And in the event of the failure of the Chicago, Texas and Mexican Central Railway Company to file its acceptance of the provisions of this act within the time hereinbefore specified, and thereafter to file its map of definite location in accordance with the provisions of this act, and to complete said road within the time herein granted, then the privileges herein granted to said Saint Louis and San Francisco Railway Company shall apply to any other incorporated company that shall have first obtained the approval of the President of the United States: *Provided*, That the said successor shall thereafter have the same time to perform in all respects the several acts and things herein enjoined to be done as is by this act given to the original grantee, including the definite location in accordance with this act, and the filing of bond as herein required: *And provided further*, That any railroad company enjoying the rights conferred by this act shall construct and maintain continually all road and highway crossings and necessary bridges over said railway, wherever said roads and highways do now or may hereafter cross said railway's right of way, or may be by the proper authorities laid out across the same.

SEC. 11. Congress may at any time amend, add to, alter, or repeal this act.

The SPEAKER *pro tempore*, (Mr. BURROWS, of Michigan.) The question is on the third reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

Mr. RICE, of Massachusetts. The bill is to be discussed.

Mr. DEERING. That is the understanding.

Mr. REED. The question is now, I understand, on the third reading.

The SPEAKER *pro tempore*. The question is on the passage.

Mr. REED. Let it be understood that the vote on the third reading was not taken.

The SPEAKER *pro tempore*. Debate is in order on the pending question.

Mr. REED. But amendments would not be in order.

Mr. BUCK. We desire an opportunity to amend the bill.

The SPEAKER *pro tempore*. The Chair stated the question distinctly.

Mr. REED. I move to reconsider the vote ordering the third reading of the bill.

The SPEAKER *pro tempore*. If there be no objection, the vote by which the bill was ordered to a third reading will be reconsidered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Iowa [Mr. DEERING] is entitled to the floor.

Mr. DEERING. Mr. Speaker, this is simply a proposition to grant right of way to a railroad through a portion of the Indian Territory. The road has already been completed from the north down to a point near the eastern border of that Territory, and is also in process of construction on the southern border, but here is a space or gap of one hundred and twenty-five miles that cannot be traversed until this charter shall be granted.

Early in the session a bill similar to this came properly before the Committee on Indian Affairs of the House, and was exhaustively discussed and considered in that committee, and was reported unanimously to the House with a favorable recommendation. After this bill passed the Senate the two bills were taken up and considered and compared in the Committee on Indian Affairs, and it was then decided to adopt the Senate bill, and I was instructed to move to substitute that bill and to urge its passage.

This bill has been very carefully prepared, and, as we believe, guards all the rights and interests of all the parties interested. It does not appropriate a dollar of money or grant an acre of land. After a protracted discussion it was passed in the Senate by nearly a two-thirds vote. I believe there is no difference of opinion as to the necessity and importance of this legislation.

It is proper I should say, however, that minority views were prepared and presented by two members of the Committee on Indian Affairs. Those members favor the main features of the bill, but are of the opinion that the right of way should first be granted by the Choctaw and Chickasaw Nations, through their councils. It is on these minority views that I wish to submit a few remarks.

It is known to many that I am friendly to the Indians and disposed to protect them in all their just rights. But, sir, this is not a question of sympathy or of sentiment or of friendship. It is a question of law and of facts and of principles, and must be settled on that basis.

What are the facts? The Government has already located in this Indian Territory a considerable number of tribes of Indians and is preparing to locate therein a great many more. By and by we may have forty tribes of Indians located in that Territory. Will any sane man for a moment contend that the Government has so tied up its own hands that any one of these bands of half-civilized Indians can check these great enterprises at the borders of that Territory; can stop the United States mail from being carried through that country; can stop the construction of telegraph lines in that Territory; can stop travel and transportation between the East and the West, North and South over a country as large as all of New England? That idea is simply preposterous.

Mr. Speaker, the Government of the United States can run a rail-

road right under your house or mine. It can take down our houses, tear up our cemeteries, and remove the sacred dust of our dearest and most loved friends. It does do it, and it is right that such obstacles should give way to the advance of great public improvements. And can it be possible that any man will assert that the Government is impotent to do for the white people what it can do for the Indian?

It will be asserted that these Indians are independent nations, and act as such, when the fact is that they cannot deed or lease a single acre of the land on which they live without first deriving authority so to do from the Government of the United States. Their title is one of occupancy only, as is shown by the very language of the patent by which this land was conveyed to them. Has not the time come when we should lay aside this sentimentality and look upon these Indian matters in a candid and rational spirit?

Within the last ten years the Government has expended on our troops west of the Mississippi River more than \$223,000,000, largely for the purpose of keeping the Indians in subjection and good order. This is paying pretty dearly for the maintenance of a false dignity of distinct nationality, and it is quite time for us to dispel a groundless delusion.

But, Mr. Speaker, I do not propose to enter into a lengthy argument to enforce my views and the views of the Committee on Indian Affairs on this subject. Our committee have other and important matters which they wish to reach and dispose of. If I had the time I could show to this House that the two treaties of 1855 and 1866 are to be taken and construed together; and even if we are to act under those treaties we already have the authority here claimed.

The treaty of 1855 gives to the United States unlimited jurisdiction over the rights of way for railroads and telegraph lines through the Indian Territory. Should the Choctaw Indians abandon their rights under the treaty of 1855 they would certainly abandon very many of their dearest rights under treaty stipulations, as may be seen by reference to articles 7, 11, 12, 13, 14, and 18 of the treaty of 1855, and also the first "whereas" of the treaty of 1866, and articles 1, 5, 6, 10, and 45 of the same treaty.

The sovereignty and jurisdiction over this territory reside absolutely in the Government of the United States, and no officer of the Government ever had surrendered or ever can surrender that right to the Indians.

The Indians, as I stated a short time since, have only the title of occupancy or domicile, and can neither sell nor lease an acre of this land without the consent of the Government of the United States. Their principal chief or governor admits the jurisdiction of the United States over these lands. I cite any gentleman who desires to refer to the record to page 12 of Executive Document No. 15, which reads as follows:

EXECUTIVE OFFICE, CHOCTAW NATION, October 27, 1881.

To the General Council of the Choctaw Nation:

Suppose we stand up and say we won't have a railroad through our country; can we enforce our purpose? Can we say and believe that Congress has not the power to authorize the construction of a road through our country? If we cannot, then let us do all we can to retain our jurisdiction as long as possible.

Very respectfully, your obedient servant,

J. F. MCCURTAIN,
Principal Chief, Choctaw Nation.

I certify that the above is a true and correct copy of the original now on file in my office.

Given under my hand and the great seal of the Choctaw Nation, this November 8, A. D. 1881.

[SEAL.]

THOMPSON MCKINNEY,
National Secretary, Choctaw Nation.

The right of eminent domain in this Territory adheres, as I have stated, absolutely in the Government of the United States.

These Indians make no complaint of the provisions of this bill. This bill passed the Senate more than three months ago, since which time the Indians have known all about it, and until now they have offered no resistance to it or objection whatever.

There have been numerous decisions by the justices of our courts sustaining this theory of eminent domain and of the absolute sovereignty and jurisdiction of the United States over this country. The decisions of Marshall, McLane, Taney, and other of our most eminent judges are on record in this direction, and if cited would fill a volume.

I ask the Clerk to read an extract from the treaty between the United States and the Creek Indians.

The Clerk read as follows:

The Creek country west of the Mississippi shall be solemnly guaranteed to the Creek Indians, nor shall any State or Territory ever have the right to pass laws for the government of said Indians; but they shall be allowed to govern themselves, so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them; and the United States will also cause a patent or grant to be executed to the Creek tribe, agreeable to act of Congress May 28, 1830.

Mr. DEERING. That is substantially the same article that is contained in all the treaties with the five civilized tribes of Indians. It will be seen that everything is made subject to the jurisdiction of the United States. I now ask the Clerk to read from the decision of Judge Taney.

The Clerk read as follows:

The country in which the crime is charged to have been committed is a part of the territory of the United States, and not within the limit of any particular State. It is true that it is occupied by the tribe of Cherokee Indians. But it has been assigned to them by the United States as a place of domicile for the tribe, and they hold and occupy it with the assent of the United States and under their authority.

Mr. DEERING. Now, Mr. Speaker, one further extract I will ask to have read. It is from an opinion of the Supreme Court of the United States, delivered by Chief-Justice Marshall.

The Clerk read as follows:

No question could arise as to the validity of the Cherokee law under which letters of administration were granted on the estate of Mackey; and as the power of attorney, given by the administrators to Raines seems to have been authenticated and approved, a payment to the administrator by the Government would have been a legal payment. The Cherokee country, we think, may be considered a Territory of the United States within the act of 1812. In no respect can it be considered a foreign State or Territory, as it is within our jurisdiction and subject to our laws.

Mr. DEERING. Mr. Speaker, the decisions which have just been read show conclusively that it has been at all times held by the courts that this Indian country is a part of the territory of the United States.

With the consent of the House I incorporate in my remarks a portion of the report on this subject which I had the honor to submit on the 6th day of June last:

We do not find that it was ever contemplated or stipulated by the Government that the Indian Territory should stand right in the very heart of our growing country as a barrier to its commerce, and an obstacle in the way of travel, traffic, and transportation between the different sections. It is of the highest importance to the nation at large that rights of way for lines of railroad and telegraph should be granted through the Indian Territory, and as generally as they are through the other Territories of the United States; and while we would observe the utmost good faith with these Indians, and would carefully guard their just rights and interests, we do not concede to them jurisdiction in this vitally important matter, because we do not find that principle laid down anywhere in the policy of the Government, nor is the theory sustained by its treaties with these Indians from the earliest date.

Article 18 of the treaty of 1855 with the Choctaws and Chickasaws mentions specifically the broad and unrestricted right of the United States to grant these charters and privileges through their country, and article 7, treaty of 1855, defines the extent of their rights to self-government and of their jurisdiction, as follows: "So far as may be compatible with the Constitution of the United States and the laws made in pursuance thereof, regulating trade and intercourse with the Indian tribes, the Choctaws and Chickasaws shall be secured in the unrestricted right of self-government, and full jurisdiction over persons and property within their respective limits."

Article 6 of the treaty of 1866 recites the fact that the Choctaws and Chickasaws grant the right of way for two railroads through their lands, but this is made expressly and in terms subject to the authority of the United States Government through Congress on the Secretary of the Interior, and is to be in accordance with the provisions of the eighteenth article of the treaty of 1865, to which reference is above made, and which recognizes the unlimited jurisdiction of the United States in these matters.

This position is supported by the fact that the Government has never fully parted with the title to these lands. The title of the Indians is conditional on their occupancy, and will revert to the United States whenever they shall become extinct or from any cause that occupancy shall cease. They have never been clothed with authority to sell or otherwise alienate the title. For them to grant rights of way to railroads, or other kindred rights and interests (in the reality) that might extend far beyond their occupancy, and consequently beyond the limits of their title to and interest in the lands, would not only be anomalous, but very unreasonable.

I now yield to the gentleman from Massachusetts, [Mr. RICE.]

Mr. RICE, of Massachusetts. I take the floor in my own right as member of the committee.

Mr. HASKELL. Then the gentleman from Iowa [Mr. DEERING] should reserve the remainder of his time.

Mr. DEERING. I will reserve the residue of my hour.

The SPEAKER *pro tempore*. There are forty-eight minutes remaining, as the Chair understands.

Mr. RICE, of Massachusetts. Mr. Speaker, I wish to say at the outset that this is a very important bill—too important to be discussed in this heated atmosphere and before a weary House. But I ask the careful attention of members to the points which I shall have the honor to submit; and I solicit them, even though weary and warm, to scrutinize a bill which proposes to take from others that which belongs to them and not to us, and undertakes to give it to railroad companies, in violation of treaty stipulations written with our own hands upon our own paper with our own ink. The question is whether those whose possession of certain territory has been guaranteed to them by us shall be deprived of that territory without their consent, and in violation of our stipulations of guardianship and protection.

Mr. Speaker, this bill proposes to give to two railroad corporations the right to run their roads through the Territory of the Choctaw and Chickasaw Nations without the consent of those nations. That is simply the scope of the bill. No such thing has ever been attempted before. No such thing was thought of in this case until an exigency occurred which made it inconvenient for the railroad companies to get along for a few months without this right of way. Then for the first time it occurred to these corporations that the United States could grant this right of way without the consent of the Indians.

My friend from Iowa [Mr. DEERING] has said that he has great consideration and regard for the Indians. He reminded me of the Scripture warrior who approached another, saying, "My friend!" and with the words stabbed him under the fifth rib.

As this bill was introduced and referred to the Committee on Indian Affairs it contained the stipulation that this right of way should have the consent of those nations. The bill in that form was agreed to by the committee almost unanimously early in the session. The bill in its present form has received, I understand, the support of a bare majority of the committee.

Let me state to the House the circumstances under which the bill is here. Two railroad companies were contending to get the right

of way through the territory of these nations. They went last winter to the Legislature of the Choctaw Nation. They were sustained there by eminent assistance from Texas and adjoining States. In other words, there was a very staunch, stiff lobby there from the outside, from the States surrounding this Territory, trying to lobby through the Legislature of that nation a bill granting this right of way. But at that time there was some difference between the two railroad corporations. They had not then joined hands as they have now.

After long discussion in the Legislature the result was that in the senate the vote was by, I think, one majority in favor of granting the right of way to the Saint Louis and San Francisco Railroad. In the House there was a tie vote, made so by the vote of the speaker against the bill. It was recorded by the clerk as having been lost, but the next day the railroad forces rallied and persuaded the governor that the speaker had no right to vote, and therefore, notwithstanding the record of the Legislature, the governor signed the bill as if it had passed both houses. With this legislative authority the railroad companies came to Congress in order that Congress might ratify that which it was alleged the Legislature of the Choctaw Nation had granted.

But the speaker of the Legislature of the Choctaw Nation appeared before our committee, and after he had stated the facts I think I may say it was the unanimous opinion of the committee that the speaker had a right to vote, and the vote having been tied by his vote the bill did not pass the house, and therefore had not received the sanction of the Legislature of the Choctaw Nation.

The bill was laid away. It was supposed it had failed. Then came the exigency, "What shall we do? We cannot get this bill through Congress, as the Indian Committee refuse to consider it because we have not got the consent of the Choctaw Nation. What shall we do?"

The gentleman from Iowa [Mr. DEERING] says that the Choctaw Nation has nothing to say about it; that it is only for Congress to say whether these railroads shall be run through this Territory or not. Why did not he think of this; why did not the able chairman of the committee think of it; why did not the able lawyers whom I have seen around the corridors here for the last few days, and who appeared before our committee to argue that the speaker of the Choctaw Legislature had no right to vote, and consequently this legislative action was valid—why did not they think of it if it is so plain, until they had failed to be able to get their bill through in any other way?

Mr. Speaker, it is not plain. It is only a principle which they seek to adopt in the exigency in which they are placed. Rather than wait and go back to the Legislature of the Choctaw Nation next winter as they did last winter they come to Congress and say, "The Choctaw Nation has nothing to say about this; assume your right of eminent domain and pass this bill, without saying anything more of waiting for the action of the Choctaw Nation." That is what they are doing now; and that is the bill they are seeking to pass here.

I say, Mr. Speaker, this is in violation of the treaty we have made with the Choctaw Nation. My friend from Iowa has read authorities to show that the jurisdiction of the United States is supreme over this Territory. I deny his authorities. With the single exception of that expression of Judge Taney there is not a scratch or line in the reports of the United States to justify his declaration; but, on the contrary, all along the line the great judges, Marshall, Story, and the rest, have declared that these Indian nations are nations. "They are nations," says Judge Marshall in the famous Worcester case. They are "independent nations;" not foreign, but "domestic," under the guardianship of the United States. And he says that guardianship does not give the right to despoil; it does not give the right to destroy; that the guardian has no right to take a property over which he has assumed the trust of guardian and appropriate it to his own use.

Yet that is the position in which this bill would put the United States as the guardian of a domestic nation, the guardian of a nation with which we have entered into a solemn treaty, that we would violate that guardianship and take from that nation the property we have pledged our honor as a nation to secure to them forever.

Says my friend, the right of the Indian is only the right of occupancy. Says Judge Marshall, the right of the Indians to their territory is the same as that of any other nation to its property, excepting that the United States has inherited from the European nations the status which they held toward the Indian Territory before the independence of the United States; that is, that the Indians have a right to the occupancy of their territory; but if the Indians become extinct, or if the Indians seek to part with their territory, then the United States in the case of the Indians becoming extinct succeed to their right to the territory, or if they see fit to part with it the United States has the right of priority to purchase.

Mr. HASKELL. Will the gentleman let me interrupt him by asking a question?

Mr. RICE, of Massachusetts. Certainly.

Mr. HASKELL. Does the gentleman assert that an Indian tribe or an Indian individual within the entire domain and jurisdiction of the United States has the power to sell one inch of that domain? Does he assert that doctrine?

Mr. RICE, of Massachusetts. I assert every Indian in the Choctaw

Nation has a right to sell that which he has added to the land, has a right to sell whatever there is on the land which he has put there, to any other Indian. I assert that the Indian Nation has the right to assign the land and to allot it to the individuals of its tribe. I assert just what I asserted a moment ago, that the status of the United States toward these Indian nations is, as the gentleman intimates, that they cannot sell that land to outsiders except to the United States.

Mr. HASKELL. Let me add further, for my friend is terribly in error in this matter: they cannot sell to any other Indian. They have not any fee to part with; they have no title, and in no way and in no manner, under any circumstances, can one Indian sell a single square foot of territory from one end of this Government to the other. He can sell or bequeath or divest himself in any other manner by giving away or otherwise the possession of that which grows upon it—the improvements—but the lands, the fee, no Indian can sell, and no Indian ever had the power to sell since the Government of the United States was created.

Mr. DEERING. Will the gentleman from Massachusetts permit me to read the exact language of the treaty—

Mr. RICE, of Massachusetts. I will first answer the gentleman from Kansas—one at a time; two are too many for me. If my able and enthusiastic friend from Kansas had carefully listened to me he would have seen that there is no difference between his statement and mine. The land does not belong to the individual Indians, but to the nation.

Mr. HASKELL. The nation cannot sell it.

Mr. RICE, of Massachusetts. The nation cannot sell except to the United States. There is no difference between him and me. But that land was patented to the nation by the United States. It was patented to it in exchange for lands held by them and transferred to the United States—

Mr. HASKELL. But not in fee-simple.

Mr. RICE, of Massachusetts. And the United States guaranteed to protect the nation in the use and occupancy of the lands so long as the nation shall exist or until it shall see fit to sell it.

Mr. HASKELL. A perpetual lease; that is all it is.

Mr. DEERING. Will the gentleman now let me read the exact language in which this treaty is expressed?

Mr. RICE, of Massachusetts. I do not think that anything has any bearing upon this excepting that which relates to the treaty with the Choctaws themselves.

Mr. DEERING. This is the exact language of the Choctaw treaty, as I find by reference to the Department, and this is the language in which that land was conveyed to the Indians:

In fee-simple to them and their descendants, to inure to them while they shall exist as a nation and live on it.

Mr. RICE, of Massachusetts. I do not see but that that is exactly what I stated.

Mr. HASKELL. That is no fee-simple.

Mr. RICE, of Massachusetts. I do not claim that it is; nobody ever claimed it. I said that this nation took their land under the United States as they held it under the European nations before.

Mr. HASKELL. Subject to sovereignty then; that is all we claim.

Mr. RICE, of Massachusetts. Subject to no sovereignty except in the event of their own parting with the land.

Now, then, this nation having had the land thus patented to them by the United States, the United States by treaty of 1830 agreed to protect them in the occupancy of that land. More than that, they made their treaties with these nations; and let me suggest to my friends that treaties are the highest law of the land.

Let me suggest to them that these treaties are made by virtue of that treaty-making power which the Constitution gives to the Executive with the sanction of the Senate. They are therefore treaties with nations and are clothed with the sanction of treaties.

Now, if gentlemen will listen to me for a moment I will endeavor to weary them but a very few moments longer. The treaty of 1855—that I believe was the date—

Mr. WELLBORN. If the gentleman will yield for a moment I will ask that the Speaker require the House to be in better order, as we all desire to hear the remarks of the gentleman from Massachusetts.

The SPEAKER *pro tempore*. The House must be in order; public business will be suspended until gentlemen cease conversation. [After a pause.] The gentleman from Massachusetts will proceed.

Mr. RICE, of Massachusetts. Mr. Speaker, I know it is hard to listen and it is harder to talk in this heated atmosphere, but I merely want to call the attention of the members to this single point: in the treaty of 1855 the United States did reserve to itself the right to charter railroads through the Territory of these nations. Before that it had no right to establish even a post-road through the Territory. So said Chief-Justice Marshall, regarding the original territory of these nations, in his opinion in the Worcester case. "The United States had no right," these are his own words, "to build even a post-road through that territory except by treaty stipulation, or by the agreement of the nation."

But, as I have said, in the treaty of 1855, after the exchange of the original for Western lands, the United States reserved the right to charter railroads and telegraph lines through the territory, and that right was unlimited. I admit that under that treaty, were it still in

force, it would be competent for Congress to pass this bill. But another treaty was made in 1866, and by that treaty the United States reserved to itself the right to charter one road running through the territory north and south, and another from east to west. There the general right reserved in the treaty of 1855 was limited to two roads, and that limitation has been exhausted.

The United States has chartered its road east and west, and chartered one to run north and south; and to undertake to do what is proposed here under that treaty of 1866 is a violation of the treaty stipulation and in violation of the patent which the Government gave to the Indians, as well as in violation of its duty as guardian of these somewhat dependent domestic nations.

Mr. GUNTER. Will the gentleman allow me to ask him a question?

Mr. RICE, of Massachusetts. Certainly.

Mr. GUNTER. Do you believe that the treaty of 1866 either repeals, modifies, or changes in any way the eighteenth article to which you have referred of the treaty of 1855?

Mr. RICE, of Massachusetts. I believe—

Mr. GUNTER. That is my question.

Mr. RICE, of Massachusetts. And I will answer it. I believe that when the treaty of 1855 reserved a general right, and when the treaty of 1866 stated that right to be confined to two roads, and then when in the latter part of the treaty of 1866 this article is found—

The United States reaffirms all obligations arising out of treaty stipulations or acts of legislation with regard to the Choctaw and Chickasaw Nations not inconsistent herewith—

that the modification contained in the last treaty affects the first, and that the United States has no right beyond it.

Mr. GUNTER. If my friend from Massachusetts will allow me, I assert this, and I would like him to answer it: that the sixth article of the treaty of 1866 does not in any way repeal, modify, change, or alter the eighteenth article of the treaty of 1855. But there is a difference in this, as I understand it. In the treaty of 1866 the Indians wished to contribute, more or less, in the construction of railroads through their country, and they asked in that treaty a general right to take stock in roads and aid in building them through their country. The Government would not grant to them that general right, but did grant to the Indians a specific right, a special right, to take stock in and aid in the construction of two roads through their country, one north and south, the other east and west. And that is the whole force and meaning of the sixth article of the treaty of 1866, and it does not in the least repeal, change, or modify the eighteenth article of the treaty of 1855. That is where the trouble is.

Mr. RICE, of Massachusetts. Now will my friend allow me to ask him a question?

Mr. GUNTER. One other word in connection with this. I not only state this from the general reading and construction of the two articles, but I had a conversation with Judge Wright, a very intelligent Indian from the Choctaw Nation, and by-the-by one of the treaty-making power of 1866, and he told me that was the full scope, force, effect, and meaning of the article to which I refer. Now I will answer the gentleman's question.

Mr. RICE, of Massachusetts. I wish to ask my friend a question in connection with this statement which I have already made. In the treaty of 1855 a general right was reserved; in the treaty of 1866 the same subject was dealt with again, and it was agreed that the United States might charter two railroads; and it was agreed, to be sure, that the Choctaw Nation might take stock in those two railroads. Now, then, I want to ask my friend if, up to the time when the Committee on Indian Affairs decided that the legislative action of the Choctaw Nation of last winter was not valid, he ever heard anybody claim that the United States had any right to do anything more than to charter those two railroads, one east and west, the other north and south, according to the provisions of the treaty?

Mr. GUNTER. I will with pleasure answer my friend's question. I have never heard it insisted by disinterested parties that the treaty of 1866 did modify the treaty of 1855; and it never was seriously urged except through the lobbyists. Governor Overton, who was here, a lobbyist in the interest of the Missouri, Kansas and Texas road, assumed that position, and tried to urge it on members of Congress. And not only Governor Overton as a lobbyist here, but others strictly in the interest of the Missouri, Kansas and Texas road urged that that road would be a competing line in the interest of trade, commerce, and the postal service.

Mr. RICE, of Massachusetts. Who is Governor Overton?

Mr. GUNTER. He is an ex-chief of the Chickasaw tribe of Indians, and was here in the employment of the Missouri, Kansas and Texas road.

Mr. RICE, of Massachusetts. He had as good a right to come here and appear on behalf of his nation, fairly and openly for the Chickasaw Nation, as had the paid lobbyists of other roads to be around the corridors of this Hall, as they have been the last month, button-holing members in behalf of this bill.

Mr. Speaker, I desire to add but a word or two more. If this be as my friend claims, if the unlimited right to charter these roads without the consent of the Choctaw Nation exists in Congress, why in the name of common sense did all that lobby from Texas and else-

where gather about the Choctaw Legislature last year? Why did they come here to get us not to act independently but to act in ratification of what they claimed to be the action of the Choctaw Legislature? And why was there never a word uttered anywhere of this independent right of Congress to pass this bill until their failure to secure what they desired in the line upon which they started and under the policy against which to that time there had never been uttered a word of demurrer?

I will not weary the patience of the House further. I know how hard it is to attract the attention of members to this question. I say that here, upon the desire of two railroad corporations to get a little premature right of way before the meeting of the next Legislature of the Choctaw Nation, we are called upon to go back upon the policy which this Government has followed from the beginning. We are called upon to violate that which has always been believed to be the treaty obligation of this nation. We are called upon to discourage and overrule this Indian nation, staggering feebly forward in the progress of civilization under our guardianship, and to say to it, "You are only playing at independence; you are only setting up baby-houses of government which we do not recognize as real governments; and when it pleases our sovereign will and our interests and the interests of railroad monopolies to trample upon your rights and your feeble attempts at self-government, then we shall do it. Up to that point you may proceed in your attempts at self-government; there you must stop."

Mr. GUNTER. Will the gentleman allow me to ask him another question?

Mr. RICE, of Massachusetts. Certainly.

Mr. GUNTER. The gentleman remarked a few minutes ago, as I understood him, that the proposition was to take lands from the Indians without consideration.

Mr. RICE, of Massachusetts. No, I did not say any such thing.

Mr. GUNTER. Then I misunderstood you.

Mr. RICE, of Massachusetts. I will answer that by saying that you are going to pay them; but how? By a tribunal constituted under the authority of the Choctaw Nation? No. By a tribunal, one of which is to be appointed by the principal chief of the Choctaw Nation, one by the Indian commission here, and the other by the railroad corporation. That is the way you are going to award compensation to them.

Mr. GUNTER. If this bill passes it only grants 2,644 acres of land, and it provides that the railroad company shall pay annually for that land for all time to come \$3,000 without any arbitration whatever.

Mr. RICE, of Massachusetts. But it does not provide—

Mr. GUNTER. One moment. The bill provides that the railroad company shall pay this \$3,000 annually for all time to come, and to pay it in quarterly payments, for the use of 2,644 acres of land. That sum would be of itself a full consideration for the land.

Then in addition to that—and that is what the gentleman alludes to in his argument—if any private property, fields, orchards, barns, dwelling-houses, or anything of the kind belonging to private parties, is injured in any way by the construction of this road, then this arbitration is provided, if the railroad company and the party interested cannot agree. That is what the gentleman refers to.

Mr. RICE, of Massachusetts. Certainly.

Mr. GUNTER. That is in addition to the \$3,000 paid annually to the Indians for the use of 2,644 acres of land.

Mr. RICE, of Massachusetts. I do not know how much land will be taken under this bill.

Mr. GUNTER. I do.

Mr. RICE, of Massachusetts. I know that it is a strip of land through the territory 150 feet wide, except that for a mile, or for 4,000 feet from any depot, the strip may be 200 feet wide. That is a pretty wide strip; 200 feet wide for 4,000 feet from every depot, and 150 feet wide everywhere else.

For that strip of land this bill provides that so much shall be paid to the Choctaw Nation. Does the Choctaw Nation say that? No. We say to them, We give you so much; take what we give you. Then if anybody is injured in his private property—and we are told here that there cannot be any private property to be injured, and therefore that does not amount to much—he may go to a tribunal of three, one to be appointed by the principal chief of the Choctaw Nation—and I do not know but that he is the one who signed an act when the Legislature did not pass it; I do not know whether he is the one or not—one is to be named by him; one to be named by our Indian Commissioner—and God help him, for he has a hard road to travel in looking after the rights of all these Indians—and one is to be named by this very enterprising railroad corporation, that has been able to persuade the Indian Committee of this House of the justice of the policy which they advocate here in this bill.

Mr. DEERING. Referring to what my friend from Massachusetts [Mr. RICE] has said in reference to abandoning the treaties and policy of the Government, I wish to say, and I think this House will agree with me, that it is fortunate for the Indians that the time has come when we have ceased the making and breaking of treaties, as we have done heretofore to the extent of about three hundred treaties, every one of which has been violated, and have begun the rational practice we now pursue of seeking to elevate and civilize the Indians.

JAPANESE INDEMNITY FUND.

Mr. WILLIAMS, of Wisconsin. I ask the gentleman from Iowa [Mr. DEERING] to yield to me to submit a conference report.

Mr. DEERING. I will do so, if it takes no time.

Mr. HASKELL. I hope the gentleman will not press that.

Mr. WILLIAMS, of Wisconsin. If it leads to any discussion I will withdraw it.

The SPEAKER *pro tempore*. The conference report will be read. The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 1052, in relation to the Japanese indemnity fund, having met, after a full and free conference have been unable to agree.

CHARLES G. WILLIAMS,
W. W. RICE,
P. V. DEUSTER,
Managers on the part of the House.
J. S. MORRILL,
THOMAS W. FERRY,
J. T. MORGAN,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. WILLIAMS, of Wisconsin. I now move that the House further insist upon its disagreement to the amendments of the Senate and ask for a further conference.

The motion was agreed to.

RAILROAD RIGHT-OF-WAY THROUGH THE INDIAN TERRITORY.

The House resumed the consideration of the bill (S. No. 60) to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railroad Company, and for other purposes.

Mr. DEERING. I desire now to yield to the gentleman from Texas, [Mr. WELLBORN.]

Mr. RICE, of Massachusetts. Before that is done I desire to know how much time I have remaining of my hour?

The SPEAKER *pro tempore*. The gentleman has fifteen minutes remaining.

Mr. RICE, of Massachusetts. I will reserve that time.

Mr. WELLBORN. Mr. Speaker, I have listened with much interest and attention to the remarks of the gentleman from Massachusetts, [Mr. RICE,] and if his premises and conclusions were correct it would be a matter of extreme doubt whether this proposed legislation ought to be passed. He has endeavored to impress upon the House the idea that the proposition contained in this bill is to take from the Indian tribes property belonging to them and grant it to railroad companies. I desire to say for one that if the bill contained any such proposition there is no man upon this floor whose voice would be sooner and more earnestly raised against it than mine. I do not understand, however, such to be the effect of the bill.

Let us see, sir, what it does propose? It grants a right of way through the Indian Territory to the Saint Louis and San Francisco Railway Company, and in the event that this company should fail to construct a road within a period named in the bill, then it grants the right of way to the Chicago, Texas, and Mexican Central Railway Company, and in the event that this last-named company should fail to construct within a given time, then the right of way inures to any railroad company that will build the road.

The principle which distinguishes the bill is the implied assertion of the existence in the Federal Government of the right of eminent domain over the Indian Territory, exactly the same right that resides in the legislative authority of every State in the Union. The limitations which this bill imposes upon the exercise of the right of eminent domain are substantially those provided by the laws of every State where the right is exercised within State limits. All the rights of the Indians are fully protected both in their tribal and individual relations. They are to be paid just and fair compensation for all property taken and all damages done them; and if either a tribe or an individual should be dissatisfied with the amount of money awarded, such tribe or individual has substantially the same resort to the courts of the country that is allowed to a citizen of a State whose property is, under like circumstances, taken for public use. This is all I desire to say in reference to the details of the bill. It protects fully and amply every right of the Indians.

The bill is one of deep concern to Texas. The Legislature of the State at its last session passed a concurrent resolution requesting Texas Senators and Representatives "to use all possible efforts to obtain at the earliest moment from the Congress of the United States permission for the construction of the Saint Louis and San Francisco Railway through the Choctaw Nation lands to the Texas boundary line and a cession of the right of way through said nation for such purpose," &c. Boards of trade of some of the cities in said State have memorialized Congress to the same end. As the measure is one of such deep interest to Texas, and as it comes from a committee of which I am a member, I ask the House to indulge me a short time in presenting succinctly reasons which in my judgment require that the bill should be enacted into law.

It is only necessary to pass upon two questions in order to determine the expediency of this legislation. First, is there any necessity for granting the right of way? And, in the second place, has Congress the constitutional power to grant the right of way, or, in other words, has the Government of the United States the right of

eminent domain over the Indian Territory? Let us look at these two questions hurriedly in the order in which I have stated them.

Is there any necessity for this right of way? A single glance at the map will disclose to the commonest understanding the necessity for this right of way. This Indian Territory is situated in the heart of a prosperous and growing country. On the west is New Mexico; on the north, Colorado and Kansas; on the east, Arkansas; and on the south, Texas. Now, will any gentleman insist that this Indian Territory shall be permitted to stand as an impervious barrier to communication between these different sections of the country?

Mr. RICE, of Massachusetts. Will the gentleman allow me one question?

Mr. WELLBORN. I must decline, because I have only a few minutes. I repeat, is there any man on this floor who is willing to say that this Territory shall stand as a Chinese wall between the growing commerce of those States and Territories?

This bill is designed to open up a competing line between the Northwest and the Southwest. There is to-day but one line of road running north and south through that Territory. The object of this bill is to open up a competing line with the one in existence. The simple statement of this fact is sufficient to show its necessity to these two great sections of country.

Mr. TOWNSHEND, of Illinois. That road now has a complete monopoly.

Mr. WELLBORN. I am coming to that. But, sir, I place this necessity upon the higher and broader ground of general public policy. The gentleman from Massachusetts has seen proper to refer to monopolies, and in such manner as tends to make the impression on this House that the bill is in their interests. I will show that the monopoly feature of this discussion belongs with the opponents and not the friends of the measure. In this day, when vast combinations are swallowing up and absorbing lines of transportation and travel—

Mr. BUCK. Will the gentleman allow me one question?

Mr. WELLBORN. I have only fifteen minutes. I would be glad to yield if I had more time.

The SPEAKER *pro tempore*. The gentleman from Texas declines to yield.

Mr. WELLBORN. Mr. Speaker, in this day, when large consolidations are being formed of lines of road hitherto under distinct and separate managements, among natural forces there is but one which can be looked to as a check and restraint upon their monopolistic tendencies, and that is the law of competition. Forcibly has it been said "that competition as naturally bears sway in all the transactions of exchange and in the distribution of wealth between the parties concerned in producing it as the law of gravitation controls the movements of the planets in their orbits."

Competition, however, to be thus effective must be fostered, maintained, and protected by suitable legislation. When thus fostered, maintained, and protected it will accomplish in matters of transportation and travel results kindred to those it effects in all other branches of commerce. In mercantile pursuits, for instance, in any given locality the more numerous the merchants the more active and earnest the common strife for the sale of their commodities, and consequently the lower the prices of those commodities to consumers. Thus, as has been said by another, "competition reduces price till what used to be confined to the homes of the rich becomes abundant in the homes of the comparatively poor."

So in reference to railroads, the more numerous the roads, assuming that hurtful consolidations are prevented, the more energetic and eager each to secure patronage over the others, and hence the lower the rates of transportation and travel to those dependent upon the roads. These statements are not mere speculative theories, but established truths, ascertained and demonstrated by universal experience and now recognized as first principles in political economy.

Following the logic of these truths, I maintain that whenever private capital without Government aid is willing to embark in the construction of competing lines it should be permitted to do so. Therefore, if Congress has the constitutional power to grant rights of way across the Indian Territory, it should be exercised as often as private capital will build new roads.

Now, sir, as to the second point. Has Congress the constitutional power to grant rights of way through the Indian Territory; or, in other words, has the Government of the United States the right of eminent domain over the Indian Territory? And I must confess to some surprise that the gentleman from Massachusetts [Mr. RICE] controverts as a legal proposition the affirmative answer to this question. Why, sir, the right of eminent domain belongs to every government essentially, just as much so as does the power of taxation. The power to subject private property to public use whenever the need of the country requires it is just as essential to the Government as the power by forced exaction to raise revenue for its support.

"But," the gentleman says, "this power has been ceded away by treaty stipulations." Now, I have not time to examine these treaties of 1855 and 1866; I mean I have not time to comment on them; but I do say in general terms that there is not in them a single paragraph, a single sentence, or a single word which can reasonably be construed into an attempt to cede away this right of eminent domain.

But, sir, I assert further—I take higher ground—that if there were a thousand paragraphs in these treaties attempting to cede away the

right of eminent domain those paragraphs would be utterly nugatory and void. Talk about the treaty-making branch of this Government having the power to cede away the highest, the supremest attribute of its sovereignty!

Why, sir, you might as well assert that the treaty-making branch of the Government, "the President, by and with the advice and consent of the Senate," could bargain away the power of taxation, thus rendering the Government powerless to support itself. It would be equally as reasonable to assert that a constitutional government could constitutionally commit political suicide! There is not a writer on constitutional law in the bounds of Christendom who will assert that it is within the power of a branch of any sovereign government to cede away its sovereign attributes over territory within its limits and subject to its dominion. Cooley, in his *Constitutional Limitations*, (page 524,) says:

When the existence of a particular power in the government is recognized on the ground of necessity, no delegation of the legislative power by the people can be held to vest authority in the department, which holds it in trust, to bargain away such power, or to so tie up the hands of the government as to preclude its repeated exercise, as often and under such circumstances as the needs of the government may require. For, if this were otherwise, the authority to make laws for the government and welfare of the state might be so exercised, in strict conformity with its constitution, as at length to preclude the state performing its ordinary and essential functions, and the agent chosen to govern the state might put an end to the state itself. It must follow that any legislative bargain in restraint of the complete, continuous, and repeated exercise of the right of eminent domain is unwarranted and void.

As under the peculiar American system the protection and regulation of private rights, privileges, and immunities in general properly pertain to the State governments, and those governments are expected to make provision for those conveniences and necessities which are usually provided for their citizens through the exercise of the right of eminent domain, the right itself, it would seem, must pertain to those governments also, rather than to the Government of the nation. In the new Territories, however, where the Government of the United States exercises sovereign authority, it possesses as incident thereto the right of eminent domain, which it may exercise directly or through the Territorial governments, but this right passes from the nation to the newly formed State whenever the latter is admitted into the Union.

Again, on page 283 of same work, the same writer says:

It would seem therefore to be the prevailing opinion, and one based upon sound reason, that the State could not barter away or in any manner abridge or weaken any of those essential powers which are inherent in all governments, and the existence of which in full vigor is important to the well-being of organized society.

Mr. RICE, of Massachusetts. Will the gentleman let me ask him one question?

Mr. WELLBORN. Certainly.

Mr. RICE, of Massachusetts. Has France the right of eminent domain over Louisiana and Texas to-day?

Mr. WELLBORN. No, sir; and I will show the gentleman the distinction. I thank the gentleman for the question. My proposition is this: that no sovereign power can cede or bargain away any of its sovereign attributes over any of the territory that remains within its limits and subject to its dominion. When France in 1803 ceded Louisiana to the United States, all the dominion of France over Louisiana was gone. The territory of Louisiana no longer belonged to France, but became incorporated into the territory of the United States.

Mr. RICE, of Massachusetts. When the United States ceded to the Choctaw Nation this land, did it not give them the right of eminent domain just so far as the limit of the patent extended?

Mr. WELLBORN. I will answer the gentleman. As already stated, when France ceded Louisiana to the United States she parted absolutely with the territory; she granted to the United States all her ownership, control, and dominion over the ceded country. This cession, of course, carried with it the right of eminent domain, which now resides, not in France, but in the United States. But will any gentleman on this floor assert that the country occupied by the Choctaw Indians has been thus ceded to them by the Government of the United States? Will any one take the position that the Choctaw country is as alien to and independent of the United States as Louisiana is of France?

Why, sir, the Indian country is as much a part of American territory and as absolutely subject to the dominion of the American Union as any other foot of soil over which the American flag floats. The executive branch of the Government has its officers and agents scattered all through the Indian Territory. Our postal routes permeate it as they do the States and other Territories. The judicial power of the Government is extended over it in certain cases. To compress the whole in one sentence, the emblems of our national sovereignty as fully there as anywhere else in the land exact personal obedience and proclaim territorial dominion; and none there dispute the legitimate supremacy of these emblems of sovereign power.

Mr. DUNN. Our Army occupies it.

Mr. WELLBORN. Yes; our Army occupies it, as the gentleman suggests, and it would be as reasonable to assert that the Federal Government could not, in the event of a military exigency, throw its armies across the Indian Territory as to assert that it cannot condemn property therein for other public use when public necessity requires.

But, further, the title of the Choctaws to the lands they occupy is certainly not higher, not more sacred, than the title of a citizen to the homestead for which he holds a patent from his Government.

Yet no one will for a moment insist that a patent to an individual surrenders the right of eminent domain over the land it grants.

The phraseology of the treaty, by which the Indian title (whatever may be its character, and this I do not propose now to discuss) is substantially that of a patent to an individual, is as follows:

The United States do hereby forever secure and guarantee the lands embraced within the said limits to the members of the Choctaw and Chickasaw tribes, their heirs and successors, to be held in common; so that each and every member of either tribe shall have an equal undivided interest in the whole.

The chief difference is, that in the one case the land is held in severalty, while in the other the lands are the common property of many. In both cases the lands are a part of the American territory.

Nor does it matter that by treaty stipulation the Indians are guaranteed some sort of local government of their own. I have shown that the treaty-making power, even were it to attempt to do so in express words, could not bargain away the right of eminent domain over a single foot of American soil. If, however, the treaty-making power, by guaranteeing to the Indians a form of local government, could thereby grant to them the right of eminent domain we would have the striking solecism of the treaty-making power being able to accomplish by indirection that which it is powerless to do by direct methods.

The simple statement of this conclusion is its refutation. One other word, Mr. Speaker, and I will yield the floor. It is asked, why do you not settle all this dispute by going to the councils of these Indian tribes and getting their assent to the proposed right of way? I will tell you why; but the gentleman from Massachusetts, unconsciously to himself, presented the reason in language stronger than I can hope to employ when he spoke of "lobbyists and money interests" being brought to bear on the councils of these Indian tribes.

The reason why the friends of the bill are unwilling to have the assent of the tribes attached as a condition to the bill is that such a condition would utterly defeat the operation of the bill. The councils of these tribes have but a limited membership, and on this as well as other accounts are peculiarly susceptible to outside influences. It is, of course, clearly against the interests of the existing line of road to have competition. Let the Saint Louis and San Francisco Railway Company, or any other company, apply to one of these Indian councils for their assent to the building of a new road, and the application will at once be antagonized by all the power and influence of large consolidations. This power and influence will be predominant and the application be defeated.

I say to this House that if you insist upon remitting these questions to Indian councils the result will be that no new lines of railway will ever be built through their territory. The power and the influences of the vast moneyed combinations now operating roads through that Territory will be brought to bear upon the Indian councils so that their consent will never be secured to any other enterprise looking to competition.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. CULBERSON. I believe I am entitled to ten minutes, and will yield a portion of my time to my colleague.

Mr. WELLBORN. I will occupy but a very few moments longer. Now, the gentleman talks about "monopolies." I have shown, I think, to the satisfaction of this House that the monopoly feature of this question is not with us. All we want is competition, and all that this bill is designed to furnish is competition between the commerce of the Northwest and the commerce of the Southwest.

I say to this House again that competition wherever called into exercise and protected by legislation is always the victor before which monopoly prostrates itself and dies. Give us legislation, then, that will call into exercise and protect competition, and the country will be largely saved from monopoly aggressions. This whole argument, then, so far as results are concerned, is narrowed down to one issue, and simply this: if gentlemen upon this floor desire to open up competing lines of transportation and travel between the Northwest and the Southwest, let this bill be passed. If they are willing to prostrate before gigantic moneyed combinations the vast commercial relations between the lakes and the Gulf, let them vote against the bill; but when they do so let them remember that they could strike no deadlier blow at the interests of the people, whose representatives they are. [Applause.]

Mr. CULBERSON. Mr. Speaker, I am not a member of the Committee on Indian Affairs; but inasmuch as the district which I have the honor to represent is directly interested in the legislation proposed by this bill, I trust I may claim the indulgence of the House for the brief period allotted to me by the gentleman from Iowa [Mr. DEERING] in charge of this bill. I do not propose, Mr. Speaker, to attempt to reoccupy the ground which my colleague, [Mr. WELLBORN,] a member of the committee, has so well and so ably occupied, but will content myself with a presentation of some of the practical effects of the bill, and the objects sought to be obtained by this measure.

The proposition, broadly stated, is to furnish another highway for commerce from the great West to the Gulf through Missouri, Arkansas, the Indian Nation, and Texas. The great importance of the proposed legislation to the country is manifest, and needs no argument but the map and the census to vindicate it. It has been said by gentlemen

in opposition that we propose to violate the faith of the Government with the Indians and to take their property and bestow it upon railroad monopolies without their consent.

The provisions of this bill, Mr. Speaker, do not justify such charges. Let us test this measure by its own provisions and not by the unfounded and sweeping charges of its opponents. The bill proposes to grant a right of way over the territory occupied by the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, a corporation duly organized under the laws of Missouri. The right of way is to embrace on the ordinary line one hundred and fifty feet, and three hundred feet at each station for a distance of four thousand feet.

I propose to show from the bill itself how well the rights of the Indians are protected. The railroad company accepts the grant of a right of way upon express condition that it will neither aid nor advise any effort looking toward the changing or extinguishing the present tenure of the Choctaws or Chickasaws in their lands, and will not attempt to secure from either nation any further grant of land than such as is embraced in the right of way.

A breach of this condition will operate a forfeiture of all rights under this act. This ought to satisfy our friends who think that the future prosperity of these tribes depends upon a preservation of tribal relations and the ownership of their lands in common.

The railway company is required to pay for all property injured or destroyed, and for all material used in construction of the road, and a mode is provided whereby the company may be compelled to discharge such obligations.

It is provided in addition that the railway company shall pay to the treasurers of the Choctaw and Chickasaw Nations \$750 each quarter or \$3,000 annually for the right of way as long as it may be used for railroad purposes, and if these nations are not satisfied with this amount, a method is provided for the submission of the question to arbitration. Three-fourths of this amount is to be paid to the Choctaw and one-fourth to the Chickasaw Nation.

This provision is inserted because these nations own the lands in common. While they occupy in severalty certain portions of the common domain, no division or allotment has been made. These nations recognize as proper this proportion or measure of their respective interest in the common property. Now I beg to call attention to the fact, and I am indebted to the distinguished Senator from Texas [Mr. MAXEY] for the information, that the right of way proposed to be granted by this, in all its length and breadth, will not occupy or embrace more than 2,664 acres of land.

It will therefore be seen that this railway company, if it accepts this grant, will obligate itself to pay, for 2,664 acres of wild lands, not worth to-day exceeding \$2 per acre, the sum of \$3,000 annually for all time to come, besides paying each occupant for the value of his property which may be taken or damaged in the construction of the road. No account is taken of the vast benefits and advantages which are to flow to these tribes from the construction of the road. None whatever, sir. I submit, Mr. Speaker, that this is a munificent royalty.

It is more, sir; it is an unjust burden to indit upon the demands of commerce and travel. What right have these people to levy such tolls upon the commerce of this country, passing over territory outside of any State and under the dominion of the United States Government? Why not compel the owners of the lands in this territory to accept an adequate compensation for such property as may be taken for public use, as you compel the inhabitants of other Territories to do? What higher claim have they upon the Government than the people of Dakota or Montana in this respect?

Notwithstanding this royalty, we hear it said that this bill proposes to rob the Indians of their lands and bestow it upon a monopoly. The truth about the matter is that the present monopoly which controls the commerce over the Indian Territory has created this war upon this measure. And if this bill is defeated there will be no resultant benefits or advantages to the Indians, but they will be enjoyed by those who now control the transportation over the Territory.

If, therefore, Mr. Speaker, all the rights of the Indians are respected, if he is made secure in getting adequate compensation for all his individual deprivations, and if besides the nation is to be the beneficiary of an annual stipend wholly out of proportion to the value of the land occupied, who is there among us to say that these people shall be permitted longer to obstruct commerce on its way to the Gulf and from the Gulf to the great Northwest. It is said that we are about to violate the treaties made with the Indians.

Surely, Mr. Speaker, no treaty has ever been made with these Indians by which the Government of the United States parted or attempted to part with its dominion over this territory. My colleague [Mr. WELLBORN] has shown that it would be incompetent for Congress to diminish in any respect the sovereignty of this Government over the Territories embraced within its limits. I will not say more on that subject, but I take the ground that the passage of this bill will not violate any provision of any treaty ever made with the Choctaws or Chickasaws. By the treaty of 1855 it was provided that—

The United States or any incorporated company shall have the right of way for railroads or lines of telegraph through the Choctaw and Chickasaw country, but for any property taken or destroyed in the construction thereof full compensation shall be made to the party or parties injured, to be ascertained and determined in such manner as the President of the United States shall direct.

By the treaty of 1855 it was provided that—

The Choctaws and Chickasaws hereby grant a right of way through their lands to any company or companies which shall be duly authorized by Congress or by the legislatures of such nations respectively, and which shall, with the assent and approbation of the Secretary of the Interior, undertake to construct a railroad through the Choctaw and Chickasaw Nations from the north to the south thereof, and from the east to the west side thereof, in accordance with the provisions of the eighteenth article of the treaty of June, 1855—

Which provides, as stated before.

It is gravely assumed in this debate by the gentleman from Massachusetts [Mr. RICE] that a road from north to south and a road from east to west across this Indian country having already been constructed by virtue of the grant of a right of way as provided for in the last-named treaty, that the power of this Government to grant a right of way is exhausted, and that the assent of the Indian councils is necessary to enable a railway company to construct a road over the Territory.

I do not assent to any such construction; but I maintain that the provision of the last treaty is supplementary solely, and instead of abrogating the provision of the treaty of 1865 refers to and recognizes its binding effect. The provision of the treaty of 1866 was punitive, so to speak. It was made just after the war, when reconstruction became necessary, as determined by the authority of the United States, and the Indians were required to give up the right of way to two roads without compensation for the property taken or embraced in the right of way so far as the nations were concerned.

There is no limit, and in fact no attempt to limit, the power of the Government to grant as many charters as the needs and requirements of commerce demanded. The roads which now traverse that country do not pay an annual stipend or toll, and why? Because the right of way was granted by the terms of the treaty.

But, Mr. Speaker, a treaty is no more than a law, and like a law may be repealed. A treaty made to-day may repeal a law made yesterday, and so a law made to-day may repeal a treaty made yesterday. And if it be true, as gentlemen contend, that this Government has attempted to abdicate its dominion and sovereignty over this Territory, the sooner we pass this bill into law and reaffirm the authority of the Government the better it will be for all parties concerned.

It is said, Mr. Speaker, that an amendment should be ingrafted upon this bill which shall substantially provide that the bill shall be inoperative until assented to by the councils of these nations. Such an amendment would and should defeat the bill. It asserts the monstrous doctrine that these tribes possess and have the right to exercise the highest powers of sovereignty and government and dominion over a Territory within the territorial limits of the United States, and despite the authority of the Government of the United States.

Practically considered, what would be the effect of such an amendment? Can we hope that a different result will be reached; have not these councils, already inspired by one cause and another, refused to grant this right of way, and do not gentlemen know that some causes, whatever they may be, exerted in the future as in the past, will produce like results?

Shall the commerce of the country be denied a transit over the Territories of the United States, and a highway from the great West to the Gulf be forbidden by these people, who, blind to their own interest, foster the interests of existing monopolies by withholding from the people of my State, and of the West, a competing line of transportation.

The SPEAKER. The time of the gentleman from Texas has expired. Mr. HASKELL. How much time have I?

The SPEAKER *pro tempore*. The gentleman from Iowa [Mr. DEERING] has thirteen minutes remaining.

Mr. HASKELL. It is my intention to call the previous question at the conclusion of what I may have to say. My colleague on the committee, the gentleman from Connecticut, [Mr. BUCK,] desires to offer an amendment, to have it pending, before the previous question is ordered. I yield five minutes to him.

Mr. RICE, of Massachusetts. I have twenty minutes, and desire to add as much time to the gentleman from Connecticut as he receives from the gentleman from Kansas.

Mr. HASKELL. That cannot be allowed. I have the floor at the time arranged for closing this debate, and I must call the previous question when I conclude. Out of my thirteen minutes I yield five; and if the gentleman from Massachusetts can get his time he must do so by voting down the previous question.

The SPEAKER *pro tempore*. The Clerk will read the amendment proposed by the gentleman from Connecticut, [Mr. BUCK.]

The Clerk read as follows:

Add as a new section the following:
"SEC. 12. This act shall not go into effect without the consent of the general council of the Choctaw Nation."

Mr. REAGAN. Does that require unanimous consent?

The SPEAKER *pro tempore*. It does not.

Mr. BUCK. I find myself obliged to differ somewhat with the report of the minority, of the committee which is to the effect that both the Choctaw Nation and the Chickasaw Nation shall pass upon the question of whether this bill shall become law or not. I desire to correct one or two gentlemen who have seemingly fallen into an error as to the course of this railroad. This line of road does not touch

the territory of the Chickasaw Nation at all; but runs wholly through the territory of the Choctaw Nation. Therefore I have offered an amendment, providing that the general council of the Choctaw Nation shall pass upon this bill before it shall become operative.

By treaties between these nations and the United States Government now in existence legislative jurisdiction is given over certain sections of the Indian Territory to the Choctaw Nation, and legislative jurisdiction is given over certain other portions to the Chickasaw Nation. But the lands are owned in common by the two. Therefore it is that I desire to say that this bill which the majority of the committee recommends for passage is in respect to the matter of damages for the land proposed to be taken entirely ample, entirely proper, because it secures to both of those nations their respective shares in the damages which may grow out of taking their common lands.

Mr. DUNN. Will the gentleman allow me to ask him a question?

Mr. BUCK. I have very little time.

Mr. DUNN. Would you give the Indian council the power to veto an act of Congress?

Mr. BUCK. I would give the Indian council of the Choctaw Nation, a nation which never yet put an obstruction in the way of the General Government, which never offered any factious opposition to either of the two railroad charters already granted and running east and west and north and south through its territory; a nation which was taken and put into the Indian Territory by a sentiment that lies at the bottom of every American heart, that of civilizing them and of giving them an opportunity of exercising the right of self-government; a nation which has its schools, its roads, its canals, its two railroads, its senate and its house of representatives—to such a community, to such a nation, I certainly would grant the right to pass upon just such a question as this.

Mr. TURNER, of Kentucky. Has the gentleman information that they are opposed to this?

Mr. BUCK. No, sir; not at all. They undertook to pass upon a bill granting a right of way to this road, and the bill was brought here and urged upon the ground that they had approved of it. An agent of the Government was sent out to the Indian Territory to obtain their consent. The consent was carried in the senate, but the vote resulted in a tie in the lower house, the speaker having voted in the negative. The governor decided that the speaker had no right to vote, and that consequently the consent was obtained, and he so certified. Of course this was not law, as the speaker clearly had the right to vote.

This action of the Choctaw council was in accordance with the existing treaties between that nation and the United States Government. They had the right to pass upon that question. The treaty of 1855 provides that said nation shall be "secured in the unrestricted right of self-government." (Treaty of 1855, article 7.) And in the treaty of 1866 it is provided that said nation "shall not be prevented from authorizing such works of internal improvement as it may deem essential to the welfare and prosperity of the community." (Treaty of 1866, article 43.)

The passage of the bill was urged before our committee on the ground that the Choctaw council had passed upon the question, and only on that ground. But it appeared afterward that it had not received the approval of the Choctaw Nation, and so we, as a committee, at that time thought that it should go back. Subsequently the Senate bill was passed, and a change came over the spirit of the dreams of the majority of the committee, and they now recommend the passage of the Senate bill, which authorizes the Saint Louis and San Francisco Railroad Company to go through that territory, booted and spurred, without any regard to the wishes of the Choctaw council, and for that reason we of the minority are opposed to it.

We say they ought to pass upon it, as they have passed, in connection with the Government of the United States on one railroad running east and west, and on another railroad running north and south. There is still another application before our committee to-day, undecided, for a railroad to go through the Territory.

I say that this Indian nation has never offered any factious opposition whatever to railroads. What was their objection to this bill? It was that it gave too much land. It gave 200 feet in width along the line of the road which they did not want it to do, as they said it was too much land to give away for this purpose.

Another objection was that there was no suitable provision for the disposition of damages that might be awarded. Another objection was that they could not legislate to control the company in respect to the damages which might accrue to persons and property after the railroad was in running order.

Now, these are just such objections as the Legislature of the State of Kentucky might make to a railroad corporation in that State; just such objections as the Legislature of my State or the Legislature of the State of the distinguished gentleman from Massachusetts [Mr. RICE] might make to railroads. Are these objections which this nation made to be urged on the floor of this House as a reason why this Indian nation is to be regarded as not competent to pass upon such a question?

I hope the House will adopt the amendment which provides for obtaining the consent of the Choctaw council which I have offered. I will say that there is a navigable stream over which this road must construct a bridge before it can run through this territory, as I un-

derstand it. It will take longer to construct that bridge than will be required to consult with the general council of the Choctaw Nation. Then if that general council offers any factious opposition, and without good reason refuses to allow this railroad to go through that territory, we can abrogate that treaty and in that way proceed according to law. But let us not do it before we have given them a fair chance to pass on the question.

Mr. HASKELL. Has not the time of the gentleman expired?

The SPEAKER *pro tempore*. How much time did the gentleman yield?

Mr. HASKELL. I yielded five minutes.

The SPEAKER *pro tempore*. That time has expired.

Mr. BUCK. I want but a moment more. The troublesome question about the law matter can be set aside. Some think that the treaty of 1866 does away with the treaty of 1855. That may or may not be so. I know as a lawyer that we can pass this act if we choose to do so, and by the decision of the Supreme Court which has been cited by the gentleman from Texas [Mr. CULBERSON] it is held that a statute will operate as the abrogation of a treaty, for a treaty with an Indian tribe is said to be of no higher grade than a statute.

We have the power to pass this bill. But I appeal to this House not to violate the treaty which we have made, and not to override the old law of the treaty by this new act which supersedes it. In the language found in the inimitable sermon on conscience and read by Corporal Trim to Uncle Toby: "Decide this case not like an Asiatic cadi, according to the ebbs and flows of his own passion, but like a British judge in this land of liberty and good sense, who makes no new law but faithfully declares that law which he knows already written." [Applause.]

Mr. HASKELL. How much time have I left?

The SPEAKER *pro tempore*. The gentleman has three minutes remaining.

Mr. HASKELL. I desire to say but a word or two. Every provision of this bill, except the right of eminent domain, has been agreed to unanimously by all concerned. The right of eminent domain is not raised in this matter, because here is the express language of the treaty of 1855, giving us the power, if we will, to put these roads through this territory.

The very treaty of 1866 that my friend from Massachusetts [Mr. RICE] refers to, with its two-road provision, quotes in terms the treaty of 1855, and says that the two new roads are to be granted in pursuance of that treaty of 1855.

If we acted upon the right of eminent domain with these Indians what would we do? We would give to them the same powers, rights, privileges, immunities, and favors that we give to our own children: nothing more, nothing less. We would legislate for them as I would legislate for my own family, as the gentleman from Massachusetts [Mr. RICE] would legislate for his family, as the gentleman from Connecticut [Mr. BUCK] would legislate for his family. We would put our own children into the same line of law that by this bill we place these Indians. Will equity require anything more of us? Will the gentleman from Connecticut [Mr. BUCK] say to me that I am not kindly disposed to the Indian race when I legislate for them as I would legislate for my own babies? I now call for the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The first question is upon agreeing to the amendment offered by the gentleman from Connecticut, [Mr. BUCK.] which will be read by the Clerk.

The amendment was read, as follows:

Add to the bill the following section:

"Sec. 12. This act shall not go into effect without the consent of the general council of the Choctaw Nation."

The question was taken; and, upon a *viva voce* vote, the Speaker *pro tempore* announced that the yeas appeared to have it.

Mr. RICE, of Massachusetts. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were—yeas 26, nays 61.

So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 43, nays 116, not voting 130; as follows:

YEAS—43.

| | | | |
|--------------------|------------------|-------------------|------------------|
| Aldrich, | Dugro, | Morse, | Scales, |
| Blount, | Errett, | Muldrow, | Shallenberger, |
| Buck, | Godshalk, | Murch, | Skinner, |
| Burrows, Julius C. | Hardenbergh, | Neal, | Spooner, |
| Clements, | Harris, Benj. W. | Parker, | Stockslager, |
| Colerick, | Holman, | Phelps, | Thompson, P. B. |
| Cox, Samuel S. | Jadwin, | Prescott, | Townsend, Amos |
| Cox, William R. | Lynch, | Reed, | Turner, Henry G. |
| Cullen, | Mackey, | Rice, William W. | Van Aernam, |
| Darrail, | McMillin, | Robinson, Jas. S. | Whitthorne, |
| Deuster, | Morey, | Russell, | |

NAYS—116.

| | | | |
|------------|------------|-----------|-------------|
| Armfield, | Browne, | Chace, | Culberson, |
| Atherton, | Buchanan, | Chapman, | Dawes, |
| Atkins, | Buckner, | Converse, | Deering, |
| Bayne, | Cabell, | Crapo, | De Motte, |
| Berry, | Campbell, | Cravens, | Dunn, |
| Blanchard, | Cannon, | Crowley, | Ellis, |
| Bliss, | Carlisle, | Curtin, | Ermentrout, |
| Briggs, | Carpenter, | Cutts, | Evins, |

| | | | |
|--------------------|------------------|--------------------|-------------------|
| Farwell, Sewell S. | Jones, George W. | Oates, | Talbot, |
| Ford, | Jones, James K. | Payson, | Thomas, |
| Forney, | Ketcham, | Peelle, | Turner, Oscar |
| Fulkerson, | King, | Peirce, | Tyler, |
| Garrison, | Klotz, | Pettibone, | Updegraff, J. T. |
| George, | Knott, | Ranney, | Updegraff, Thomas |
| Guenther, | Lacey, | Reagan, | Upson, |
| Gunter, | Leedom, | Rice, Theron M. | Valentine, |
| Hammond, N. J. | Lewis, | Rich, | Vance, |
| Harmer, | Lord, | Robinson, Geo. D. | Van Voorhis, |
| Haseltine, | Manning, | Rosecrans, | Wadsworth, |
| Haskell, | Matson, | Sherwin, | Walker, |
| Hatch, | McClure, | Simonton, | Warner, |
| Hepburn, | McCoid, | Singleton, Otho R. | Washburn, |
| Hendon, | McKenzie, | Smith, A. Herr | Webber, |
| Hewitt, Abram S. | McKinley, | Smith, Dietrich C. | Wellborn, |
| Hiscock, | Miller, | Smith, J. Hyatt | West, |
| Horr, | Mills, | Spaulding, | White, |
| Houss, | Morrison, | Speer, | Williams, Thomas |
| Hubbell, | Mutchler, | Springer, | Willis, |
| Jacobs, | Norcross, | Strait, | Wise, George D. |

NOT VOTING—130.

| | | | |
|------------------|---------------------|---------------------|--------------------|
| Aiken, | Davis, Lowndes H. | Joyce, | Robertson, |
| Anderson, | Dezendorf, | Kasson, | Robeson, |
| Barbour, | Dibrell, | Kelley, | Robinson, Wm. E. |
| Barr, | Dingley, | Kenna, | Ross, |
| Beach, | Dowd, | Ladd, | Ryan, |
| Belford, | Dunnell, | Latham, | Scoville, |
| Belmont, | Dwight, | Le Fevre, | Scranton, |
| Beltzhoover, | Farwell, Charles B. | Lindsey, | Shackelford, |
| Bingham, | Fisher, | Lowe, | Shultz, |
| Bisbee, | Flower, | Marsh, | Singleton, Jas. W. |
| Black, | Frost, | Martin, | Smalls, |
| Blackburn, | Geddes, | Mason, | Sparks, |
| Bland, | Gibson, | McCook, | Steele, |
| Bowman, | Grout, | McLane, | Stephens, |
| Bragg, | Hall, | Miles, | Stone, |
| Brewer, | Hammond, John | Money, | Taylor, |
| Brumm, | Hardy, | Moore, | Thompson, Wm. G. |
| Barrows, Jos. H. | Harris, Henry S. | Mosgrove, | Townshend, R. W. |
| Batterworth, | Hazelton, | Moulton, | Tucker, |
| Caldwell, | Heilman, | Nolan, | Urner, |
| Calkins, | Henderson, | O'Neill, | Van Horn, |
| Camp, | Herbert, | Orth, | Wait, |
| Candler, | Hewitt, G. W. | Pacheco, | Ward, |
| Cassidy, | Hill, | Page, | Watson, |
| Caswell, | Hoblitzell, | Paul, | Williams, Chas. G. |
| Clardy, | Hoge, | Phister, | Willits, |
| Clark, | Hooker, | Pound, | Wilson, |
| Cobb, | Houk, | Randall, | Wise, Morgan R. |
| Cook, | Hubbs, | Ray, | Wood, Benjamin |
| Cornell, | Humphrey, | Rice, John B. | Wood, Walter A. |
| Covington, | Hutchins, | Richardson, D. P. | Young, |
| Davidson, | Jones, Phineas | Richardson, Jno. S. | |
| Davis, George R. | Jorgensen, | Ritchie, | |

So the amendment was not agreed to.

The following additional pairs were announced:

Mr. STEELE with Mr. COBB.

Mr. GROUT with Mr. COVINGTON.

Mr. BREWER with Mr. HOGE.

Mr. CASWELL with Mr. MOULTON.

Mr. O'NEILL with Mr. KENNA.

Mr. HOUK with Mr. DIBRELL.

Mr. BISBEE with Mr. ELLIS.

Mr. ROBESON with Mr. WILLITS.

Mr. ANDERSON with Mr. BLACKBURN.

Mr. RANDALL with Mr. MCCOOK.

Mr. CALDWELL with Mr. DAVIS of Illinois.

Mr. WARD with Mr. AIKEN.

Mr. TOWNSHEND, of Illinois, with Mr. HENDERSON.

The result of the vote was announced as above stated.

Mr. RICE, of Massachusetts. I rise to a parliamentary inquiry. How much time is left for the consideration of business from the Committee on Indian Affairs?

The SPEAKER *pro tempore*. If the time occupied in calling the yeas and nays upon the passage of the bill, which came over from yesterday as unfinished business, is to be reckoned in the two hours and a half, the time has already expired.

Mr. HASKELL. The previous question has been ordered upon the pending bill.

The SPEAKER *pro tempore*. The previous question has been ordered upon the third reading of this bill.

Mr. RICE, of Massachusetts. Does the Chair rule that therefore the bill has the right to run beyond the time assigned for the consideration of business of this character?

Mr. HASKELL. It has been so held.

The SPEAKER *pro tempore*. The Chair thinks the previous question will carry the bill through to the question upon its passage.

Mr. MILLS. That has been the ruling heretofore.

The bill was ordered to a third reading, read the third time, and passed.

Mr. DEERING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HASKELL. I rise to a point of order. Does the Chair hold that the time occupied by the roll-call this morning upon a bill coming over from a previous day is to be taken out of the time allotted to the business of our committee? It was a roll-call under the ordinary rules of the House, and not under the special order.

The SPEAKER *pro tempore*. If it be not taken into account, the gentleman's committee has fifteen minutes remaining.

Mr. HASKELL. I should like to use that fifteen minutes.

VACATION OF EVENING SESSION.

Mr. HISCOCK. Is there an order for an evening session?

The SPEAKER *pro tempore*. There is.

Mr. HISCOCK. I ask, by unanimous consent, the session for this evening be vacated.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted in the following cases:

To Mr. KELLEY, indefinitely, on account of important business.

To Mr. HOOKER, indefinitely, on account of important business.

To Mr. MOREY, indefinitely, on account of important business.

To Mr. STEELE, for ten days, from the 26th instant.

ALEXANDER C. TWINING.

On motion of Mr. PHELPS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the petition of Alexander C. Twining, of New Haven, Connecticut, for extension of a patent for the manufacture of ice, and the accompanying papers, no adverse report having been made.

LEAVE TO PRINT.

By unanimous consent, Mr. DOWD obtained leave to have printed in the RECORD remarks on the bill (H. R. No. 6158) to aid in the support of common schools, and Mr. PETTIGREW remarks on the bill (S. No. 1604) to establish an assay office at Deadwood, in the Territory of Dakota. [See Appendix.]

ORDER OF BUSINESS.

Mr. WALKER. I move that the House do now adjourn.

Mr. HISCOCK. I wish to ask a parliamentary question of the Chair.

Mr. MCKENZIE. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

The House divided; and there were—ayes 56, noes 65.

Mr. BROWNE. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were not ordered.

Mr. WALKER. I demand tellers on the motion to adjourn.

Tellers were not ordered.

So the House refused to adjourn.

ENROLLED BILL SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes.

ORDER OF BUSINESS.

Mr. BROWNE. I move the House do now adjourn.

Mr. WILLIAMS, of Wisconsin. I rise to submit a privileged report.

Mr. MCKENZIE. I hope the Speaker will look this way one time. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman from Wisconsin says he rises to make a privileged report, and the Chair supposed it was his duty to recognize the gentleman from Wisconsin under such circumstances.

Mr. MCKENZIE. I think so myself, that he deserves recognition; but I do, too. [Laughter.]

AMERICAN NAVAL FORCES IN ALEXANDRIA.

Mr. WILLIAMS, of Wisconsin. I am directed by the Committee on Foreign Affairs to report back the following resolution referred to that committee on motion of the gentleman from New York, [Mr. ROBINSON,] and to move that the committee be discharged from its further consideration; and further to report back correspondence sent to that committee by the Secretary bearing on the same subject, and to move that it be printed.

The Clerk read as follows:

Resolved, That the Secretary of the Navy is hereby instructed to communicate with this House any correspondence with or instructions to Commodore Nicholson relative to his extraordinary threat to open fire upon the city of Alexandria under certain contingencies; and also to inform the House whether he has been informed that American sailors and officers are performing police duty in the city of Alexandria under the British admiral, and if so, by what authority.

The SPEAKER. The Chair hears no objection, and the Committee on Foreign Affairs is discharged from the further consideration of the resolution, and the correspondence indicated is ordered to be printed.

PUBLIC BUILDING AT OWENSBOROUGH, KENTUCKY.

Mr. WALKER. I now renew my motion to adjourn.

Mr. MCKENZIE. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MCKENZIE. I rise to a question of personal privilege. I desire to state that during the eight months of this session I have never

asked a personal favor of this House, and furthermore I desire to say I have never objected to the personal request of any member in this House. I ask by unanimous consent of the House to take from the Calendar House bill No. 4181 and put it on its passage.

The SPEAKER. The Chair does not think that is a matter of personal privilege, but it will submit the proposition to the House.

Mr. McKENZIE. I think it is a question of personal privilege, under the circumstances. [Laughter.]

The SPEAKER. The Chair thinks it is not.

Mr. McKENZIE. It is personal to me. [Laughter.]

The SPEAKER. The gentleman asks unanimous consent to take up for present consideration House bill No. 4181 for the construction of a public building at Owensborough, Kentucky.

Mr. WALKER. I move that the House do now adjourn.

Mr. McKENZIE. I serve notice on everybody in this House there shall be no more unanimous consent. I have been forbearing as long as it is possible to be.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. RICH and others objected.

Mr. McKENZIE. The gentleman has asked favors in this House and they were granted to him; but I serve notice now no unanimous consent shall hereafter be given.

The SPEAKER. The gentleman from Kentucky is not in order.

ORDER OF BUSINESS.

Mr. BROWNE. Let us have the regular order.

The SPEAKER. The regular order is the motion to adjourn.

Mr. WALKER. I withdraw the motion.

Mr. COX, of New York. I renew it, and demand the regular order.

Mr. McKENZIE. Why do you object to my bill? [Laughter.]

The SPEAKER. The regular order is demanded. The Chair is not informed as to what time still remains to the Committee on Indian Affairs.

Mr. McKENZIE. Mr. Speaker, I understand objection has been withdrawn to this bill.

The SPEAKER. Several gentlemen, the Chair understands, have objected.

Mr. McKENZIE. The gentleman from New York [Mr. Cox] withdraws his objection.

The SPEAKER. The Chair will submit the proposition again to the House. Is there objection to the request of the gentleman from Kentucky?

Mr. RICH. I object.

Mr. McKENZIE. Who objects?

The SPEAKER. The gentleman from Michigan.

Mr. WHITE. I hope the gentleman from Michigan will withdraw his objection to the request of my colleague, and let this bill come before the House for consideration.

Several members demanded the regular order.

Mr. BURROWS, of Michigan. I desire to say in reply to the inquiry of the Chair that if the time taken in calling the roll upon the unfinished business of the Indian Committee coming over from yesterday is to be counted in the two hours and a half allowed them, then the time of the committee has expired; otherwise they still have twenty minutes of the time remaining.

Mr. NEAL. Regular order.

Mr. WASHBURN. I move that the House do now adjourn.

Mr. SIMONTON. I move that when the House adjourns to-day it be to meet on Monday next.

The motion to adjourn until Monday was not agreed to.

Mr. COX, of New York. Regular order.

The SPEAKER. The regular order is on the motion of the gentleman from Minnesota, that the House do now adjourn.

The House divided; and there were—ayes 75, noes 39.

So the motion was agreed to; and accordingly (at four o'clock and seventeen minutes p. m.) the House adjourned.

SENATE.

FRIDAY, July 28, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. BROWN. I present a petition of the mayor and council and citizens of Brunswick, Georgia, praying that the quarantine station at Sapelo Sound may not be discontinued by the Board of Health. There has been some question about the appropriation for it, I understand. I was just going to state that the city of Charleston and the city of Savannah had sent a delegation here to look after that matter, and that it is very important, but the Senator from Maine [Mr. HALE] informs me that there is already an agreement to put it on the appropriation bill. I present the petition and move its reference to the Committee on Appropriations.

The motion was agreed to.

FRANCIS V. GREENE.

Mr. ANTHONY. Mr. President, some time since I reported from the Committee on Naval Affairs adversely the joint resolution (S. R. No. 55) conferring the rank of surgeon on the retired list of the Navy of the United States on Passed Assistant Surgeon Francis V. Greene, for highly meritorious service during the prevalence of the yellow fever on board the United States ship Lancaster in the year 1875.

Although I have no reason to think that the committee will change their decision on that subject, a friend of his, his counsel, desires to have a hearing before us, and I reported the joint resolution before he had an opportunity to be heard. I therefore ask unanimous consent to have the vote by which the joint resolution was indefinitely postponed reconsidered, and that it may be recommitted to the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. Which orders will be made if there be no objection. The Chair hears none.

TENTH CENSUS.

Mr. ANTHONY. I move that the Senate proceed to the consideration of the bill (S. No. 2151) to provide for the publication of the Tenth Census.

Mr. BUTLER. There is evidently not a quorum present. I move a call of the Senate. I have no objection whatever to taking up any measure proposed by the Senator from Rhode Island when there is a quorum here.

Mr. HALE. I hope the Senate will not insist upon a call. The bill the Senator from Rhode Island refers to was thoroughly discussed the other day and I have no doubt will go through at once without any objection.

Mr. BUTLER. Will the Senator be kind enough to state what the bill is?

Mr. ANTHONY. It is the bill providing for the publication of the Tenth Census.

Mr. BUTLER. I did not know that was the bill. I have no objection to its consideration.

Mr. HALE. It is a matter we debated the other day and were almost ready to pass upon when the morning hour expired.

Mr. ANTHONY. Quite ready, I think.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2151) to provide for the publication of the Tenth Census.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts as modified.

The amendment as modified was read, as follows:

That in order to avoid duplication in the distribution of these documents, and to secure complete sets to libraries and other public institutions, the additional copies herein ordered, excepting those ordered for the Treasury Department and for the Fish Commission, be delivered to the document-rooms of the Department of the Interior; and the Secretary of the Interior shall distribute those ordered for the use of Congress as follows: in sets to each of such fifteen libraries and other public institutions or individuals as shall be named to him for this purpose by each Senator, and to each of such ten libraries and other public institutions or individuals as shall be named to him for this purpose by each Representative and Delegate, and in volumes to Senators and Representatives or such other parties as shall be designated by Senators, Representatives, and Delegates until the quota of each shall be exhausted: *Provided*, That one copy of each volume shall, on its reception from the Public Printing Office, be transmitted to each Senator, Representative, and Delegate in Congress: *And provided further*, That duplicate copies shall not be sent to any library or individual on the request of any Senator or Member of the House of Representatives until both Senator and Member shall be notified that they have named the same library or individual: *And provided further*, That the party receiving the work upon the order of a member of Congress shall be informed by the Secretary of the Interior upon whose request it is supplied. And the Secretary of the Interior shall report to Congress at its next session the names and locations of the libraries and other public institutions designated to receive these reports under the provisions of this bill.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The change of the aggregate amount, the Secretary informs the Chair, was not formally agreed to. The Senator from Rhode Island [Mr. ANTHONY] proposed to strike out \$834,461.61 and insert \$678,624.61. Is there objection to that amendment? The Chair hears none, and it is adopted.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HALE. I ask to have the naval appropriation bill taken up, and I shall then yield to formal business, or matter that will not take time.

The PRESIDENT *pro tempore*. If there be no objection the bill is before the Senate.

Mr. HALE. I yield to the Senator from California, [Mr. MILLER.]

MERIDIAN OF LONGITUDE.

Mr. MILLER, of California. I ask consent to call up the joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in the reckoning of longitude and in the regulation of time throughout the world. It is a measure called for by scientific people and will set at rest a question which has excited them for a long time. It is reported unanimously by the Committee on Foreign Relations.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported

from the Committee on Foreign Relations with an amendment, in line 11, to strike out "three" and insert "five;" so as to make the joint resolution read:

Resolved, &c., That the President of the United States be authorized and requested to extend to the governments of all nations in diplomatic relations with our own an invitation to appoint delegates to meet delegates from the United States in the city of Washington, at such time as he may see fit to designate, for the purpose of fixing upon a meridian proper to be employed as a common zero of longitude and standard of time reckoning throughout the globe; and that the President be authorized to appoint delegates, not exceeding five in number, to represent the United States in such international conference.

Mr. MILLER, of California. I desire the amendment to be rejected, because if adopted the joint resolution would have to go back to the House for concurrence in the amendment. The committee thought five would be better, but have reconsidered their action under the circumstances. I therefore ask that the amendment of the committee be not adopted.

The amendment was rejected.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAY OF LETTER-CARRIERS.

Mr. FERRY. Having been occupied in committee, I ask the Senator from Maine to allow me to make a report. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes, to report it favorably without amendment, and to recommend its passage. I am requested by several Senators to ask for the passage of the bill at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FERRY. The bill does not increase the pay of letter-carriers except the pay of auxiliaries from \$400 to \$600. Four hundred dollars is altogether too small. The present law gives auxiliaries \$400, and this bill provides for auxiliaries at \$600. It does not change the pay of other classes. It simply leaves them at \$800 and \$1,000 in large cities. In cities under 75,000 the pay to-day is \$850. This bill does not touch cities having a population of under 75,000, and applies simply to those having a population of 75,000 and over, there being two classes in those cities, and as stated their pay being \$800 and \$1,000. All the difference that this bill makes with the present law is that it makes it mandatory upon the Postmaster-General in case of vacancy in the first-class grade, and on a year's service, the carrier of the second class receiving \$800 shall be promoted to \$1,000. That is all the difference the bill in that respect proposes.

Mr. HOAR. I shall not interfere with the Senator's bill by opposing it, but I think it proper to say that the distinction between cities of over 75,000 inhabitants and under 75,000 is, in my judgment, wholly untenable in principle. A letter-carrier in the city of New York or Boston has a compact route where there is a great mass of population, the letters he carries are in small space, and it is a sheltered route, easy to traverse. On the other hand, in a city of 15,000 or 20,000 inhabitants, the number of letter-carriers being smaller than in a city of 50,000, he has just as many letters to deliver and at the same time he has a larger route to travel and much more space to cover. He goes into the outskirts and suburbs and has longer spaces to travel, and it is utter injustice to make the discrimination. I will not suggest a measure of injustice to these others who I admit are among the most hard-worked class of public servants. The number of these letter-carriers is very great and they have much labor to perform, walking and going up and down stairs, and they are entitled to my sympathy and respect. I wish, however, to put on record my dissent from these principles while not resisting the particular bill.

Mr. FERRY. The Senator from Massachusetts will allow me to say that this bill does not touch that general point of population classification. The present law makes the discrimination between cities of 75,000 and those under that number. In cities of 75,000 and over there are two classes of carriers, and in cities having a population under 75,000 there is but one class of carriers, receiving \$850. They get \$50 more than is provided for the second class in cities of 75,000 and over.

So far as the first and second classes are concerned, I desire to answer the Senator from Massachusetts by stating two facts which are in favor of those serving in the larger cities. One is the difficulty of getting homes. They have to go into the suburbs to find places where they can with their means secure suitable homes, when in smaller cities they can get homes nearer the circuit of their work. In the large cities they are compelled either to pay more for their rents or else go further from the circuit of their service.

Mr. HOAR. They have street cars in the large cities on which to travel to their homes.

Mr. FERRY. Then there is another point. In compact large cities they have to travel up five, six, and seven stories with but few elevators comparatively. Their labor in going up and down stairs is largely more than in smaller cities, where their steps are largely upon a level, so that the labor is more taxing in larger cities than in smaller cities.

Mr. HOAR. Those cases are very rare, and they exist in small cities, with the exception that there is somebody at the basement who takes the letters.

Mr. ROLLINS. It strikes me that the Senator from Massachusetts is quite right about this matter, and I can see no reason for the difference.

Mr. FERRY. This bill does not change that feature of the law.

Mr. ROLLINS. I think letter-carriers in some of the smaller cities do much more work than in larger cities, and there certainly should be no discrimination against them. They should have the same pay certainly.

Mr. FERRY. If the Senator will allow me, in smaller cities of less than a population of 75,000 carriers get \$50 more than this bill contemplates for carriers serving in cities of 75,000 and over. This bill does not change the pay of the two classes of carriers in cities of 75,000 population and over. They receive by existing law, and will receive by this bill \$800 and \$1,000 respectively. The present law gives carriers \$850 in cities under 75,000. This bill does not touch those in cities having less than 75,000 population, nor does it interfere with the classification of population. It is simply providing that instead of promotion being left to the discretion of the Postmaster-General, they shall upon one year's service of \$800 be promoted to the \$1,000 grade, provided there is vacancy for them in such higher grade. That is all there is about the bill, except as already stated, auxiliaries are increased from \$400 to \$600.

Mr. GROOME. I do not propose to oppose the passage of the bill or do anything to delay action upon it, but I rise simply to put myself right upon the record.

I wish to say that I agree entirely with all that the Senator from Massachusetts [Mr. HOAR] has so well said on this point, and I think he might have added to it by saying that the letter-carriers in the large cities have very great conveniences in the transaction of their business which are not had by the carriers in cities of the third class. In the larger cities they are furnished with wagons in which they are taken to the places where they have to distribute their mail, and their mail matter is carried for them; and hence their labors are very greatly lessened.

I should be very strongly inclined to think that if any distinction whatever is made between the carriers in the larger cities and the carriers in cities under 75,000 population those in smaller cities ought to have the larger pay; but I think the true rule is that in all cities where letter-carriers are required the pay of the carriers should be uniform.

Mr. SAULSBURY. I desire to say that as a member of the Post-Office Committee I opposed there the provision which increases the pay of the auxiliaries from \$400 to \$600. I did not approve of it and I did not give my consent to disturbing the present arrangement with reference to the class of \$800 and \$1,000 letter-carriers. I wanted that to remain as it is. I shall not vote for the bill as it is now.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ATLANTA COTTON EXPOSITION.

Mr. HAWLEY. The Senator from Maine kindly yields to me, I understand, for a moment, to present a report from the Committee on Printing.

Mr. HALE. Not to take any time.

Mr. HAWLEY. I hope it will not give rise to any debate. If it does I shall withdraw it. There was referred to the Committee on Printing a joint resolution (S. R. No. 74) for printing 5,000 copies of the official report of the Atlanta cotton exposition. The committee reports favorably, but with a substitute varying the language somewhat. I submit it, and by instruction of the committee I ask for its immediate consideration. If anything is to be done it ought to be done soon. I can give a very brief explanation if necessary.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported by the Committee on Printing was, to strike out all after the resolving clause of the joint resolution and to insert:

That the official report of the international cotton exposition of 1881 be printed, and that 5,000 additional copies be printed, 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, 500 copies for the use of the Department of State, and 500 copies for the use of the Department of Agriculture, and that the sum of \$3,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Public Printer to purchase at a fair price the stereotype plates of the official reports of the said exposition now in the hands of H. I. Kimball, the director-general of said exposition.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CAMERON, of Pennsylvania. At the request of the Senator from Virginia, [Mr. MAHONEY] who is indisposed, I offer an amendment intended to be proposed by him to the sundry civil appropriation bill, which I move be referred to the Committee on Appropriations and printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON,

its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund; agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. C. G. WILLIAMS of Wisconsin, Mr. W. W. RICE of Massachusetts, and Mr. P. V. DEUSTER of Wisconsin, managers at the further conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. No. 740) to establish ports of delivery at Kansas City and Saint Joseph, in the State of Missouri; and

Joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth C. Custer; and

A bill (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

Mr. HALE. Now I hope the Secretary under the order will read the bill.

The Acting Secretary proceeded to read the bill. The first amendment reported from the Committee on Appropriations was, in section 1, after the word "and," in line 37, to strike out "various staff corps of the Navy and of the Marine Corps, but naval constructors and assistant naval constructors may be appointed from civil life," and insert "engineer corps of the Navy and of the Marine Corps;" so as to read:

Provided, That hereafter there shall be no appointments of cadet-midshipmen or cadet-engineers at the Naval Academy, but in lieu thereof naval cadets shall be appointed from each Congressional district and at large, as now provided by law for cadet-midshipmen, and all the undergraduates at the Naval Academy shall hereafter be designated and called "naval cadets;" and from those who successfully complete the six years' course appointments shall hereafter be made as it is necessary to fill vacancies in the lower grades of the line and engineer corps of the Navy and of the Marine Corps.

Mr. ANTHONY. Mr. President, I have no objection to this amendment, but I must express my surprise that even the omnipotent Committee on Appropriations should have the audacity to propose an amendment to anything that comes from the House of Representatives. It is different from the doctrine laid down to us yesterday. We were then told that to amend a bill which came from the House was to insult that body and to draw down its wrathful vengeance upon us. It was threatened that if we amended the bill we should be kept here not only through the heats of August but into the snows of December. We were told practically that it was our duty to receive with unquestioning submission whatever the "sovereign majesty,"—that was the term used—"of the House" should deign to send to its vassal, the Senate.

Now, I do not agree to that. I do not believe that the House of Representatives is sovereign any more than the Senate; I do not believe that both together are sovereign; and I can vote for this amendment without violating the consistency which I think the Senator from Maine must break when he votes for it.

Mr. HALE. As the Senator from Rhode Island does not object to the provision, I prefer expedition in the passage of the bill to the gratification of answering him, and so ask that the question be put on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 51, after the word "board," to insert:

But nothing herein contained shall reduce the number of appointments from such graduates below ten in each year.

So as to read:

And provided further, That no greater number of appointments into these grades shall be made each year than shall equal the number of vacancies which has occurred in the same grades during the preceding year; such appointments to be made from the graduates of the year, at the conclusion of their six years' course, in the order of merit, as determined by the academic board of the Naval Academy; the assignment to the various corps to be made by the Secretary of the Navy upon the recommendation of the academic board. But nothing herein contained shall reduce the number of appointments from such graduates below ten in each year.

The amendment was agreed to.

The next amendment was, after the word "cadet-midshipmen," in line 57, to insert "and so much of section 1521 of the Revised Statutes as is inconsistent herewith is hereby repealed;" so as to read:

And if there be a surplus of graduates, those who do not receive such appointment shall be given a certificate of graduation, an honorable discharge, and one year's sea-pay as now provided by law for cadet-midshipmen; and so much of section 1521 of the Revised Statutes as is inconsistent herewith is hereby repealed.

The amendment was agreed to.

The next amendment was, after the word "discharged," in line 62, to insert "at the end of four years' course at the Naval Academy;" in line 63, after the word "with," to strike out "his" and insert "a proper;" and, in line 64, after the word "graduation," to strike out "and one year's sea-pay, under the provisions of this act;" so as to make the clause read:

That any cadet whose position in his class entitles him to be retained in the service may, upon his own application, be honorably discharged at the end of four years' course at the Naval Academy, with a proper certificate of graduation.

The amendment was agreed to.

The next amendment was, in line 68, after the word "cadet," to strike out "assigned to a staff-corps;" so as to make the clause read:

That the Secretary of the Navy may prescribe a special course of study and training at home or abroad for any naval cadet.

The amendment was agreed to.

The next amendment was, after the word "purpose," in line 73, to strike out—

And the appointments of chaplains and assistant surgeons shall be made from civil life as now provided by law.

Mr. MILLER, of California. I wish to offer an amendment at that point.

Mr. HALE. The agreement is that the bill shall run through on the amendments reported, and after that the additional committee amendment and other amendments shall be offered, just like any other appropriation bill.

Mr. MILLER, of California. My amendment is to strike out a considerable portion of the bill and insert a section.

Mr. HALE. Undoubtedly an amendment to the amendment is in order; but if the Senator's proposition is an independent amendment it will not be in order until we get through with the amendments of the Committee on Appropriations.

Mr. MILLER, of California. I do not wish to agree to the amendments which have been proposed by the Committee on Appropriations, nor to some of the matter which came from the House.

Mr. HALE. My only question to the Senator is whether the amendment he offers is an amendment to the committee amendment.

Mr. MILLER, of California. I ask that my amendment be read, and if it is not in order I propose to reserve it until it is in order.

The PRESIDENT *pro tempore*. The amendment of the Senator from California will be read.

The Acting Secretary read as follows:

Strike out all after the word "law," in line 75, down to and including the word "grade," in line 116.

Strike out all after the word "dollars," in line 130, down to and including the word "pay," in line 162.

Mr. HALE. I submit that would be an amendment proper to come in after we have gone through with the committee amendments. It is only a matter of order; that is all.

Mr. MILLER, of California. It is immaterial to me when the amendment is considered, though I should think this was the proper time to consider it. I do not want to be shut out hereafter on a point of order.

Mr. HALE. There is no intention of that; only we are proceeding as appropriation bills are always proceeded with, under the order that the committee amendments shall first be taken up. In fact, I have some amendments from the committee which I do not propose to offer until we get through with the reading of the bill and then go back, and then the Senator's amendments may be taken up, and any other amendments.

The PRESIDENT *pro tempore*. Does the Senator from California object to the amendment of the committee striking out the words:

And the appointment of chaplains and assistant surgeons shall be made from civil life, as now provided by law?

Mr. MILLER, of California. Of course I object to that. There are several amendments of the committee in this part of the bill to which we object.

Mr. HALE. That is only the law as it is now.

Mr. ROLLINS. That is just what I wish to ask the Senator from Maine, if he understands that striking out these lines changes existing law at all.

Mr. HALE. Oh, no; let me explain.

Mr. ROLLINS. I do not want any ambiguity.

Mr. HALE. This amendment is perfectly legitimate. We provide for it in another part of the bill. The House put in several exceptions, and we have grouped them all, and have not interfered with the appointment of chaplains and assistant surgeons in any way.

Mr. ROLLINS. It occurs to me that Annapolis is not the best place to educate chaplains.

Mr. HALE. Those are not touched at all. That is taken care of in another part of the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 78, after the word "inspectors," to strike out "fifty surgeons and ninety assistant and passed assistant surgeons," and insert:

One hundred and forty surgeons, of whom fifty shall be designated as surgeons of the first class, with the relative rank and pay now provided by law for surgeons,

and ninety of whom shall be surgeons of the second and third classes, with the relative rank and pay now provided by law for passed and other assistant surgeons. Appointments in and promotions to these three classes shall be by examination before a board of medical officers of the Navy.

So as to make the clause read:

That the active list of the medical corps of the Navy shall hereafter consist of fifteen medical directors, fifteen medical inspectors, one hundred and forty surgeons, of whom fifty shall be designated as surgeons of the first class, with the relative rank and pay now provided by law for surgeons, and ninety of whom shall be surgeons of the second and third classes, with the relative rank and pay now provided by law for passed and other assistant surgeons. Appointments in and promotions to these three classes shall be by examination before a board of medical officers of the Navy.

Mr. HALE. I have a committee amendment to offer to this amendment.

Mr. MILLER, of California. The question I wish to ask now is, should this amendment be adopted, would it be competent for me to move to strike out afterward? Would that be in order?

The PRESIDENT *pro tempore*. In the Senate it would be in order, but not in Committee of the Whole.

Mr. MILLER, of California. That is the reason why I think the amendment I offer should be considered now. We want to discuss the question and dispose of it in Committee of the Whole before the bill gets into the Senate.

The PRESIDENT *pro tempore*. It is in order to move to strike it all out and insert something else, of course.

Mr. HALE. That can be done after we go through with the amendments of the Committee on Appropriations.

The PRESIDENT *pro tempore*. After the bill is gone through with it will be in order to strike out the whole of this provision and insert something else.

Mr. INGALLS. But the Senator from California does not wish to be deprived, I understand, of an opportunity of discussing and resisting the pending amendment, and, as he suggests, if it is agreed to now, which I understand the Senator from Maine to ask, there will be no possibility of doing anything except to ask a disagreement in the Senate. Therefore, if the Senator from Maine will pardon the suggestion, it appears to me that the proper way to do is to consider the amendments as we go along, and to regard them as open to discussion and amendment, because of course he does not wish to deprive any Senator of the right either to resist or to amend.

Mr. HALE. No. Let me say that I am proceeding here, as the Senator from Kansas knows, according to the unvaried proceeding on appropriation bills, which is to go through first with the committee amendments and consider them, with any amendments to them, of course. When any one of the committee amendments is reached any amendment to that particular committee amendment is in order. There are certain amendments which go beyond that. I understand the amendment of the Senator from California, which I do not wish of course to in any way shut out or to limit the privilege of debate and consideration upon, goes further than any particular amendment of the committee that we have reached, and proposes to strike out certain parts of the bill covering several amendments and to substitute something else. Clearly that would be in order when we have got through and have perfected the committee amendments. Then the Senator comes in and proposes to recast the bill by substituting something that would cover one, two, three, or four pages; but I do not want to consider that now while we are considering a special amendment of the committee. I think the Senator from Kansas will see the force of that.

Mr. INGALLS. But the Senator from California does not wish that special amendment agreed to, and therefore the proper plan would be for him to object to its adoption and have it reserved for consideration hereafter; because if the Senator from Maine asks that the amendment may be agreed to by the Senate as in Committee of the Whole, and it is agreed to, it is beyond reach until the bill is reported to the Senate.

Mr. HALE. It is not beyond the reach of the Committee of the Whole afterward to strike out and substitute something else, I think.

Mr. INGALLS. Probably not.

Mr. HALE. That he can do when we get through the committee amendments, and I take it that is what the Senator has got, a provision striking out several of these amendments and substituting something else.

The PRESIDENT *pro tempore*. He proposes to take out a part of the text of the bill also, from line 75 down to line 116.

Mr. MILLER, of California. Let my amendment be read.

Mr. HALE. I have no objection to its being read. Before that is done, however, let me offer my amendment perfecting this amendment of the committee. In line 87, after the word "Navy," I move to insert the words:

Provided, That the passed assistant surgeons now in the service who have been examined and found qualified shall not be subject to further examination before promotion to the grade of surgeon of the first class.

Everybody will see that that is proper, and that the provision for examination should not apply to men who have already been examined.

The amendment to the amendment was agreed to.

Mr. MILLER, of California. I think a point of order would lie against the whole amendment, all that part in italics, including the amendment of the Senator from Maine just adopted, because it is

new matter, it is new legislation introduced upon an appropriation bill by the Committee on Appropriations.

Mr. HALE. If the Senator prefers the House provision, very well; but this is simply amending the House provision which dealt with the medical corps of the Navy. The House provision cuts down that, and makes certain classifications. At the request of the head of the corps the Senate Committee on Appropriations substituted a classification more suited to the needs of the Department, as the head of that corps said, instead of the House provision; but it is not new matter; it is entirely germane to that, and is part of the subject-matter. If the Senate prefers the House provision I have no objection particularly myself; only we thought that it was a better provision than the House provision.

Mr. MILLER, of California. I do not prefer either of them.

Mr. HALE. The question is between the two.

Mr. MILLER, of California. I am against both of them.

Mr. HALE. If the committee amendment is stricken out, then the House provision will remain.

Mr. MILLER, of California. I submit still that the proper course to pursue now is to consider these amendments, and get rid of the question whether we shall strike out.

Mr. HALE. If the Senator will let this matter of my amendment be fixed, and then have his amendment read, perhaps I shall have no objection to considering it now.

Mr. MILLER, of California. What does the Senator want to fix?

Mr. HALE. The amendment I have just offered to the amendment of the committee.

The PRESIDENT *pro tempore*. That has been adopted.

Mr. HALE. Very well.

The PRESIDENT *pro tempore*. The amendment of the Senator from California will be read.

Mr. BROWN. Before we pass from the amendment made by the committee, I move to insert, in line 86, after the word "by," the word "competitive;" so as to read:

Appointments in and promotions to these three classes shall be by competitive examination before a board of medical officers of the Navy.

Mr. HALE. Supposing in any case of vacancy in the lower rank of the medical corps of the Navy there was but one appointment, one designation, how could there be a competitive examination? And yet there should be an examination.

Mr. BROWN. Then I will say "competitive in all cases where there is more than one applicant," so as to meet that objection. It seems to me it is eminently proper in these cases that there should be a competitive examination, so that every applicant may be properly examined and examined in connection with every other applicant. I desire that the brightest and best qualified in a case of this character shall take the prize, whatever it may be, and the way to reach that is by competitive examination.

Mr. HALE. I have no objection to the Senator's amendment if he thinks it will do any good.

Mr. LOGAN. I should like to ask the Senator from Georgia what is the design? What does he propose to accomplish by the word "competitive" in this particular?

Mr. BROWN. I propose, with all due respect to the Senator from Illinois, to have the different applicants for advancement to these grades appear before the board and stand a competitive examination and compete with each other for the honor of promotion. I desire, as already stated, that the brightest and best qualified and ablest man among them shall be the person appointed, without any regard to what his connections are with the Navy, or how popular he may be, or whose friend he may be, or anything of that character.

Mr. LOGAN. If the Senator will examine the question a little further he will find the fact to be that examinations by a board are for the purpose of ascertaining the qualifications of the party to be appointed to the office of surgeon or assistant surgeon, or whatever it may be. Under the law promotion in the Navy is made by seniority, but still in these cases a man is not appointed unless he is competent. If not competent he is left to remain where he is. If there are four or five applicants in the case of an original appointment to an office, or if there are two or three vacancies, they make examinations. The man who passes the highest examination gets the first appointment. Those who pass the examination stand on the list No. 1, No. 2, and No. 3; they are classified. That is the rule now, and they go into the Navy in that way. If three appointments are to be made the man who passes the best examination goes to the head as No. 1, and so on. It is just as much a competitive examination as you can possibly make it; but if you use the word "competitive" there is but one vacancy, and it applies to promotion, you have got to repeal the law of promotion. So inserting the word "competitive" there does not accomplish what the Senator desires to accomplish, but only creates confusion.

If the Senator understands what I mean, it is this: where original appointments are to be made there is now an examination which is competitive; if twenty are examined and there are three appointments to be made, the three highest go in and they go in according to their number as they pass the examination; if there is only one vacancy for promotion, then by the law the man qualified for promotion who is entitled to it gets it; but if you use the word "competitive," then you bring other persons into the examination, and

you derange the organization of the corps in that way. That is the effect of it.

Mr. BROWN. If it is a derangement, it is just such a derangement as I desire to see. This amendment of the committee reads thus:

One hundred and forty surgeons, of whom fifty shall be designated as surgeons of the first class, with the relative rank and pay now provided by law for surgeons, and ninety of whom shall be surgeons of the second and third classes, with the relative rank and pay now provided by law for passed and other assistant surgeons. Appointments in and promotions to these three classes shall be by examination before a board of medical officers of the Navy.

I propose to amend, by saying in the latter clause "by competitive examination in all cases where there is more than one applicant before a board of medical officers of the Navy."

Now whatever the present law may be on this subject I am ready to repeal it if it is in the way of that provision, and make this the last law on the subject. I think that as there are to be three grades of surgeons, proposed to be paid different salaries and with different honors according to grade, it is only proper when it comes to an examination—and the committee's amendment provides for that—that that examination should be competitive. If it is necessary to have one at all, let all compete for the honor, and whoever is the brightest and the ablest let him take it. If a man in the third class is the ablest man, the best posted, the best informed in his profession, and the best qualified for the discharge of the duties, certainly he should be promoted in preference to a man who is old or may have stronger connections or more influence in the Navy, but who has not the qualifications he has. That is my object.

Mr. HALE. If I had got at the Senator's intention before—I do not think I did—certainly I would not agree to it. I should never have agreed to it if I had supposed he was going so far as he now seems to propose. Does he want all promotions from one grade up to another in the medical corps to be subject to the competition of all the men in the lower grade?

Mr. BROWN. I should prefer that.

Mr. HALE. I supposed that what he meant was that in the original appointments, where for instance half a dozen men are designated to appear in order to be examined for an appointment to the lowest grade, then it should be a competitive examination. I have no objection to that; for an original appointment he is right; and I supposed that was all the Senator desired. I did not suppose that he desired that all the question of promotion, which is regulated by rank and by order, should be thrown open to a scramble by competition in the rank, because that would leave everything so loose that you never would get any promotions made in any degree satisfactory. I am willing that the original appointments shall be by competition.

Mr. BROWN. I said the prize should be to those best qualified. I admit that where some brighter and abler man in the lower grade took the prize it would not be satisfactory to those not qualified.

Mr. HALE. You disturb the whole question of length of service and seniority and those things which are so essential.

Mr. BROWN. The committee say in their amendment:

Appointments in and promotions to these three classes shall be by examination before a board of medical officers of the Navy.

Why examination?

Mr. HALE. I will tell the Senator why. It is because in the promotion that is regularly made in order from one grade to another there should be an examination to see if the officer who is entitled to promotion, if he is not lacking, is qualified for promotion. If he is not then the next man in order comes up, and if he is not fit on examination then the next man in order can be examined; but if you throw open every vacancy to the competition of everybody in the next grade you would revolutionize all kinds of appointments.

Mr. BROWN. Then it is a revolution very greatly needed. If the present law on that subject simply makes provision for a line of men not qualified, a line of favorites, a line of men who are afraid to stand a competitive examination, then I say revolution is very necessary.

Mr. HALE. The Senator breaks up all seniority and all rank and all preference by length of service, and puts everything into a competition. That I cannot agree to. I should like a vote of the Senate.

Mr. BROWN. It might be so in some of the other departments.

Mr. HALE. I do not want to prolong the discussion; I ask for a vote.

Mr. INGALLS. Does this amendment change the number of passed assistant surgeons and assistant surgeons in the Navy?

Mr. HALE. It reduces them from one hundred and ninety to one hundred and eighty.

Mr. VANCE. Allow me to inquire of the Senator from Maine why there are not more men taken off this list?

Mr. HALE. That is a question that I inquired of myself when the bill first came over, but on consultation and examining the records of the Department and the duty performed the committee came to the conclusion that the reduction of ten, as explained by the Surgeon-General and by other officers there, was as much perhaps as could be applied now upon this corps. I do not know but that we might have made it twenty; but we gave the corps the benefit of the doubt.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment of the committee.

Mr. BROWN. The committee by their amendment say that appointments and promotions in the medical corps shall be by examination. I suppose that does not break up the modes of promotion. Wherever they say "by examination" I ask that it be "by competitive examination." If my amendment changes or revolutionizes promotion, then theirs does. If there is an examination at all, why not allow it to be competitive?

Mr. HALE. The law is not changed. I have explained how that is. This would revolutionize it.

Mr. BROWN. The change would be a later enactment and make the examination competitive.

Mr. LOGAN. Competitive examination applies to original appointments and not to promotions; that is the difference.

Mr. BROWN. If one man has shown himself laggard, incompetent, an idler, not attentive to his duties, he should not be promoted over a bright man who stands a better examination in his grade.

Mr. HALE. I am willing to take the vote. If the Senate think this whole thing should be thrown open in all the grades to a competitive scramble, I do not want to take up any more time.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was rejected; there being on a division—ayes 11, noes 29.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator from Maine in charge of this bill that the Senator from California [Mr. MILLER] moves to strike out from line 75 down to line 116.

Mr. BROWN. Before we pass from the amendment of the committee in line 87, I desire to offer another amendment.

Mr. BLAIR. I observe that the committee say to us that they have changed some of the language of this sacred text that has come to us from the House of Representatives. They have trifled with it in some instances, as in this case. They seem to have erased nine words from the text as it came from the House and they have inserted instead thereof eight lines. I have read what is erased and that which is inserted by the committee, and it all seems to me to be precisely the same thing or to be an iteration of existing law. I should like to inquire of the committee the reason of the change and wherein is the improvement except in the adoption of a considerable amount of verbiage?

Mr. MILLER, of California. I desire now—

Mr. BLAIR. I should like to hear from some member of the committee wherein it is claimed that here is an improvement. It may be one, but it is not apparent to the naked eye.

Mr. HALE. I cannot explain it any more fully than the text of the bill shows. What is the amendment of the Senator from Georgia?

The PRESIDENT *pro tempore*. Did the Senator from Georgia have a further amendment to move?

Mr. BROWN. As my proposition to open the whole field to competition to the brighter and ablest man was voted down, I desire to offer this amendment:

In all cases where a new appointment is to be made, it shall be done after a competitive examination.

Mr. SEWELL. I think that the Senator will find that that is the law now, that when these appointments are made the only restriction is to the age of the appointee. He has to pass a competitive examination, and then the highest on the list receives the appointment when a vacancy occurs.

Mr. INGALLS. It may be the law, but very frequently it is not the fact.

Mr. MILLER, of California. I have an amendment to offer now.

The PRESIDENT *pro tempore*. The amendment of the Senator from Georgia is now pending. The Chair will recognize the Senator from California when that is disposed of.

Mr. HALE. I have no objection to the amendment of the Senator from Georgia. It does not change the law.

Mr. BROWN. I propose that my amendment come in at the end of the amendment of the committee:

And in all cases where an appointment is to be made it shall be done after a competitive examination.

The amendment to the amendment was agreed to.

Mr. MILLER, of California. Now, Mr. President, I propose to strike out the amendment of the committee as it has been perfected, beginning with the words in italics, in line 79.

Mr. HALE. The vote has not been taken on it; it has to be adopted.

The PRESIDENT *pro tempore*. The question is on adopting the amendment of the committee.

Mr. MILLER, of California. Is it not in order for me to move to strike it out?

The PRESIDENT *pro tempore*. It is not in order. The question is on inserting it.

Mr. MILLER, of California. Then I move as a substitute or as an amendment to the committee's amendment, to insert in lieu of it my amendment, commencing on the eighth line, raising a commission. Let the Secretary read it.

The ACTING SECRETARY. It is proposed to insert in lieu of the amendment of the Committee on Appropriations the following:

A commission consisting of nine members, to wit: two Senators, to be desig-

nated by the President *pro tempore* of the Senate; three Representatives in Congress, to be designated by the Speaker of the House; the Secretary of the Navy, and three officers of the Navy, to be designated by the President of the United States, is hereby constituted and appointed a board or commission to consider all matters relating to the proper reduction of the official list of the Navy and the adjustment of the several grades and corps thereof, said commission to make report thereon to Congress at its next session. The Secretary of the Navy is authorized to detail an officer to act as secretary, and to employ such clerks and stenographers as may be necessary; and said commission shall have power to send for persons and papers.

Mr. HALE. I object to that amendment and make the point of order.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. HALE. It is not germane to that portion of the text, to begin with; it has nothing to do with it; and then it is entirely, absolutely new legislation.

Mr. INGALLS. There is nothing in the rule that prevents new legislation as an amendment to an appropriation bill. The entire bill is new legislation.

Mr. HALE. That may be. The House may make entirely new legislation and we cannot deal with it.

The PRESIDENT *pro tempore*. There has been no point of order raised to the committee amendment; but the point of order is raised to this amendment to it. This amendment is clearly general legislation.

Mr. ROLLINS. Does the Chair rule that the point of order is well taken?

The PRESIDENT *pro tempore*. Upon this amendment?

Mr. ROLLINS. Yes, sir.

The PRESIDENT *pro tempore*. The Chair so holds.

Mr. ROLLINS. Allow me to say just one word. At the proper time I propose to call the attention of the Senate to this matter more distinctly. Here is a bill termed an appropriation bill. It is not an appropriation bill, in my judgment, within the rules of the Senate. It is a bill having for its object the reorganization of the Navy, and incidentally there are appropriations for the support of the Navy. There are provisions of law here, or will be when this bill becomes a law, for the completion of certain iron-clads, but this is not, in my judgment, an appropriation bill within the strict meaning of our rule, upon which such a point of order ought to be sustained. With all due deference to the Chair, if the Committee on Appropriations will come in here with a bill providing for the reorganization of the Navy, I submit that in all justice and all fairness any amendment looking in that direction in which this bill goes should be in order and should not be overruled.

Mr. HAWLEY. The Chair will permit me to make a suggestion upon that point. I understand the objection to this proposition of the Senator from California is that it is new legislation.

The PRESIDENT *pro tempore*. The Senator from Maine raises the point that it is general legislation.

Mr. HALE. It is general legislation; it changes existing law; it is absolutely new; there is no such law now.

Mr. HAWLEY. Now, my point is that a large part of this bill is of that precise character, so that if a committee shall desire to bar the Senate from changing its provisions it has only got to object that what we propose by way of amendment to the committee's amendment is general legislation subject to the rule. I suppose whatever they offer is amendable.

Mr. LOGAN. The Senator is entirely mistaken in one respect—

Mr. HAWLEY. Let me get through. Here are some words in italics on the fourth page which we suppose to be the language of the Committee on Appropriations, and a proposition is submitted by the Senator from California aiming at changes and reductions in the Navy in a different way from that suggested by the committee. Now, if that is not in order, is any amendment of any description changing the terms of those words in italics in order?

Mr. INGALLS. The amendment itself is not in order if anybody sees fit to object to it.

Mr. ROLLINS. I submit that if the amendment proposed by the Senator from California is not in order, nearly all the amendments proposed by the Committee on Appropriations go out for the same reason. They change existing law. If we are to have a point of order made here by the Committee on Appropriations, let us understand it at the outset, and then he who makes the most points of order is the best fellow.

Mr. LOGAN. I wish to make a suggestion.

Mr. ROLLINS. To test the matter I make the point of order on the amendment of the committee beginning in line 79.

Mr. LOGAN. If the Senator will allow, I desire to make this suggestion: that when a point of order is decided there is nothing in order before the Senate except an appeal from that decision, if there is dissatisfaction with it. It is not in order to discuss it after it is decided.

Mr. JONES, of Florida. Has the point of order raised by the Senator from New Hampshire been decided?

Mr. LOGAN. I am talking about the point of order made on the proposition of the Senator from California. It was decided, and then this debate arose on it after it was decided. I merely suggest that it is not proper to discuss a point of order after it has been decided.

Mr. HAWLEY. I appeal from the decision of the Chair, then.

Mr. JONES, of Florida. I hope no such point will be made on this

important matter. I do not understand that it was decided. Of course the Chair might have indicated that it held the point well taken.

The PRESIDENT *pro tempore*. The point of order now made by the Senator from New Hampshire is upon the amendment of the Committee on Appropriations.

Mr. HAWLEY. But lest I may lose the right to do so, I appeal now from the decision of the Chair as to the amendment of the Senator from California.

Mr. MILLER, of California. I made that same point of order against the committee amendment.

Mr. HAWLEY. I want the question understood.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator from California.

Mr. MILLER, of California. The report of our proceedings will show I raised that point of order on the committee amendment, and it has not been decided.

The PRESIDENT *pro tempore*. The attention of the Chair was not called to the point of order. The Chair can decide both points readily. He has decided one point on the pension appropriation bill.

Mr. HAWLEY. I appeal.

The PRESIDENT *pro tempore*. Did the Senator from California make the point of order on the amendment of the committee?

Mr. MILLER, of California. I did.

Mr. HARRIS. I understand that the Senator from Maine raised the point of order as to an amendment which was offered to the committee's amendment, and that the Chair has ruled upon that question of order, from which ruling the Senator from Connecticut appeals. I think the thing for the Senate to do is first to decide that appeal.

The PRESIDENT *pro tempore*. But the Senator from California insists that he raised the first point of order on the amendment of the committee. The Chair did not hear it. If the Senator insists that he raised the point of order on the amendment of the committee, that is first in order.

Mr. HALE. What is that point of order?

The PRESIDENT *pro tempore*. It is on the amendment from line 79 to 87 inclusive.

Mr. HALE. Upon the point of order—

Mr. INGALLS. It is not debatable.

The PRESIDENT *pro tempore*. It is not debatable. The Chair decided the same question on the pension appropriation bill on an amendment of the Committee on Appropriations to that bill. Although the amendment of the committee is in the line of the provision of the House, it is still general legislation on an appropriation bill.

Mr. INGALLS. And is not in order.

The PRESIDENT *pro tempore*. Not in order.

Mr. HALE. The Chair decides, then, that the amendment of the committee is out of order.

The PRESIDENT *pro tempore*. Yes, sir; and he made the same decision upon the pension appropriation bill.

Mr. HALE. Then we fall back upon the provision of the House bill.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HALE. I have no objection to that if the Senate prefer that. We endeavored to adapt it to what we supposed would be the judgment of the Senate.

Mr. ROLLINS. That puts us all on the same plane.

Mr. MORGAN. That compels us to take the House bill without any amendment.

The PRESIDENT *pro tempore*. The same point was raised on the pension appropriation bill and decided by the Senator from Wisconsin [Mr. CAMERON] then occupying the chair. The meaning of the rule is that there shall be no general legislation of any kind on an appropriation bill. The Senate rules cannot affect the text of the bill as it came from the House; but no committee has authority, if the point of order is raised, to alter by amendment the provisions of the bill as they come from the House if the alteration proposed is general legislation.

Mr. HALE. Now I have no objection, as that point of order is deliberately made, to take the House bill as it is.

The PRESIDENT *pro tempore*. Then the question is on striking out in lines 78 and 79 the words "fifty surgeons and ninety assistant and passed assistant surgeons."

Mr. HOAR. I should like to understand precisely the scope of the ruling of the Chair, if I may be permitted, because this is a very serious question in regard to the authority of the Senate. Does the Chair hold that if general legislation on a given subject is before the Senate in order by reason of the fact that it has come from the House of Representatives as part of a proposed appropriation bill, that general legislation cannot be amended by changing its character by perfectly germane amendments disposing of the same matter in the same way but perfecting or changing the mechanism? For instance, suppose the House sends up here a proposition on an appropriation bill that there shall be hereafter a bureau of industry which shall consist of a commissioner and a deputy commissioner and ten clerks of the first class and ten of the second class; that is in the bill; cannot the Appropriations Committee move to amend that by saying that there shall be five clerks of the first class, that instead of a commissioner there shall be a secretary or superintendent, and vary those

details? If that be true, it puts the whole legislation of the Senate in a sack of which the House of Representatives ties the string. Without any reference to its effect on this controversy with the Committee on Appropriations in this particular case, I hope the Senate will pause before they put themselves in that position.

Mr. BLAIR. If the view which the Senator from Massachusetts takes is right and the Chair is wrong in holding that the amendment reported by the committee is subject to the point of order that it is general legislation, how can it be possible when a member of the Senate moves an amendment to the committee's amendment that that is out of order? If the Chair is right in his holding as to the amendment of the committee the whole will go out together, and, as the Senator from Massachusetts suggests, the Senate is in a bag tied by the House of Representatives, and we take what they send to us.

But, sir, assume the other position, that the committee can come in here with amendments comprising general legislation, and that no member of the Senate can move an amendment to their amendments in the same line, how is it that the Senate itself is not in the bag of the Committee on Appropriations if that amendment to their amendment is not in order? The Chair is right all the way through, or wrong all the way through, and it is a very important question.

The PRESIDENT *pro tempore*. This whole subject was discussed pretty extensively upon the pension appropriation bill. The amendments of the Committee on Appropriations in that case were in the line of the provisions adopted in the House. They were discussed here for two or three hours, and the Chair was of the opinion then, and is now, that to carry out our rules any amendment which proposed general legislation, which altered the law, was not in accordance with our rules, being general legislation on an appropriation bill. The rule is that there shall be no general legislation on an appropriation bill. The Senate has chosen to say that. If this is not general legislation, the Chair does not know what it is.

Mr. HOAR. This is not an amendment to the bill that the Senator from California proposes, but it is an amendment to a proposed amendment. He is not proposing to alter a law; he may vote against that afterward.

The PRESIDENT *pro tempore*. This is the amendment of the committee.

Mr. HOAR. I know.

The PRESIDENT *pro tempore*. It is the amendment of the committee, not the amendment of the Senator from California, that the Chair is ruling on.

Mr. BAYARD. I wish to ask a question of the Chair because I consider that the effect of this ruling may lead us to very extraordinary results if I understand its full force. Under the Constitution each House may determine the rules of its proceeding, and I can comprehend that it is not in the power of the Senate to object to the consideration of measures that come to us from the House of Representatives because of the form under which they come, or of the rule under which they come. Therefore the House of Representatives may present, and in the present case certainly has presented general legislation upon an appropriation bill that could not have been done originally in the Senate. I apprehend that all of the rule, the purview of its meaning and the scope of its effect is in regard to amendments offered here originally in the Senate; that is to say, there cannot be an amendment to a general appropriation bill which proposes general legislation, offered in the Senate; or at least if it is offered, it is objectionable under the twenty-ninth rule. But can it be that where the House has sent us legislation, that legislation being general in its nature, and not pertaining to appropriations, it is not open to the objections to which amendments to appropriations under Rules 27, 28, and 29 are open?

Therefore, I hold that any member of the Senate can move to amend the text of general legislation that comes to us from the House, that any committee may order a member to do it, and that it is not in conflict with the meaning, and cannot be in conflict with the meaning of Rule 29. Rule 29 is a Senate rule. It does not affect the forms of legislation in the House; it only affects the forms of legislation in the Senate; and when we have general legislation that is one thing; when we have legislation on an appropriation bill that is another thing. The House choose to send us both combined. Then I say our rules in the Senate that apply to general legislation are applicable to that portion of the bill that comes from the House which proposes general legislation, and the rules of the Senate that affect appropriation bills are applicable to that portion of the House bill that proposes appropriations only. But surely if a general law under cover of an appropriation bill comes to us, it is to be treated according to the rules of the Senate and under the general laws of legislation, and any member of the Senate can move to perfect it in the ordinary way in the first or second degree, and any committee of the Senate may do so.

Our rule is intended only to affect bills of general appropriation, but when you find a bill that under any action of the House is not only a bill for general appropriations, but is also a bill for general legislation, you are obliged to adapt your rules in order to apply them in reason, either to amend the general legislation or to amend the general appropriations according to the rules of the Senate affecting those two classes of subjects. If you do not, what is the result? You are bound as in cast-iron to the text of the bill the House may send you; you cannot amend it in any degree; you must

adopt or reject it in whole; you cannot improve it. The fact is you can only amend the bill by voting against the entire bill.

Mr. ROLLINS. Let me ask the Senator—

Mr. BAYARD. Let me illustrate further. If I am right in this the matter is very important. Suppose a general appropriation bill should contain but a single item of general appropriation to carry out the existing law, and that all the rest of the bill should be entirely general legislation. Now, coming into the Senate, what rules of amendment are you to adopt? Are you to say because there is one item of appropriation on that bill its character is so changed that you cannot amend it in any particular, you cannot perfect it, and the only thing to do is to vote down the bill or to accept it, for that is precisely the result we are brought to. If what I understand to be the effect of the ruling is carried out, you cannot amend general legislation because the House has coupled it with general appropriations. I do not think we can be prepared for that.

Mr. HARRIS. Mr. President, there are two questions of fact to be determined. First, is this a general appropriation bill; and I apprehend however much or little legislation it may have upon it, it will not change its character of being a bill making appropriations for the support of the Navy. It is one of the general appropriation bills. The next question of fact to be determined is, is the amendment proposed general legislation? If so, it does not matter whether it is reported by a committee or offered by a Senator. Rule 29 provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

It cannot matter whether reported by a committee or offered by a Senator upon this floor, if it is upon a general appropriation bill, and the amendment proposed, whether by a committee or by a Senator, proposes general legislation, it is expressly forbidden by the twenty-ninth rule; and therefore the ruling of the Chair is bound to be sustained. Indeed, the Chair could not have ruled otherwise, as it seems to me, than as the Chair has ruled.

Mr. BECK. Will the Senator from Tennessee remove a difficulty I have got if he can?

Mr. HARRIS. I will if I can.

Mr. BECK. It is this: the House have sent us a bill containing a proposition which is clearly general legislation, which they have the right to do, I assume. They have done it, at any rate, and we cannot question it. We may regard their provision as a good amendment of the law, but not a perfect amendment, and seek to amend it by new legislation. That we cannot do, as the Chair says. Therefore we reject the House amendment, and we go into a committee of conference with the House amendment rejected. The House say, "We will adhere to our amendment, but we will agree to modifications of it such as may suit you in carrying out the views of the Senate," and they are agreed to by the conferees. The House bill is amended in conference. Then it is in order, and no point of order can be raised against it.

Mr. BAYARD. May I put a question right there?

Mr. BECK. The ruling of the Chair may be the law, but that rule adhered to compels us to accept what the House has done or strike it out; and if we strike it out and go into conference we give the conferees a power that we have not got ourselves. While the ruling may be law, it is an absolute absurdity for the Senate to tie itself down in that way.

Mr. BAYARD. Would not a motion to strike out a portion of the House proposition be an amendment? Is not that one form of amendment?

Mr. HARRIS. My answer to the Senator from Delaware would be that it is a form of amendment, but I hardly think it would be construed into general legislation, and therefore a motion to strike out the whole or a part of the legislation that comes from the House would hardly be decided or held by the Chair to be general legislation. Such a motion I apprehend to be in order.

In answer to the Senator from Kentucky, I say that if the Senate shall amend by striking out a part or the whole of the legislation that is contained in this bill as it comes from the House, and the House shall insist upon its provisions, a committee of conference would have perfect power to modify the clauses so amended according to the judgment of the committee, and I apprehend that no question of order could be made upon the report of the committee, but the two Houses would have to sit in judgment, and finally decide whether they should adopt the report of the committee or reject it as a whole.

Mr. HOAR. May I ask the Senator a question before he sits down, with a view of testing the extreme to which he would go? Suppose the House on this bill had proposed new general legislation which enacted that persons embezzling some of the funds herein appropriated should be punished by imprisonment not exceeding twenty years, or that persons making false answers in some examination should be so punished, would it in his judgment be out of order to propose in the Senate to reduce the term of imprisonment to ten years, on the ground that it was proposing general legislation here?

Mr. HARRIS. I should incline to the opinion that even that amendment would be properly held to be general legislation. Certainly if general legislation, if I make no mistake in that, such an amendment is prohibited by the very letter as well as the plain and unmistakable spirit of the rule.

Mr. HOAR. If the Senator will pardon me, does not that question indicate to his mind the fallacy of the whole proposition? This is not an amendment, in the sense of our rules, proposing general legislation. The general legislation has been already proposed; it is in order. To propose is to place before the Senate. Now, the House proposes to the Senate general legislation, and an amendment proposing to amend that is not an original proposition of general legislation under the rules.

Mr. HARRIS. My answer to the Senator from Massachusetts will be to ask the Senator another question. Is the amendment reported by the committee general legislation? If it is not, then it is not objectionable under the twenty-ninth rule.

Mr. HOAR. It is a modification of the general legislation in the House bill.

Mr. HARRIS. Is this as a matter of fact general legislation? That is the crucial test.

Mr. HOAR. No.

Mr. HARRIS. If it is not, then it is not prohibited by the twenty-ninth rule of the Senate.

Mr. HOAR. Is it general legislation? It proposes to take the general legislation proposed in a different way. It is not an original proposition of general legislation.

Mr. HALE. Mr. President, for one I desire to avoid just the difficulty that has been pointed out by the Senator from Delaware, and that is putting this bill, without the consideration of the Senate upon its provisions, into a conference. I think that would be a calamitous thing. I think that nobody would desire to take that responsibility upon such important questions without the instruction of the Senate.

Now, whatever may be the technical rule about new legislation or the change of law as applied by the Chair, I believe it to be unfortunate as applied to this bill. My intention, so far as I was in control in running the bill, was to go through with the amendments of the Committee on Appropriations, and if they were rejected or adopted, when we got through with them, then if such an amendment as that suggested by the Senator from California was offered, not to make the technical objection that it was a change of existing law, but to have the vote and judgment of the Senate upon it, so that we might see what this body wants to do fairly. But when this amendment in line 79 came up, the Senator from California, as he asserts, did make the point of order against it that it was new legislation; and that obliged me when he put in his amendment to make the point of order against that, for I could not of course consent that a point of order should be made with the risk of striking out the committee amendments and not make the same point of order against other amendments that were brought in. But what I hoped was—

Mr. MILLER, of California. I did not press that point of order, though I made it. It was passed over and was not decided by the Chair. When I offered my amendment, the Senator particularly made the point of order.

Mr. HALE. Because the Senator himself had made the point of order before, notwithstanding the explanation that this amendment came from the Department itself. He did not press it, but he had the same privilege, and the presumption would be that on any other amendment he would raise the point of order against the committee amendments, so that I am obliged to make points of order upon everything that is brought in from outside.

Now I think it would be very much better if we could go through with the bill as appropriations bills commonly are gone through, considering the committee amendments and passing upon them, vote them in or out or modify them, and then when we get through proceed to consider other amendments for striking out a portion of the bill or the entire bill, or whatever may be the amendments that have any foundation in law, so that we get the judgment of the Senate on this bill.

Mr. INGALLS. Mr. President, every argument that has been employed shows that the ruling of the Chair was right. No Senator has ventured to suggest that the interpretation given by the Chair to the rule was wrong; but it has been urged that the decision was inconvenient, that it was calamitous, that, as one Senator said, it would put the Senate in a bag, and that in various ways great difficulty and confusion might result; but no Senator has ventured to say that the interpretation of the rule was not only technically but absolutely correct.

Now the only answer to all that is, if the rule is wrong, if the reason of the rule has passed away, then change the rule, but do not be guilty of the absurdity of saying that the ruling of the Chair was wrong because an inconvenience results.

I suggest, Mr. President, as the proper method out of this difficulty, that the suggestion of the Senator from Maine be adopted, that the point of order be neither pressed against the amendments offered by the Committee on Appropriations nor presented against amendments offered by a Senator, in order that this subject, confessedly of prime importance, may be discussed upon its merits.

I suggest that the Chair ask the unanimous consent of the Senate that the point of order under Rule 29 shall not be presented upon this bill.

Mr. HALE. And that we proceed to consider the committee amendments and then proceed to consider other amendments under that agreement.

The PRESIDENT *pro tempore*. That would undoubtedly be convenient if the point of order were withdrawn.

Mr. SHERMAN. If this is to be treated as a legislative bill, it ought to be treated in the ordinary way as a legislative bill, open to amendment as we proceed.

The PRESIDENT *pro tempore*. When the Senate adopted this rule the Senate never dreamed that a general appropriation bill would be a common, ordinary legislative bill.

Mr. ROLLINS. I desire to understand what the agreement is.

The PRESIDENT *pro tempore*. Will the Senator from California withdraw his point of order and the Senator from Maine withdraw his, and let the bill proceed in the ordinary way? That is the best way, of course. The Chair has no doubt of the correctness of his ruling; but the best way in this matter is for both sides to waive the points of order.

Mr. ROLLINS. Is it understood that an individual Senator can submit a motion looking to the matter of the reorganization of the Navy, as this is a bill having that purpose in view, and that neither the Committee on Appropriations nor any other committee will make the point of order?

Mr. INGALLS. Not make the point of order that it is general legislation? Of course an amendment may be objectionable on other points of order.

The PRESIDENT *pro tempore*. The point to be waived is that of general legislation.

Mr. INGALLS. My suggestion went to that point alone, that the rule prohibiting general legislation on an appropriation bill should not be enforced against amendments offered to this bill.

Mr. ROLLINS. I simply want to claim this, that the same liberty shall be extended to every other member of the Senate that there is to the Committee on Appropriations.

Mr. HALE. My proposition is made because I cannot fail to see that the House of Representatives has put on a great deal of legislation here, and that, in the interest of fairness, in order that proper propositions may come before the Senate we should vary the rule; and I want it varied upon all sides, not only in favor of the committee amendments, but in favor of other propositions, so that the Senate may have the advantage of all the propositions before it and may consider them. No fairer proposition, it seems to me, could have been made. I could run the bill through on the ruling of the Chair and stick to the House legislation, but that is not so good legislation as that which the Committee on Appropriations has reported; and I do not think that would be in the interest of good legislation.

I have no desire to get any unfair advantage. I have no pride in getting a special bill through. I want something done with the acquiescence of the Senate, and with the Senate behind me, and if I go into a committee of conference, I do not want to go into a conference without any action of the Senate on these matters that have been in controversy, thus leaving me blind without any instruction or without any support. I want the action and the deliberate action of the Senate on all these propositions. My suggestion is that we take this bill, take the committee amendments and consider them as we do on all appropriation bills, consider amendments germane to them, and then when we get through, if there are any independent propositions that are proper on this bill do not make the point where there is general legislation on them, but let the Senate consider them. If anybody can make a fairer proposition than that, I shall wait and be glad to accept it.

Mr. BAYARD. Mr. President, it is obvious that there is a want of comity between the rules of the Senate and the rules of the House in regard to appropriation bills, and the Senate is obliged on this bill to consider general legislation that would be obviously out of order had it originated in the Senate.

I have no objection to passing by *sub silentio* our own rules so far as the forms of business sent us by the House may make it necessary; that is to say, I have no objection to every proposition of general legislation by the House in this bill being treated as bills of ordinary legislation are and be amended accordingly and no rule be cited against an amendment; but I should object and shall raise the question where there is general legislation originating in the Senate offered upon this bill. I say that where there is general legislation originating in the Senate on this bill, not by way of amendment to House propositions, not by way of perfecting the text of general legislation that came in this bill from the House, but original general legislation not suggested by the House, which did not come here from the House, I do not think we have any right to pass by our own rules on that subject; and I hope therefore that they will not be ignored but that the point of order will be raised against general legislation originating in the Senate upon an appropriation bill.

Now, Mr. President, one word more. Some time ago the claim was made—no matter by whom made—that the House had the right, in voting supplies to carry on the Government, to put conditions upon appropriation bills, to send them here with features of general legislation, and say, "Unless you shall agree to this the appropriation shall not become a law." To that proposition at all times I stood in the most unquestioned opposition. I never agreed to it publicly or privately. On the contrary, I denounced the proposition publicly and privately, because the doctrine would simply lead to this, that you would resolve all the powers of the Government into the hands of the House of Representatives. If they can grant supplies

on condition, if they can make appropriations only upon condition, then the whole Government lies at their feet, the judicial branch will depend upon their pleasure, upon the terms that they can furnish the salaries. So of the Executive, so of the Army, so of the Navy, so of the postal service, and so of every branch of the Government. To that I never did consent, and I never will until my mind shall be radically changed upon that subject. It is a consent which would place the operations of the whole Government in all its branches subject to any accidental majority of the House of Representatives. I never shall concur in such an idea.

Therefore it is that when they do send an appropriation bill coupled with general legislation I will not believe that they say, "You are bound to accept our terms or go without an appropriation; your naval officers shall starve and your ships shall lie and rot if you do not agree with us in our theory of organizing the Navy." I do not believe the House of Representatives mean that. I do not believe for one instant they can stand upon such an issue. I will not presume that they have assumed such a position as that. I think the difficulty in the present case, if difficulty there be, has arisen out of the want of conformity between the rules of the House, which permit a form of legislation upon a general appropriation bill which is forbidden by the rules of the Senate.

I have no objection in this case to pass upon these propositions of the House. I am not quick to make issues with the different branches of this Government. I do not think that is the spirit in which this Government should be carried on, looking out for occasions to make differences and embracing every opportunity of making opposition. I do not believe in it. I am therefore willing in the present case to treat the features of general legislation as open to amendment in the ordinary way as they come to us from the House, having originated there. I have no objection to trying that on this bill; but I do object to ignoring the plain, manifest rules of the Senate which forbid amendments originating general legislation to be ingrafted on an appropriation bill. Therefore as they occur I shall raise the question of order; but where the simple question is of perfecting the general legislation that comes from the House I do not care; we might as well pass upon it.

Mr. HARRIS. Mr. President, I ask the unanimous consent of the Senate that the present question of order be withdrawn, and that by unanimous consent all amendments reported by the Committee on Appropriations and offered by other Senators, germane and pertinent to the legislation contained in this bill as it came from the House, shall be acted upon by the Senate independent of the question of order. That is a means of bridging over this difficulty.

Mr. HAWLEY. I wish to say a word or two as concisely as possible. General legislation on appropriation bills is unwise. That is the judgment of the Senate, and it has put it into the form of a rule. That is in general the judgment of the House, but it has made an exception upon appropriation bills for certain purposes. Now, when general legislation upon an appropriation bill comes from the House here it compels the annulment of our rule that we will not have general legislation on appropriation bills; otherwise we are deprived of a constitutional right. By the Constitution and the spirit of the Government both Houses are made entirely equal in the consideration of all bills and amendments with one exception. Revenue bills shall originate in the House, but lest the Senate should be hampered, the Constitution says the Senate may propose amendments to those. This rule of ours under this construction—and I cannot see but that the Chair is right in giving it this construction—is, in my judgment, unconstitutional, for I hold that we cannot by one of our rules deprive ourselves of the right to a full and equal consideration of every item of any bill.

Mr. JONES, of Florida. Mr. President, the decision of the Chair, in my opinion, is clearly right. I hold that the amendment proposed in this case is general legislation, and the consequences which have been depicted here all result from a violation of the organic law of this body, because it never was contemplated that the Senate should be called upon to amend a bill of this kind that had in it legislation of this description, and there was no logical course open to the Senate but to do what was attempted to be done last evening, to strike it all out, because that legislation which cannot be amended under the rules of the Senate the Senate ought not to be called upon to consider at all. How can you consider this general legislation on this bill when you cannot amend it as proposed by the Committee on Naval Affairs or by the members of it? Then there is no logical result but one that can follow from that, and it is that that legislation ought to go off entirely, and it is not proper that the Senate should pass upon it and refer it to a conference committee of the two Houses and let them make up the bill without regard to the sense of this body; that would be worse still. Of course unanimous consent can do anything in this body, but this only shows that the consequences which follow are a disregard of our own rules in the conduct of the public business.

Mr. BECK. Mr. President, I do not pretend to know much about rules, but the Senator from Florida seems to think that if we had referred the bill back to the committee yesterday with an order to strike out all the legislation in it we should have been at the end of our trouble, whereas it is perfectly apparent that after we had stricken it all out and brought it back here the question would have been upon each amendment offered by the committee not agreeing

with what had been done in striking out the action of the House, and the action of the House could have been restored by the vote of the Senate just as absolutely after we had stricken it out as it can be now by a vote of the Senate here. And after it was stricken out by a vote of the Senate, if it was so stricken out, it would go back to the House, and the House might say "it shall not be stricken out." What is left then to a committee of conference? When that committee of conference meets, the conferees of the Senate may agree with the House with an amendment to insert what the House had originally inserted in the bill together with the amendments that the Senate Committee on Appropriations offered to insert. That would be legitimate and would bring all these matters before the Senate, and they could not be touched by a point of order.

There is where the difficulty comes in, and the trouble that we are in is not because of any violation of the rules of the Senate, as the Senator from Florida suggests; the trouble is that we are denying to the House of Representatives the right to insert this character of legislation in an appropriation bill. Our rules forbid us to bring general legislation in upon an appropriation bill, but we do not know and we have no right to assume that the rules of the House of Representatives prohibit them from imposing general legislation on an appropriation bill. They have done it. The presumption is that they had a right to do it. Whether they had the right or not, we have no business to question what they have done in that regard. That is well settled, and finding it here we have to deal with the thing legitimately in the bill and we ought to have the right to amend it because we have the right, as the Senator from Connecticut well said, to consider all these questions on equal terms with the House. If we do not, then we transfer all our powers to a committee of conference that nobody denies has the right to amend the amendments of the Senate as it may see fit and no point of order can touch it.

I do not pretend to say that technically the interpretation of the rule is not correct as given by the President of the Senate, but I do say that that rule, in my judgment, has no application to legislation that comes to us on any bill from the House of Representatives. It only prevents us from originating legislation here; it does not prevent us from considering and amending legislation that they see fit to send to us, because these are things over which we have no control. We cannot revise their rules; we cannot find fault with what they have done. We have got to consider what they send to us. And I for one do not believe our rules can tie us down, or that the decision of the Chair is right in saying that we shall be tied down; and if an appeal is taken, I for one shall vote that that decision is wrong, and that the rule does not apply to legislation that comes to us from the House of Representatives. It only limits us here from putting new legislation upon appropriation bills, and does not prevent us from considering what is rightfully, so far as we are concerned, in the bill, perfecting it, and treating it as we may think best. If the decision of the Chair is right, it turns over to three conferees on the part of the Senate when they meet with three conferees of the House, a power which the Senate itself does not have, and I deny that any rule can have such a construction.

Mr. JONES, of Florida. The Senator says that the reason of our rule with respect to amendments on appropriation bills does not apply to this case. I ask him why? I ask him as a thoughtful statesman what is the reason of this rule? Where the reason of the rule applies the rule itself will apply, but where the reason is not applicable of course the rule passes away.

Now, I say that every reason which lies at the foundation of the rule in its application to amendments originating in the Senate and put upon a bill that has nothing of this kind of legislation on it is just as applicable here as it is in the other case; and why? What was this rule intended to guard against? It was intended to guard against ingrafting on appropriation bills legislation that could not go through without being put there. That was the purpose of it. It was the intention of that rule to cut off all legislation from this description of bills that was not meritorious enough, well-considered enough to stand upon its merits and receive the sanction of both Houses upon those merits. When you propose either in the Committee on Appropriations or in the Senate to bring forth new legislation and put it upon an appropriation bill, even though it may amend a provision of the House which is general legislation, it comes within the objection of this rule and the spirit of it.

Mr. BECK. This legislation is in the bill now, is it not?

Mr. JONES, of Florida. It is in.

Mr. BECK. Is it not rightfully in so far as the Senate is concerned?

Mr. JONES, of Florida. I think not.

Mr. BECK. Then if you strike it out can it not be restored by the House and put in by our conferees if we agree with them?

Mr. JONES, of Florida. I would never consent to put it in.

Mr. BLAIR. I rise to a parliamentary inquiry. I should like to ask if the conference report contains general legislation if that is not equally open to the point of order that may be raised under the twenty-ninth rule? How can it be that the conference report can come in here with what is in its nature an amendment to the bill and is general legislation and it not be subject to the same point of order? I should like some one who understands the law of the Senate to answer that question.

Mr. ALLISON. Mr. President, I understood the Senator from Cal-

ifornia to withdraw his point of order, and the Senator from Maine to withdraw his point of order, and the Senator from Kansas to ask unanimous consent that upon this bill amendments should be offered with reference to legislative topics. Now, can the Chair put that question?

Mr. ANTHONY. I agree with what the Senator from Delaware has said. While I am willing to waive objections to amendments presented by the committee or by Senators in modification of the legislation presented by the House, I am not willing to waive the point of order upon legislation that comes to us originally from the committee of the Senate.

Mr. ALLISON. I perfectly agree with the Senator. I do not think the Committee on Appropriations ought to have any more power to originate legislation than any other committee of this body. I never have so considered and the committee do not so consider.

Mr. ANTHONY. They have sent it here.

Mr. HARRIS. I asked unanimous consent of the Senate some time since that all points of order be withdrawn; that all amendments reported by the committee which were germane and pertinent to the legislation that the bill contains as it came from the House, and all amendments offered by other Senators which were germane and pertinent to the legislation contained in the bill, should be acted upon by the Senate independent of questions of order; and let the question of order be made upon all other amendments proposing general legislation.

Mr. ANTHONY. That will do.

Mr. ALLISON. That is substantially the proposition.

Mr. HOAR. Mr. President, I shall refuse my consent to any arrangement which is predicated upon the correctness of the interpretation of the rule which seems to meet the assent of a majority of the members of the Senate who have spoken. If this rule means that, it ought to be abolished or changed. There has been a *reductio ad absurdum* by this interpretation in the statements of the Senator from Kentucky and the Senator from Tennessee. If the rule means what has been supposed, then it denies to the Senate powers which it puts into the hands of its conference committee, and nowhere else. The Senator from Tennessee concedes that this construction leads the Senate to this absurdity, that if the House attach to an appropriation bill general legislation providing for a punishment of some offense with reference to the Navy imprisonment for ten years, you cannot move an amendment here reducing that term of imprisonment to nine years. That absurd result fortifies the belief in my mind that the rule means no such thing.

The "proposing general legislation" meant by this rule is the bringing that particular general legislation before the Senate. An amendment placing before the Senate a new general law is not in order here; but when the House sends up that new general law, to move to amend its detail, to perfect it, to change it, to alter it by other subordinate provisions accomplishing the same result, is not "proposing general legislation" within the meaning of the rule. It is merely proposing to modify by amendment. The amendment is not proposed by the Senate until it is adopted and becomes a part of the original bill, and accordingly it is merely modifying what is already proposed and has got before the Senate. In other words, our rule is intended to prohibit the bringing before the Senate or originating by amendment, and not the perfecting what has already had its origin elsewhere in order and has already been brought before the Senate.

Now, therefore, if I am right in my view, this whole difficulty is solved. If I am wrong in my view, as a majority of the gentlemen who have spoken seem to think, then it is time the Senate extricated itself from this dilemma by a change of its rule, not by a unanimous consent which permits the evil to continue.

Mr. HARRIS. Has there been an appeal from the decision of the Chair?

The PRESIDENT *pro tempore*. No, sir.

Mr. ALLISON. The points of order have been withdrawn, and therefore there is no question pending upon which the Chair can decide.

Mr. HARRIS. Then the amendment of the committee is before the Senate for action.

Mr. ALLISON. Then I am in error, and let this debate go on without end.

Mr. HARRIS. No debate is in order without an appeal.

The PRESIDENT *pro tempore*. The debate cannot go further if there is no appeal from the decision of the Chair.

Mr. CALL. There was a point of order made, and the Chair announced its decision. Can there be no appeal?

The PRESIDENT *pro tempore*. There can be an appeal.

Mr. CALL. I enter an appeal, if I have a right to do so, and I wish to submit a few observations upon this point.

I concur with the decision rendered by the Chair, but I think this is too important a subject to be passed over without full consideration. In my judgment, it involves an entire surrender of the constitutional rights and privileges of the Senate. The Constitution manifestly provides that the House, if it sees fit, shall put upon an appropriation bill general legislation; but it also provides that the Senate shall in the exercise of its duty, if it sees fit, prohibit general legislation upon any appropriation bill.

Now, the Senate has declared, as has been asserted by my col-

league, in plain and imperative terms that no general legislation shall be placed upon any appropriation bill; yet the Senator from Kentucky and other Senators rise here and say that cannot mean an appropriation bill that comes from the House. Where else can an appropriation bill come from but from the House? And, as my colleague has stated, the reason of the rule applies fully and entirely to it.

What are the consequences of the other interpretation? Senators gravely say here that if the House sees fit to put upon an appropriation bill general legislation, it destroys the authority and the power of this body to adopt its own rules of proceeding, and say there shall not be, in the interest of the public, general legislation upon appropriation bills. But not only that, the House has authority to say that there shall be general legislation upon an appropriation bill, and all the rules of the Senate that require a reference of particular subjects to particular committees are by that action of the House set aside, and when the bill comes here the Appropriations Committee, a small portion of the Senate, refuse consideration to any of the committees appointed under the rules of the Senate, and by that action of the House the entire consideration of that subject is vested in that committee.

Why, Mr. President, in my judgment it violates the constitutional rights and duties of the Senate and of every Senator here. Why should there not be a rule prohibiting general legislation upon the appropriation bills from the House, as well as amendments that originate in the Senate? There can be no appropriation bills, as the rule says, except those that come from the House. It was not because they came or did not come from the House that the rule was adopted, but because the principle of committing subjects which required the examination of other and special committees was declared by the Senate to be essential to the due and orderly and wise course of legislation.

The idea that a conference committee has power not derived from the Senate or from the House and superior to the rules and the exercise of organic power by either the House or the Senate has no foundation in reason. Where does it get its authority? Certainly unless there is some constitutional provision that the conferees of the two bodies are an independent organic body, not controlled and governed by the voice of the Senate, they can have no such power.

But, Mr. President, this only serves to illustrate the impropriety of this action. It overthrows all the rules of proceeding, both those that require the careful deliberation of special committees upon special subjects and those that assert the great cardinal principle that bills for raising specific sums of money for specific and ascertained purposes committed to particular Senators for that specific inquiry alone shall not be accompanied by provisions which revolutionize the whole legislative and executive system of the Government.

Mr. HARRIS. Mr. President, I move to lay the appeal from the decision of the Chair upon the table. Let us end this matter.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves to lay the appeal from the decision of the Chair on the table.

Mr. CALL. I withdraw the appeal; I only wanted to say a few words.

Mr. HARRIS. Then I appeal from the decision of the Chair, and I move to lay the appeal on the table, so as to dispose of this question of order.

The PRESIDENT *pro tempore*. The question is upon laying on the table the appeal from the decision of the Chair.

The Senate refused to lay the appeal on the table, there being on a division—ayes 18, noes 21.

Mr. MORGAN. Mr. President, my views on questions of this kind are such perhaps as entitle me to be classified as an "old fogy," but I hold that when we have rules under which we propose to act in the Senate we ought to adhere to them or else abrogate them. I object to having a rule and pretending acting under it in the Senate, and setting it aside in a particular case by unanimous consent. It is not a parliamentary method of procedure, and the country has no security when the Senate of the United States finds itself in a condition when it must abrogate its own rules by unanimous consent in order to proceed with the public business.

If the first clause of the twenty-ninth rule is so much in the way of the progress of this bill as it came to us from the House of Representatives that we cannot get along with the bill except by unanimous consent dispensing with the application of that rule to this measure, then one of two things is certain, that the bill ought to go down in its present form or the rule ought to go down, for I have never before seen the Senate in a condition where an appeal was made to it by any Senator that by unanimous consent one of its rules should be removed as an obstruction to the progress of business on a certain bill; and I am afraid of any such precedent as that. I would rather not participate in it; I would rather withhold consent in order that the Senate may find some safer method of extricating itself from the present embarrassment.

It is admitted on all hands that the embarrassment under which the Senate is laboring cannot be attributed as a fault to this body or to any of its committees. If there be any fault in the attitude of this question before the Senate and before the country to-day, it is from the fact that the House of Representatives has assumed to violate what may be termed an admitted principle of parliamentary law

in this country that the appropriation bills shall not be used as a vehicle by which general legislation can be imposed upon the country, that the appropriation bills shall not be so handled in their passage through the Senate, to say the least of it, as that persons interested in certain legislation which otherwise might not meet the approval of the country can ingraft that legislation upon these indispensable measures and force its acceptance against the will of the Houses.

Our rule has a peculiar reading, Mr. President, one that I think the Senate ought to pay some attention to. Our rule is that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

Was it the purpose of the Senate in the adoption of this rule to confine the objection to which it applies to amendments to the bill? I insist that it was not. It was the purpose of the Senate to confine its rule to amendments originating in the Senate to appropriation bills originating in the Senate. At the time of the adoption of this rule it was not conceded, and so far as I am concerned it has never been conceded and will never be, that the Senate has no right to originate an appropriation bill. That is a species of parliamentary concession that has been made *sub silentio* or tacitly for years and years together. So it appears at least for six or seven years almost without objection; but there is no warrant for it in the Constitution. The Senate has as much right to originate an appropriation bill as the House has, and no man can point out in the Constitution of the United States any clause of it that by the most strained and forced construction can be held to cut off the Senate from the power to originate general appropriation bills appropriating money. The only clause that applies to that subject at all is this:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Bills relating to the raising of revenue, and not to the expenditure of money; and that is the only section I have ever heard quoted in this body or elsewhere as justifying the proposition that the Senate has no right to originate an appropriation bill.

Now, sir, the twenty-ninth rule was adopted upon the express idea that the Senate has a right to originate an appropriation bill, for the Senate up to that time had never conceded that we had no such right. Hence the language of the rule is perfectly appropriate that in the Senate or in any committee of the Senate an appropriation bill originating here shall not be amended by ingrafting upon it general legislation. That is the reason why the word "amendment" was used instead of the other phrase, which ought to have been used, that the Senate shall not receive or consider any general appropriation bill coming from the House which contains any matter of general legislation. When it is remembered that this rule was framed upon the hypothesis and the assumption and the claim and the demand by the Senate that it had the right to originate appropriation bills, and when it is construed in connection with that fact, the language of the rule is perfectly simple and plain.

Then what shall we do in a case of this kind when the House sends to us a general appropriation bill which, according to their rules or contrary to their rules, (for it is none of our business, it appears,) may contain legislation? Our proper plan is to substitute for that bill a bill originating in the Senate that contains no general legislation, and send them an appropriation bill according to our rules, and which we are permitted by our sense of respect for the Constitution of the country to put in reach of the House. If this bill had been moved here as a Senate bill and substituted for the House bill sent to us appropriating money for the support of the Navy, then the question of originating an amendment in the Senate or in any of its committees would of course have stricken out every proposition that is said to contain general legislation. It is impossible for us to concede without doing away with the influence and the dignity of this body that the House of Representatives may send us a bill for general appropriations, may assume the exclusive jurisdiction of originating that bill, may have upon it general legislation of a character entirely foreign to the general purpose of the bill itself, and that we are bound to take that, all that the House sends to us as being in order under the rules of the Senate.

It is useless for us to have any rules at all, in fact it is useless for us to parade ourselves before the world as an independent legislative body, if having rules the House at its own option and on its own motion can send to us bills which we are obliged to consider as the House sends them here, no matter what our rules are about them. That is an attitude which I do not wish to assume.

I am very liberal in one respect about appropriation bills. I believe that everything is germane to an appropriation bill concerning the Army and the Navy which determines the manner of the future expenditure of money. I think it is a necessary power to be reserved in the hands of both these legislative tribunals to control the Army and Navy upon appropriation bills as to regulate in future their numbers, their grade, their rank, their pay, their distribution, their armament, their expenditures of every kind, and even the places in which they shall be required to serve.

I am liberal upon that proposition because I think that the appropriations for the Army and the Navy stand upon ground peculiar to themselves, and that whatever disposition we see proper to make

of the Army or the Navy in respect to its organization, its increase or its reduction, its pay or its employment in one place or in another, or in one service or another, is a matter entirely germane to the subject, and is not, therefore, general legislation in the sense that is denounced under the twenty-ninth rule.

That is my view of it, and it was upon that ground mainly that I voted against the reference back of this bill to the committee, believing that they had the right to sweep over this field that they have occupied.

I had no doubt of it upon the ground that here is a peculiar duty resting upon Congress whenever an appropriation bill comes in here that affects the Army or the Navy, that does not apply to a sundry civil bill, or a legislative, executive, and judicial bill, or any other of the great appropriation bills that we are required to consider in the conduct of this Government. That is the reason I voted with the committee yesterday that they had a perfect right to put these amendments on if they chose to do so. Now I believe that the House has a right to put these amendments on if it chooses, because this relates to the Navy. Therefore I am convinced that these amendments ought to be allowed to come in from the hand of any Senator or of any committee of this body, because they are germane unless they are ruled out upon the ground that they increase expenditure, and that is really the only objection that can be made to them, that they increase expenditures.

But I am opposed to setting aside our rule. I do not see any occasion for it. I believe that the Senate at this moment has the full jurisdiction of every provision in this bill that has been sent here by the House, and has been reported back by our committee, and that it is entirely relevant and entirely germane and proper for any Senator to offer any amendment to this bill that he thinks will improve it.

Not seeing the necessity for setting aside our rules at all, not concurring with the Chair in its ruling that the amendment is out of order; although I take a different ground from that which the Chair took on the subject, I shall be compelled to vote against sustaining the ruling of the Chair upon this appeal, and I cannot give my consent to an abrogation of this rule. I very much prefer, if consent is asked, that a motion to set aside the rule shall be made and lay over until to-morrow morning until it can be considered in due order under the rules of the Senate.

Mr. COCKRELL. Mr. President, I am compelled to differ with the Chair in its construction of this rule. The rule says:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

What does that mean? That means that any amendment which is germane or relevant to the subject-matter contained in the bill shall be received. If the bill is simply a naked appropriation, then any legislation is not relevant or germane to it, and therefore it is excluded under the first clause because it is general legislation to the appropriation bill proposed by the amendment in the Senate.

The next clause is:

Nor shall any amendment to any item or clause of such bill be received which does not relate thereto.

That clause means that any amendment to any item or clause which does relate directly thereto shall be received. If there be in an appropriation bill coming from the House clauses of legislation, then any amendment which is pertinent or relevant to that legislation is in order. If the bill be a naked appropriation you cannot attach to any item in that bill any amendment which proposes legislation; but if the bill itself contains general legislation, then any amendment which is germane or relevant to that subject-matter is in order, and any amendment to any item or clause of that legislation which relates to it, amends it, or modifies it, is in order.

Mr. VANCE. Then the amendment of the Senator from California is in order in the opinion of the Senator?

Mr. COCKRELL. I think it is, unquestionably. I do not think there is any doubt of the power of the Senate, the right of the Senate, under the literal and proper construction of this rule, to take any House appropriation bill which has general legislation upon it and amend, change, or alter that legislation in any way that is germane or pertinent; but you cannot go to that appropriation bill, to an item making an appropriation and propose and offer to that general legislation which is not pertinent. I have no doubt that the amendments of the committee are in perfect order under that rule, and the amendment of the Senator from California is in order; and we are powerless if the construction I have given is not correct. The House sends us legislation. We can only act upon it. If we reject it that does not end it; we cannot amend it; we cannot modify it, and I say when the reason of a rule ceases the rule itself ceases. But the reason has not ceased here. The reason is proper and just. It is proper and just under that rule that any amendment proposing general legislation to any clause or item of the bill which is not itself legislation shall not be in order, but any amendment which proposes to alter, amend, change, or modify any legislation contained in the bill is perfectly in order, and therefore I shall vote to overrule the decision of the Chair.

Mr. HARRIS. Mr. President, I confess that I am somewhat surprised at the line of argument of my friend from Missouri who is al-

most invariably so correct in his judgment and so logical in his conclusions. Now let us see what Rule 29 is and what it means:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The first question to be asked when an amendment is offered to a general appropriation bill is, does it propose general legislation, and, if so, in the plainest language this rule says it shall not be received. It may not contain general legislation; but the rule proceeds:

Nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

However clear the amendment may be of general legislation, if it be not germane or relevant it cannot be received under the plain meaning and literal reading of this rule. If either of these objections—it does not require that both shall exist—exists or is found to the amendment, it is condemned by Rule 29 and cannot be received in the Senate. If it contain general legislation, you need inquire no further; I care not how germane or relevant it may be to the general provisions in the bill it is rejected because it proposes general legislation upon a general appropriation bill. If it have no general legislation in it, but be not germane or relevant to the subject-matter of the bill, it falls under that objection and is rejected. If either fact exist, the amendment under Rule 29 cannot be received by the Senate or considered by the Senate.

Mr. COCKRELL. How could any amendment to a general appropriation bill, unless it were legislation, be irrelevant or not germane? Here is a naked item of appropriation. This rule says:

Nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

How could you have any amendment not germane or relevant to that unless it were legislation?

No amendment which proposes general legislation shall be received to any general appropriation bill.

That means to an appropriation bill proper. This is an appropriation bill and something more. This is more than an appropriation bill; it is a bill of legislation; and the legislative part of this bill is as much under the control of the Senate as any other bill that proposes legislation, regardless of the fact that it is also a general appropriation bill.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. VANCE. Let us have the yeas and nays on that. It is an important decision.

The yeas and nays were ordered.

Mr. BLAIR. Will the Chair state the question once more. Upon which point of order is it that we are to vote?

The PRESIDENT *pro tempore*. The point of order made by the Senator from California on the committee's amendment.

Mr. SAULSBURY. Was there objection to the suggestion made by the Senator from Kansas some time ago that by common consent no objection should be raised under the rule?

The PRESIDENT *pro tempore*. The Chair understood the Senator from Massachusetts to object.

Mr. HARRIS. I hope the Senator from Massachusetts will withdraw that objection and let us proceed with the bill.

Mr. MORGAN. I cannot consent to have one rule applicable to this bill and a different rule applicable to all other appropriation bills that come up.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the appeal.

Mr. HOAR. If nobody else presses the objection I certainly will not.

The PRESIDENT *pro tempore*. The Senator from Alabama has pressed it.

Mr. HALE. Does the Senator from Alabama object to the arrangement that was proposed by which we can go on?

The PRESIDENT *pro tempore*. Does the Senator from Alabama object to withdrawing the points of order and to an agreement that no points of order shall be raised in relation to this bill?

Mr. HARRIS. Points of order in respect to the legislation that the bill contains, points of order on amendments that are pertinent and germane to the legislation that the bill already contains.

Mr. MORGAN. That is, I am asked to consent that we shall have no rule governing the passage of this bill. I cannot do so. I cannot consent to that.

Mr. VOORHEES. It seems to me we had better have a settlement of this question. Let us come to a vote, and that will end it.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. VANCE. I want to vote intelligently upon this question. I understood that the amendment of the Senator from California was ruled out of order by the Chair and that the time for taking an appeal passed without an appeal from the decision of the Chair being taken.

The PRESIDENT *pro tempore*. The Senator from California insisted that he had made the first point of order upon the amendment of the Committee on Appropriations.

Mr. VANCE. Now, do we vote on the point of order on his amendment or on the committee amendment?

The PRESIDENT *pro tempore*. The point of order was taken to

the amendment of the Committee on Appropriations from line 79 to 89. The ruling of the Chair upon that point of order was that it was general legislation upon an appropriation bill.

Mr. VANCE. Now I understand it.

The question being taken by yeas and nays, resulted—yeas 26, nays 21; as follows:

YEAS—26.

| | | | |
|-----------------|-------------------|----------|-----------|
| Blair. | Hampton. | Lapham. | Vest. |
| Brown. | Harris. | Maxey. | Voorhees. |
| Butler. | Harrison. | Platt. | Walker. |
| Call. | Ingalls. | Rollins. | Williams. |
| Cameron of Pa. | Jackson. | Sawyer. | Windom. |
| Cameron of Wis. | Jones of Florida. | Sewell. | |
| Ferry. | Kellogg. | Vance. | |

NAYS—21.

| | | | |
|-----------------|---------|-----------------|------------|
| Aldrich. | George. | Miller of Cal. | Saulsbury. |
| Bayard. | Groome. | Miller of N. Y. | Slater. |
| Cockrell. | Grover. | Morgan. | Van Wyck. |
| Coke. | Hale. | Pendleton. | |
| Davis of W. Va. | Hoar. | Plumb. | |
| Dawes. | Jonas. | Pugh. | |

ABSENT—29.

| | | | |
|--------------------|-------------------|------------------|-----------|
| Allison. | Fair. | Johnston. | Mitchell. |
| Anthony. | Farley. | Jones of Nevada. | Morrill. |
| Beck. | Frye. | Lamar. | Ransom. |
| Camden. | Garland. | Logan. | Saunders. |
| Chilcott. | Gorman. | McDill. | Sherman. |
| Conger. | Hawley. | McMillan. | |
| Davis of Illinois. | Hill of Colorado. | McPherson. | |
| Edmunds. | Hill of Georgia. | Mahone. | |

So the appeal was laid on the table.

The PRESIDENT *pro tempore*. In line 78, the question is, Will the Senate agree to strike out the words "fifty surgeons and ninety assistant and passed assistant surgeons?"

Mr. HALE. As the amendment of the committee has been ruled out of order I hope the House words will not be struck out. We must leave something in, of course.

The amendment was rejected.

Mr. BROWN. Before we proceed, I desire information on one point. I think the Chair ruled out of order the amendment of the committee from line 79 down to line 87.

The PRESIDENT *pro tempore*. He did. The words in italics were ruled out.

Mr. BUTLER. I should like to get a little information. What course has been adopted on this bill? Is it proposed to go through with the bill and act upon the committee amendments first before any amendment is suggested on the floor of the Senate?

Mr. HALE. That order was adopted the other day when the bill was first called up.

Mr. BUTLER. I have several amendments that I desire to offer.

Mr. HALE. I wish to say here, notwithstanding the ruling of the Chair, that, so far as I am concerned, I do not propose to insist upon technical points. Realizing that the bill contains legislation, and that any matter that is pertinent to the Navy and to its organization and service ought to be considered, when we get through with the amendments of the committee, and any proposition is made, I shall not insist on enforcing the ruling of the Chair. I shall be glad if, in the same spirit, all Senators will withhold objections to the committee amendments. As we go along, one by one let us consider them, discuss them, and modify them, if we will, or strike them out. I shall be very glad if, in the same spirit that I announce my course of action, Senators on the other side shall fail to make points of order, and in that way we shall have everything considered.

Mr. ROLLINS. We might reach an amicable arrangement on that point if the Senators on the floor were allowed to offer their amendments to the bill as we progress. Then we can see how far liberty is extended to members of the Senate. I want to secure for each member of the Senate and for each committee of the Senate the same rights and privileges which are extended to the Committee on Appropriations, and that is all. If that can be extended to us I am satisfied.

Mr. HALE. But let me ask the Senator—

The PRESIDENT *pro tempore*. Let the Chair make a suggestion. If the arrangement suggested is not carried out in good faith, the Senator from New Hampshire can in the Senate assert any right that he has.

Mr. HALE. Undoubtedly. What fairer proposition could be made than mine, that we proceed in accordance with the order adopted the other day to take up the committee amendments? When we come to those amendments, any amendments that are offered to those amendments I shall not object to even if they do involve new legislation, provided they are pertinent, and then when we get through any general proposition that any Senator has to strike out half a dozen pages in the bill, like that of the Senator from California, I shall not object to, and we shall have a vote upon that.

Mr. BUTLER. That is exactly the point on which I wanted to get information. I propose to strike out all that portion of the bill which is general legislation.

Mr. HALE. I shall make no point of order on that. I do not care what points of order there are of any kind as to being germane or as to being new legislation or as to changing law, I will not make any point of order. I do not want the bill run in that way.

Mr. BUTLER. With that understanding I shall not now make the motion.

Mr. ALLISON. It is perfectly in order to move to strike out anything.

Mr. COCKRELL. I cannot consent to that. This amendment of the committee has already gone out on a point of order, and unless that is restored and we act upon it I shall object.

Mr. HALE. Let me appeal to my colleague on the committee not to be too tenacious about that. The amendment just passed over was only a little varied from the House provision; it is not an essential thing, and the mere point that that must go back I do not consider essential; but let us go on and consider the bill and the important amendments on it and get the vote of the Senate and the opinion of the Senate. I hope my friend from Missouri will not insist upon obstructing this arrangement.

Mr. BUTLER. Then after the context is perfected we can go back and strike out.

Mr. HALE. Certainly.

Mr. SAULSBURY. It is very evident that there is quite a division in the Senate in reference to the propriety of a reorganization of the Navy at the present time. Would it not be better by some motion to test the sense of the Senate on that question? Would it not relieve perhaps a great deal of embarrassment in the further consideration of the bill?

Mr. HALE. We get at that in a better way after we see what the Senate does adopt as it goes along. Nobody can tell. It may be that in detail the Senate may strike out a portion of the amendment and leave it in such a condition that Senators then will be willing to take it. Some of the Senators announced yesterday that they were in favor of a portion of these amendments and against others. When we get through, whatever the Senate has left of reorganization, whatever is embodied of reorganization then, I do not want to see anybody make a point of order against a proposition to strike it out and take the sense of the Senate as to whether we shall have anything of that kind in the bill or not.

Mr. SAULSBURY. But after we have adopted the amendments proposed by the Committee on Appropriations will it then be in order to strike out all provisions relating to the reorganization of the Navy?

Mr. HALE. Undoubtedly an amendment will then be in order grouping together a half dozen different amendments and striking them all out, because that is a distinctive proposition of itself and comes in fittingly when we have got to the end of the bill. I have no doubt that that is in order, because that is a distinctive proposition.

Mr. HARRIS. It will be in order in the Senate.

Mr. BUTLER. I see on page 6—I merely intend to refer to that with a view of preventing any misunderstanding in the future—beginning on line 130, a provision relating to the retirement of the Admiral of the Navy. If that is permitted to pass without a point of order would it then be too late to make the point of order?

Mr. HALE. I do not understand if we go on that anybody is bound except by this general understanding. The Chief Clerk will read the bill, and we shall go as far as we can and as fast as we can until we meet a point of order. Whenever an occasion is reached where any Senator feels that he must make a point of order because it is some subject-matter that is more clearly subject to a point of order than these other things, then of course he can make it; but let us go on with the amendments and get along as far as we can.

Mr. BUTLER. That is all right.

Mr. COCKRELL. I do not desire to be misunderstood as withdrawing anything I said. If we cannot have economy and retrenchment in this bill, let us have nothing.

Mr. HALE. I think we shall have what the Senator desires.

Mr. COCKRELL. Here is a proposition that one hundred and seventy surgeons are to be reduced down to one hundred and forty.

Mr. HALE. No; it is only one hundred and eighty reduced to one hundred and seventy, let me say.

Mr. COCKRELL. I understand that reduction. If we cannot act upon that matter as upon other amendments, (I am not specially in favor of it; I think all ought to be attended to,) we had as well not consider anything.

Mr. HALE. Let it be understood that we may come back to that when we get the bill into the Senate.

Mr. COCKRELL. If the point of order is to be made on that proposition I intend to make points of order in other cases.

Mr. HALE. I hope the Senator will not obstruct the passage of the bill.

Mr. COCKRELL. It is not fair and right that one Senator shall have the privilege of making a point of order and others not have it. The point of order has been made and sustained, and if that is to be made and sustained I intend to exercise the same inalienable right.

Mr. JONES, of Florida. Since that time there has been an agreement.

Mr. COCKRELL. No; there has been no agreement to withdraw this point of order. If the point of order is withdrawn it is all right.

Mr. CAMERON, of Wisconsin. I suggest to the Committee on Appropriations to discuss these questions when they arise and not

anticipate them. Perhaps they will not arise at all in the further consideration of the bill.

Mr. HOAR. I should like to ask the Chair if the point of order which the Chair has intimated would be sustained to any amendment of the committee or any other amendment proposing new legislation is in order when the Committee of the Whole reports the bill to the Senate?

The PRESIDENT *pro tempore*. The Chair did not understand the Senator. Did the Senator make an inquiry?

Mr. HOAR. My inquiry of the Chair was whether when the proposed amendments made as in Committee of the Whole are reported to the Senate, the point of order as to new legislation is then open in the Senate.

The PRESIDENT *pro tempore*. Not if an amendment is ruled out.

Mr. HOAR. Not when it is ruled out, but suppose the Senate adopt the amendment, waiving the point of order in Committee of the Whole, and the Committee of the Whole reports the amendment to the Senate, is the point then open?

The PRESIDENT *pro tempore*. Does the Senator inquire if the amendment is open then to a point of order?

Mr. HOAR. Yes.

The PRESIDENT *pro tempore*. The Chair thinks not. The Chair thinks that if the Senate chooses to let a provision pass as in Committee of the Whole, it is not open to a point of order then, and in the opinion of the Chair he could not entertain it in the Senate.

Mr. HALE. That is right.

The PRESIDENT *pro tempore*. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 90, before the word "paymasters," to strike out "thirty" and insert "forty;" after "paymasters," to strike out "and thirty-five assistant and" and insert "twenty;" and in line 91, after the word "paymasters," to insert "and ten assistant paymasters;" so as to make the clause read:

That the active list of the pay corps of the Navy shall hereafter consist of thirteen pay directors, thirteen pay inspectors, forty paymasters, twenty passed assistant paymasters, and ten assistant paymasters.

The amendment was agreed to.

The next amendment was, in line 97, after the word "lieutenant," to strike out "and one hundred assistant and" and insert "sixty;" and after the word "engineers," in line 98, to insert "and forty assistant engineers;" so as to make the clause read:

That the active list of the engineer corps of the Navy shall hereafter consist of ten chief engineers with the relative rank of captain, fifteen chief engineers with the relative rank of commander, forty-five chief engineers with the relative rank of lieutenant-commander or lieutenant, sixty passed assistant engineers and forty assistant engineers, with the relative rank for each as now fixed by law; and after the number of officers in the said grades shall be reduced as above provided, the number in each grade shall not exceed the reduced number which is fixed by the provisions of this act for the several grades.

The amendment was agreed to.

The reading of the bill was continued to line 130.

Mr. BROWN. I see in line 117, which we have just passed over, we have forty-two rear-admirals, twenty commodores, twelve captains, &c., on the retired list. I desire to ask what is the pay of a rear-admiral on the retired list?

Mr. ANTHONY. Forty-five hundred dollars.

Mr. HALE. I will give the Senator the official figures here.

Mr. ROLLINS. It is \$4,500.

Mr. BROWN. The attention of the country ought to be called to this subject.

Mr. HALE. The sea-pay of the Admiral is \$13,000; on shore duty, \$13,000; leave and waiting orders pay, \$13,000. The pay of the Vice-Admiral at sea is \$9,000; on shore duty, \$8,000; on leave, \$6,000. The pay of a rear-admiral at sea is \$6,000; on shore duty, \$5,000; on leave or waiting orders, \$4,000. The pay of commodores at sea is \$4,500; on shore duty, \$3,500; on leave or waiting orders, \$2,800.

Mr. BROWN. It seems to me this is an enormous retired list, considering the size of the Navy.

Mr. LOGAN. That is what we have been trying to explain.

Mr. BROWN. I wanted to get the salaries on the record.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 130, after the word "hereafter," to insert:

The provisions of the laws retiring officers of the Navy shall apply to all officers on the active list thereof, provided that the Admiral and Vice-Admiral shall not be retired before reaching the age of sixty-four years, and that the Admiral shall retire on full pay of his grade; and section 1461 of the Revised Statutes allowing promotions of officers on the retired list, and the act entitled "An act relating to the promotion of commodores on the retired list of the Navy," approved August 15, 1876, are hereby repealed.

So as to make the provision read:

Provided, That hereafter the provisions of the laws retiring officers of the Navy shall apply to all officers on the active list thereof, provided that the Admiral and Vice-Admiral shall not be retired before reaching the age of sixty-four years, and that the Admiral shall retire on the full pay of his grade; and section 1461 of the Revised Statutes allowing promotions of officers on the retired list, and the act entitled "An act relating to the promotion of commodores on the retired list of the Navy," approved August 15, 1876, are hereby repealed.

Mr. BUTLER. I make the point of order on that amendment of the committee that it is general legislation.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The point of order is well taken, and the Chair sustains it.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 140, before the word "all," to insert "hereafter;" so as to read:

Hereafter all promotions to the grade of rear-admiral on the active list shall be made, &c.

The amendment was agreed to.

The next amendment was in line 142, after the word "made," to insert "by selection;" so as to read:

Hereafter all promotions to the grade of rear-admiral on the active list shall be made by selection from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made after July 1, 1883.

Mr. BAYARD. I desire to raise the point of order upon the amendment of the committee contained in line 142, the words "by selection," that it is general legislation originating in the Senate upon an appropriation bill.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. LOGAN. The point of order is not debatable, of course.

The PRESIDING OFFICER. Not unless an appeal is taken, or by unanimous consent.

Mr. LOGAN. Before the Senator makes that point of order we ought to understand it. I should like for the Senator, if he will, by common consent to state the objection to the Senate, so that we may know it is not merely a captious objection but an objection to the merits of this proposition.

Mr. BAYARD. The Senator argued this question, I believe yesterday or the day before. I heard all he said in favor of the system of selection as against the system of seniority. I remember very well the argument made by the Senator from Illinois, so that my objection to it under the form of a point of order was made after deliberation.

Mr. LOGAN. The Senator then desires that promotions in the Army shall be made by selection, but not in the Navy? Is that the proposition? If the proposition to-day was to provide in regard to the Army that the major-generals should be promoted by seniority instead of by selection, would the Senator be in favor of that? What I want to get at is the idea, so as to see that the principle is applicable to the same line. Of course a point of order is made and the Chair sustains it, and I do not wish to detain the Senate by discussing it, for the reason that the Chair sustains the point of order, and that is the end of it.

Mr. HALE. Let the Chief Clerk read on.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 144, after the word "made," to strike out "after July 1, 1883."

Mr. WILLIAMS. I am opposed to striking that out, and prefer to retain the House proposition.

Mr. HALE. Let us have a vote upon that.

Mr. WILLIAMS. Those words ought to stay in the bill. I am opposed to the amendment striking them out; it is very harsh in its operation. I think time ought to be given before this harsh provision goes into operation. I greatly prefer the provision as it came from the House.

Mr. LOGAN. The Senator talks about its being a harsh provision; what does he mean by a harsh provision?

Mr. WILLIAMS. It works very harshly upon some very meritorious officers.

Mr. LOGAN. I want to ask the Senator in reference to the grade of commodore; does it make any difference whether the law goes into effect now or on the 1st of July, 1883?

Mr. WILLIAMS. Yes, sir; it may make a very material difference.

Mr. LOGAN. Why, I should like to know?

Mr. WILLIAMS. Upon somebody who would be a commodore by that time, and it would prevent him forever from being a commodore, because you propose to abolish that rank in the Navy, the most glorious one in it, that of commodore.

Mr. LOGAN. We will not discuss that. If we are going to abolish it I suppose your idea is to increase it before abolishing it.

Mr. WILLIAMS. If you want to abolish it let it take effect, as as the House has provided, on July 1, 1883, and not strike out those words. I hope the Senate will not concur in the amendment of the committee; I hope the words will be retained.

Mr. LOGAN. We will vote on it and see.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 13, noes 18.

The PRESIDING OFFICER. The amendment is rejected by the vote, but no quorum has voted.

Mr. HALE. I hope no Senator will make the point about a quorum not voting; it is not an essential thing.

Mr. ALLISON. I want to say before we pass from it, that the Senate has now decided to allow this provision not to take effect until three or four certain officers can secure promotion to the grade of commodore, and thus prolong the time when the law shall take effect. That is all there is in the provision; it is to fix a time so as to include three or four favorite officers of the Navy. That is all there is about it.

Mr. WILLIAMS. I do not know what motives the House may have had for putting in the proposition, but it strikes me that the

reason why the amendment was made was to keep three or four meritorious officers out of promotion who have been recommended for promotion by the Admiral of the Navy, and who have never received the promotion to which they were entitled for gallant services during the war. I am opposed to excluding those men.

Mr. LOGAN. Let me make a statement in answer to the Senator from Kentucky. The Senator says this prevents promotion to commodore. How can you promote men to the grade of commodore when there are twenty-five commodores now, all that the law allows? How can you do it?

Mr. WILLIAMS. Because commodores will be retired.

Mr. LOGAN. Retired when?

Mr. WILLIAMS. Retired by the operation of the law; that is when.

Mr. LOGAN. Will they be retired between now and the 1st of July, 1883?

Mr. WILLIAMS. I so understand.

Mr. LOGAN. The Senator had better examine and see.

Mr. WILLIAMS. If they are not retired the provision does no harm.

Mr. LOGAN. The fact is that if you destroy a grade in either the Army or Navy—

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Illinois to the fact that this debate is entirely out of order. The amendment is rejected unless the question of a quorum is made, and if that question is made nothing is in order but a call of the Senate or a call of the yeas and nays on agreeing to the amendment.

Mr. LOGAN. I have no objection as to the debate being out of order, but I will say to the Chair I would take it as a great kindness if he would suggest to Senators who speak before I do that they are out of order, and not wait until I get the floor.

The PRESIDING OFFICER. The Chair was not discriminating between Senators.

Mr. LOGAN. I know the Chair was not, but after other Senators got through then it was out of order for me to proceed. I know it was.

The PRESIDING OFFICER. On the division as reported by the Chief Clerk the yeas have it, and the amendment is rejected. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 156, after the word "perform," to strike out "at sea;" in line 158, after the word "misconduct," to strike out "or want of capacity, not caused by or in consequence of the performance of his duty;" and in line 161, after the word "discharged," to insert "with not more than one year's pay;" so as to read:

And provided further, That whenever on an inquiry had pursuant to law concerning the fitness of an officer of the Navy for promotion it shall appear that such officer is unfit to perform the duties of the place to which it is proposed to promote him, by reason of drunkenness or from any cause arising from his own misconduct, he shall not be placed on the retired list of the Navy, and he shall be discharged with not more than one year's pay.

The amendment was agreed to.

The next amendment was, to strike out lines 168 to 175, in the following words:

That the active list of lieutenants in the Navy shall hereafter consist of two hundred, and until the number of lieutenants now on the active list of the Navy shall be reduced below the number of two hundred no promotion shall be made to fill vacancies occurring in said grade: *Provided*, That no lieutenant now in the service shall be reduced in rank or deprived of his commission by reason of the provisions of this rank.

And in lieu thereof to insert:

That hereafter only one-third of the vacancies which may happen in the grades of line officers in the Navy below that of commodore and above that of midshipman shall be filled by promotions; and this suspension of promotions shall continue until the total number of officers in said grades shall be reduced to six hundred, and shall then cease; and promotions may be made to fill vacancies thereafter happening, but not to increase said total number of officers above six hundred, as herein limited.

Mr. HALE. I submitted two amendments the other day from the Committee on Appropriations to the amendment of the committee. I ask that they be read.

The PRINCIPAL LEGISLATIVE CLERK. After the word "limited," at the end of the matter proposed to be inserted by the committee, it is proposed to add the following proviso:

Provided, however, That this suspension of promotions to any grade shall not continue, but promotions thereto to fill all vacancies shall be resumed after said grade has been reduced to the limits herein provided, namely, for captains forty-eight, for commanders eighty-two, for lieutenant-commanders seventy, for lieutenants two hundred and fifty, for masters seventy-five, for ensigns seventy-five.

After the word "only," in line 175, it is proposed to strike out "one-third," and insert "one-half;" so as to read:

That hereafter only one-half of the vacancies which may happen in the grades of line officers in the Navy below that of commodore and above that of midshipman shall be filled by promotions.

Mr. BUTLER. I make the point of order on the amendment of the committee.

Mr. HALE. I hope the Senator will not make a point of order on it. That will open the whole discussion again. I certainly did not understand that on any proposition of this kind a point of order was to be made. It is only an amelioration of the House provision, which struck out eighty officers bodily and did not include the pro-

motion at all. This is surely very much better than the House provision.

Mr. BUTLER. I propose to strike out the House provision, if I can have my way about it.

Mr. HALE. Afterward, when we come back to it, the Senator will have the opportunity to move to strike it out, but if the Senator makes the point of order now it will renew the point of order raised by the Senator from Missouri, and we shall have the whole subject opened again.

Mr. BUTLER. I make the point of order on the amendment of the committee.

Mr. VANCE. I hope the Senator from South Carolina will withdraw the point of order a moment, until I can make a proposition which I think will obviate his desire to make the point of order.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw the point of order?

Mr. BUTLER. I will not withdraw it except to allow the Senator from North Carolina to make an explanation.

The PRESIDING OFFICER. The point of order is temporarily withdrawn.

Mr. VANCE. The objection made to this provision in the House bill as modified by the Senate Committee on Appropriations is that it would condemn young officers to an exceedingly long probation of from twelve to fifteen years before a cadet-midshipman or a midshipman could get the position of ensign, and so on, and it operates still more harshly upon the lieutenants. How that would result actually, whether it would be so long as twelve or fifteen years, I do not know; but I propose to offer an amendment, if permitted to do so, that I think would enable me to vote for the amendment of the committee. I propose to add the following proviso:

Provided, That any officer having served in any one grade for the period of fifteen years shall thereafter be entitled to the pay of the next highest grade.

So that if he is debarred of his promotion by the operation of this bill he will receive the advanced pay. If that would suit the Senator from South Carolina, it would suit me.

Mr. BUTLER. I have no objection to the proposition, but I insist on my point of order.

Mr. HALE. If the Senator from South Carolina will withdraw the point of order for a moment, so that I may explain, I will state that the House of Representatives in dealing with the lower ranks in the Navy struck in at one place and reduced the lieutenants from two hundred and eighty to eighty. As Senators will see who look at lines 168, 169, 170, 171, and 172, the House made no provision whatever relieving the ranks below lieutenant from the cessation of promotion; that is, no promotion could take place until the lieutenants had been reduced to two hundred from two hundred and eighty. The result would be that for many years no man in the Navy who was ensign or master or cadet-midshipman, could be promoted until the number of lieutenants was reduced to two hundred. The Committee on Appropriations of the Senate thought that an unfair thing; they thought it injudicious that these young men just leaving the Naval Academy should be stopped entirely, and yet the committee wanted to agree to the feature of reduction.

Therefore, instead of making all those reductions in lieutenants, the committee distributed them over the lower ranks, and provided that only one vacancy in two should be filled. Then in order that it might not apply to prevent lower ranks from being promoted until the top ranks went out, the committee provided that when a lower rank is reduced to a certain number, promotions may go on. There is no better way, I think, any friend of the Navy, any naval officer, can devise for keeping up this system of promotion, and at the same time cutting down, because it was done in consultation not only with the Secretary of the Navy but with naval officers, and is a clear amelioration of the House position.

I do not know what object my friend from South Carolina has in making this point of order against the committee amendment. If he is a friend of these young officers and wants them promoted, and does not want them stopped, and wants to give them a chance, why does he object to the committee amendment, which is so much better than the House provision?

Mr. BUTLER. I am perfectly frank to say that I think this entire legislation is so obnoxious to my ideas of what is due to the Navy that I want to make it as objectionable as possible, and then I hope the Senate will come to the conclusion to strike out the objectionable features. I shall insist on my point of order.

Mr. HALE. That will not strike it out.

Mr. BUTLER. I think the amendment of the Senator from North Carolina improves the clause very much; I think the amendment of the Senate Committee on Appropriations improves it very much; but even with that improvement on it I think it is ineffably objectionable.

Mr. HALE. But does not the Senator see he has got to confront the House of Representatives at last on their proposition, and that we stand a great deal stronger if we have got a good proposition here, which he himself admits is a good one?

Mr. BUTLER. I do not think it is a good one; I think it is better than the House provision. I think the whole thing is wrong, and therefore I shall insist on the point of order.

Mr. ALLISON. I want to call the attention of the Senator from South Carolina to the fact that by insisting on his point of order,

and of course he can follow it up with similar points in reference to the bill, he places the Senate exactly in a position where we shall be compelled to agree to the House provisions or else be confronted with whatever follows agreeing to no provisions. In other words, he is putting the Senate in precisely the position that the Senator from Ohio [Mr. SHERMAN] indicated yesterday, because if no amendment is in order to this provision it will be impossible for a committee of conference to take jurisdiction of any provision of like character. Therefore we shall be obliged to take the legislation as proposed by the House on this question or else whatever there is in the way of the chance of defeating the entire bill.

If Senators desire that thing, if they desire to accomplish by indirection what they failed to accomplish yesterday, we may as well understand it here and now and not waste our time upon this bill; because if we are to have points of order made upon every provision in the bill that is material, and those provisions are to go out upon points of order, let us at once consent to the House provisions of legislation and test the sense of the Senate whether we will strike them out here and send all these questions to a committee of conference, or whether we will make a sharp contest with the House with reference to the question whether general legislation shall be put on appropriation bills at all, even in the interest of economy.

Mr. BUTLER. Do I understand the Senator from Iowa to say that unless we accede to the provision proposed by the House we take the responsibility of defeating an important appropriation bill? Is that the point the Senator makes?

Mr. HALE. Agreeing to this amendment is not acceding.

Mr. BUTLER. I understand the Senator from Iowa to make that proposition.

Mr. ALLISON. I do not make that proposition, but I say you are this minute by your point of order aiding the House of Representatives in its endeavor to force upon us legislation that we do not agree to. You are not willing to test the sense of the Senate upon these modifications of the House provision, but you insist upon a point of order the effect of which will be that we must take the House provision or nothing.

Mr. BUTLER. Not at all.

Mr. ALLISON. That is exactly the proposition.

Mr. BUTLER. Not at all.

Mr. ALLISON. When we have passed this provision of the bill there is no amendment in order even through a conference committee.

Mr. BUTLER. If a majority of this body should hold that general legislation upon this appropriation bill was unwise and should not be agreed to, and it goes to a committee of conference, do I understand the Senator to say that we are to be coerced into admitting it because if we do not we must remain here? Is that the proposition?

Mr. ALLISON. The Senator does not understand me to say any such thing, but let me put the converse of the proposition to the Senator. Does he suppose the House is going to be coerced by points of order upon a question of this kind? I may just as well ask him that question in the one case as in the other. If it is a question of coercion, the question is which shall last the longest. Is it not better and wiser for us to meet the House in reference to these reforms, if they be reforms, making the best provisions that we can, and then try to agree?

I have no wish about this matter. There are many features of the House provisions to which I do not agree. I confess to the Senate that I would not vote for this provision as it comes from the House. I do not believe that it is a wise or right provision.

Mr. BUTLER. Then move to strike it out and it will go to the committee of conference.

Mr. HALE. But we do not want to be reduced to that alternative. That is precisely what the Senator is trying to do, to put us in direct antagonism with the House.

Mr. SAULSBURY. If we adopt the amendment of the committee, which I concede is better than the House provision, and send it to the House, and the House then accept of that, we have got a reorganization notwithstanding we may be opposed to it. I, for one, have believed that the whole thing is unwise to attempt a reorganization of the Navy at this late hour upon an appropriation bill.

Mr. ALLISON. I know the Senator thinks that; so we may all have thought originally, but I want to ask the Senator from Delaware how he expects to get rid of the House provisions? Answer me that question.

Mr. SAULSBURY. I do not say but that the two Houses may disagree, the Senate refusing to adopt the House provisions, but, then, if the Senate adheres, we still leave every appropriation for the Navy, and the House would have nothing to stand before the country upon.

Mr. ALLISON. We should have no appropriation at all. This bill cannot pass until the Houses come together. The House of Representatives has put this provision in the bill. I ask the Senator from Delaware how he is going to get it out? Are we to get it out by adhering to our disagreement?

Mr. SAULSBURY. Is it reasonable to suppose that the House will refuse to make appropriations for the Navy unless we consent to a reorganization of the Navy?

Mr. BUTLER. That is the point.

Mr. SAULSBURY. I believe a reorganization of the Navy would be proper and right and ought to be made, but I do not believe it is

right and proper to do so upon an appropriation bill without the proper time to consider it. If we adopt the committee amendment and send that to the House we have then agreed to a reorganization in some shape, and if the House then accede to our proposition there is a reorganization according to the amendment proposed by the Senate committee. For one, I am opposed to the attempt to reorganize in this way the Navy. While I would be perfectly willing, upon a proper bill at a proper time, to see the Navy reorganized, I do not believe it is wise and proper at this late hour of the session to attempt that thing. I would vote for the committee amendment in preference to the House provision except that it places us in the position of going into a reorganization of the Navy at this time.

Mr. JONES, of Florida. It has happened repeatedly during the present session, and I think under the able management of the Senator from Iowa, who has had much experience on conference committees, that on many propositions the conference committees were able to agree and on others they were not. It is possible that a conference committee on this bill, if the Senate should not concur in the legislation proposed by the House, might be able to agree with respect to the sums of money appropriated to sustain existing establishments and might disagree in regard to the matter of reorganization.

Mr. ALLISON. Let me put a question to the Senator. The Senator is seeking to put the Senate exactly in a position where we must agree to the House legislation as a whole, or none of it. In other words, by the suggestions of the Senator from South Carolina and the Senator from Florida we can exercise no supervision over the House legislation at all. You are putting the Senate into a position where it must either accept the House legislation or no legislation.

Mr. JONES, of Florida. That seems to be the logical result of what has already happened with respect to the amendments proposed to the legislation of the House. It has turned out thus far that nothing can be done now practically without unanimous consent in opposition to the rules of the body, because the Chair has held that amendments of general legislation proposed to the provisions of the House on this bill are not in order. That only shows the impropriety of having any legislation on it at all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

Mr. BUTLER. I make the point of order on that amendment that it is general legislation.

The PRESIDING OFFICER. The point of order is sustained as to that part of the amendment which is proposed to be inserted. The question is, Will the Senate agree to the amendment striking out the matter inserted by the House?

Mr. HALE. I move to modify that by inserting after "two hundred," both in line 169 and in line 171, the words "and twenty-five;" so as to make the number "two hundred and twenty-five."

Mr. BUTLER. Do I understand the Chair to sustain the point of order as to the amendment of the Senate Committee on Appropriations?

The PRESIDING OFFICER. The point of order as to that part of the amendment of the Senate committee which is proposed to be inserted into the bill is sustained, and the question is upon agreeing to the amendment proposed by the committee to strike out the text from line 168 to line 175.

Mr. HALE. I have moved to modify that part of the amendment. The PRESIDING OFFICER. The Senator from Maine moves to amend the part that it is proposed to strike out.

Mr. BUTLER. If it is in order I will now move to concur in the amendment of the Senate committee to strike out the matter from line 168 to line 175.

Mr. HALE. I have moved to amend that first.

The PRESIDING OFFICER. The Senator from Maine moves to amend. The question is upon the amendment of the Senator from Maine to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the committee to strike out, as amended.

Mr. HALE. I want the Senate to see, and I think it does see without my explaining, that I have been trying here this morning fairly to get an expression of the Senate so that all sides would be represented. Upon the amendment, which is recognized to be much better than the House provision, the Senator from South Carolina has insisted and persisted upon his point of order, and has struck it out. I have moved to change the provision by increasing the number from "two hundred" to "two hundred and twenty-five," in order to give jurisdiction to the committee of conference to do what is a fair and a right thing, and the Senator from South Carolina is not content; he wants to drive this thing further. He wants to put a more firm defiance in the face of the House and strike out their provision entirely and absolutely. I say we go to the House better as a co-ordinate body by keeping in their provision and leaving it open than we do to strike it out absolutely, but if the Senator desires, and if the Senate desires, to inflame this matter so that when we come into conference we find that body directly opposed, with no one can tell what is the end, then make it all the more offensive.

Mr. BUTLER. That is the most remarkable statement I have ever heard in my life. The Senator says I am desiring to inflame this controversy when I am simply moving to sustain the committee of the Senate, his own committee, his own report.

Mr. HALE. The Senator is not, because the whole movement of the Senate committee rests upon the provision which the Senator has insisted on going out on a point of order. The conclusion the committee arrived at, the result of its deliberations, the Senator has insisted shall go out on a point of order; and now the Senator turns and says he wants to carry out our wish. He knows that that is disingenuous. He knows that is not the position of the Senate Committee on Appropriations, to strike out the House provision and not insert anything in its place. The whole is one proposition, to strike out and insert, and he has debarred us of that, not by a vote of the Senate, but by a rigid insistence on a point of order. I now seek to modify the committee amendment so as to leave it open, and I leave that to a vote of the Senate.

Mr. BUTLER. I ask the Senator to repeat his amendment, for I did not hear it clearly.

Mr. HALE. It is to increase the number in the House provision to two hundred and twenty-five, and then, instead of striking out the provision, leave it with that amendment on it.

Mr. BUTLER. That is in line 171?

Mr. ALLISON. In lines 169 and 171. It occurs in two places.

Mr. BUTLER. How will it read?

Mr. HALE. The provision will then read:

That the active list of lieutenants in the Navy shall hereafter consist of two hundred and twenty-five, and until the number of lieutenants now on the active list of the Navy shall be reduced below the number of two hundred and twenty-five no promotion shall be made to fill vacancies occurring in said grade.

Mr. VANCE. How much would that reduce the number of lieutenants, leaving it at two hundred and twenty-five?

Mr. HALE. It is two hundred and eighty now. It would reduce the number fifty-five.

Mr. DAVIS, of West Virginia. It will be seen that the amendment of the Senator from Maine improves the provision in the line that my friends from South Carolina and North Carolina wish. It adds to the number already provided for by the House. What is the result if the motion of the Senator from South Carolina prevails and the text of the bill is stricken out? The Senate disagrees with the amendment of the committee, and the text of the bill is still in conference between the two Houses, and he has accomplished absolutely nothing, because the provision still goes to a conference. It is a House provision. You can strike out so far as the Senate is concerned, but it remains in the bill and it goes to a conference, and the conference committee can deal with it both on the part of the House and the Senate as they think proper, of course reporting their action to the House and Senate afterward. Then that report must be rejected or accepted as a whole.

I suggest to my friend from South Carolina, is it not much better to allow the provision to be so modified as to come a great deal nearer his views than as it now stands? It appears to me the amendment of the Senator from Maine is an improvement on the House provision, and it is in the direction desired by the Senator from South Carolina.

Mr. BUTLER. Do I understand the members of the Committee on Appropriations to withdraw their amendment striking out? Is that the proposition?

Mr. HALE. There is no withdrawing it.

Mr. BUTLER. The Senator from Maine has moved to strike out "two hundred" and insert "two hundred and twenty-five."

Mr. HALE. Instead of striking out I move to amend it, and then I shall be in favor of keeping it in as amended.

Mr. BUTLER. It is proposed to be stricken out by the committee.

Mr. HALE. It is not stricken out until the Senate votes to strike it out.

Mr. DAVIS, of West Virginia. I say to my friend who has charge of the bill that the Senate cannot dispose of it.

Mr. HALE. It cannot dispose of it, of course.

Mr. DAVIS, of West Virginia. It still remains in the bill, and goes to the House as a part of the bill.

Mr. ALLISON. If the Senator will allow me a moment, I will state that I am almost indifferent myself whether the amendment of the Senator from Maine is adopted or not, or the amendment of the Senator from South Carolina. In either event it simply gives the committee of conference jurisdiction, and I think then our conferees will insist on this wise provision, so that we shall get it in the end. Gentlemen need not think they can play upon a bill in this way and get matter out of it. They do not gain anything by these propositions. Whether the whole of this is stricken out or whether the amendment of the Senator from Maine is adopted, a conference committee will have complete jurisdiction over it, and I hope they will settle the matter wisely and well when they come to settle it.

Mr. JONES, of Florida. Have not the two Houses jurisdiction over a committee of conference?

Mr. ALLISON. They have, of course.

Mr. DAVIS, of West Virginia. But it will be borne in mind that the Senate has not jurisdiction over the House of Representatives, who put this provision in the bill. The Senate has nothing to do with them and cannot control them. Simply striking out the action of the Senate committee has no effect whatever upon the House, because the House has a right to maintain its position just as well as we have to maintain ours.

Mr. BUTLER. Does not agreeing to the motion to strike out in-

dicates very clearly what the opinion of the Senate is upon that provision in the bill?

Mr. HALE. Not where it is stricken out on a point of order. If we debated the question and then struck out the clause it would be another thing.

Mr. BUTLER. But I am not discussing the proposition which has been stricken out.

Mr. DAVIS, of West Virginia. Mr. President, I have the floor. The PRESIDING OFFICER. The Senator from West Virginia is entitled to the floor.

Mr. BUTLER. I understood that the Senator from West Virginia had yielded the floor.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. DAVIS, of West Virginia. I yield further to the Senator from South Carolina.

Mr. BUTLER. I was not discussing the proposition that was stricken out on the point of order, but I say it is not uncommon for the Senate to strike out provisions on any bill coming from the House, and that is what the Committee on Appropriations have done here.

Mr. LOGAN. The Senator misapprehends. We did not propose to strike it out except by substituting a proposition for it.

Mr. BUTLER. But that has not appeared.

Mr. LOGAN. That is exactly it. The point of order was made to strike out the amendment, when you want the amendment to stand.

Mr. BUTLER. But I did not know that the amendment of the committee was made conditional.

Mr. LOGAN. Certainly.

Mr. BUTLER. That does not necessarily follow. That is to say, striking out the amendment of the committee on a point of order, it does not follow that they abandon their position upon the text of the bill.

Mr. DAVIS, of West Virginia. I will say to my friend from South Carolina that, as is readily seen, the matter from line 168 down to line 175 came from the House.

Mr. BUTLER. I know that.

Mr. DAVIS, of West Virginia. The Senate Committee on Appropriations believed that that provision ought to be modified. They therefore proposed to strike it out and modify it by inserting the words commencing in line 175, down to the end of the paragraph. The Senator from South Carolina has raised a point of order which causes the amendment of the Senate Committee to be dropped out; in other words, the Senate disagrees to the amendment upon the point of order. What is the result? The result is that the clause as it came from the House remains.

Mr. BUTLER. Is it not stricken out by the committee?

Mr. DAVIS, of West Virginia. It cannot be stricken out by the committee; and I do not care if the Senate is unanimous in favor of striking it out, it still must go back to the House. It is part of the bill as we received it. We may modify it.

Mr. BUTLER. I have never questioned that; but the point I want to make is whether the Committee on Appropriations did not report to strike out that provision?

Mr. DAVIS, of West Virginia. Not unless it was modified as proposed.

The PRESIDING OFFICER. The Chair would state that if the amendment reported by the committee was in fact a motion to strike out and insert, then the ruling of the Chair was erroneous. The Chair was treating the two propositions as independent. A motion to strike out and insert is indivisible; and the Chair would have ruled, if the question had been put in that form, and holds now, that such would be the proper ruling, being indivisible, if the amendment proposed to be inserted be out of order, the whole amendment is ruled out of order, and it leaves the original provision of the bill as it came from the House, standing without modification or change, but subject to amendment.

Mr. HALE. And that I move to amend by inserting the words "and twenty-five" after "two hundred."

The PRESIDING OFFICER. If this be an amendment to strike out and insert, as upon scrutinizing it the Chair believes it is, the Chair rules the whole amendment out of order, striking out as well as inserting. Then the part left in the bill is subject to amendment, and the Senator from Maine has proposed to amend it.

Mr. ALLISON. I desire to ask the Chair if it is not in order to strike out that provision?

The PRESIDING OFFICER. Of course it is.

Mr. ALLISON. I merely wanted to know the ruling of the Chair.

Mr. JONES, of Florida. I think the Chair was clearly right when he took the view that those two propositions were independent of each other. What is the first proposition, the one which the committee propose to strike out? It relates to lieutenants in the Navy;

That the active list of lieutenants in the Navy shall hereafter consist of two hundred, and until the number of lieutenants now on the active list of the Navy shall be reduced below the number of two hundred no promotion shall be made to fill vacancies occurring in said grade: *Provided*, That no lieutenant now in the service shall be reduced in rank or deprived of his commission by reason of the provisions of this rank.

That the committee propose to strike out, and after that they superadd an amendment, as follows:

That hereafter only one-third of the vacancies which may happen in the grades of line officers in the Navy below that of commodore and above that of midshipman shall be filled by promotions; and this suspension of promotions shall continue until the total number of officers in said grades—

That is, all the grades in the Navy—

shall be reduced to six hundred, and shall then cease; and promotions may be made to fill vacancies thereafter happening, but not to increase said total number of officers above six hundred, as herein limited.

The propositions are distinct in their nature. The one proposition of the House, which this amendment strikes out, goes only to the lieutenants in the Navy, where they are limited to two hundred, while the other proposition relates to the whole service and proposes to limit all the officers in the naval service to six hundred.

The PRESIDING OFFICER. The Chair rules the whole amendment striking out as well as the part to be inserted out of order, which leaves the bill as it came to the Senate from the House intact, except so far as amended on the motion of the Senator from Maine.

Mr. COCKRELL. Has it been amended on the motion of the Senator from Maine?

The PRESIDING OFFICER. It was amended on the motion of the Senator from Maine.

Mr. HALE. Then I have nothing further to ask in regard to the provision.

The PRESIDING OFFICER. The next amendment of the Committee on Appropriations will be reported.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed, after the word "for," in line 184, to strike out the words "two secretaries, one to the Admiral and one to the Vice-Admiral."

Mr. HALE. Under the action of the Senate on the point of order with reference to admirals those words, instead of being stricken out, should remain.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment of the Committee on Appropriations was, in line 185, after the word "paymasters," to strike out "of vessels;" and in line 190, after the word "actual," to insert "personal;" so as to read:

For two secretaries, one to the Admiral and one to the Vice-Admiral, clerks to paymasters, clerks at inspections, navy-yards, and stations, and extra pay to men enlisted under honorable discharge; commission and interest, transportation of funds, exchange, mileage to officers while traveling under orders in the United States, and for actual personal expenses of officers while traveling abroad under orders.

The amendment was agreed to.

The next amendment was, in line 191, before the word "officers," to strike out "hereafter;" and in line 192, after the word "orders," to insert "hereafter issued shall travel by the most direct route, the occasion and necessity for such order to be certified by the officer issuing the same and;" so as to read:

And officers of the Navy traveling abroad under orders hereafter issued shall travel by the most direct route, the occasion and necessity for such order to be certified by the officer issuing the same; and shall receive, in lieu of the mileage now allowed by law, only their actual and reasonable expenses, certified under their own signatures and approved by the Secretary of the Navy.

Mr. JONES, of Florida. I ask the Senator from Maine what is the rate of mileage now allowed by law in cases of this kind?

Mr. HALE. Eight cents.

Mr. JONES, of Florida. This, then, is in the direction of retrenchment. I think that the actual expenses of the officers would be less than the mileage.

Mr. HALE. It was found that under the provision for mileage it was sometimes insisted upon by very indirect routes, and sometimes even when upon Government vessels. The examination led the committee to believe that there would be a saving of several thousand dollars each year if the actual and legitimate expenses alone were paid, which nobody wants to cut off.

Mr. JONES, of Florida. If the matter of the actual expenses is left to the officers it is a question whether it would not increase instead of diminishing.

Mr. HALE. The committee thought when they came to examine the accounts which have been put in heretofore that this change should be made.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Bureau of Navigation," after line 266, to insert:

For beginning the transfer to copper plates of five hundred and thirty photographic charts, \$15,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Ordnance," in line 284, after the word "for," to strike out "that purpose" and insert "these purposes;" so as to read:

For fuel, tools, materials, and labor used in procuring, producing, and preserving ordnance material; for the armament of ships, and for the general work of the Ordnance Department for these purposes, \$150,000.

The amendment was agreed to.

The next amendment was, in line 305, to reduce the appropriation "for miscellaneous items" for the Bureau of Ordnance from \$5,000 to \$3,500.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Equipment and Recruiting," in line 332, to reduce the appropriation "for transportation of enlisted men: for expenses attending the transportation of enlisted men and boys at home and abroad," from \$40,000 to \$35,000.

The amendment was agreed to.

The next amendment was, in line 342, to reduce the appropriation "for contingent expenses, equipment, and recruiting" from \$20,000 to \$15,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Yards and Docks," in line 362, to increase the appropriation "for general maintenance of yards and docks" from \$220,000 to \$270,000.

The amendment was agreed to.

The next amendment was, in line 370, after the word "the," to strike out "governments for the amounts in this act appropriated for the maintenance of and civil establishment at the navy-yards, he shall not make any deficiency for these purposes, but" and insert "Government;" so as to read:

Provided, That if the Secretary of the Navy shall find that work at all the navy-yards now maintained cannot be carried on with advantage to the service and economy to the Government, he shall suspend work at those yards where he finds it can best be dispensed with, and shall close such yards and transfer all perishable stores and property therefrom to other yards for use therein, and report the facts and the reasons governing his action to the next session of Congress.

The amendment was agreed to.

The next amendment was, after the word "discharged," in line 382, to insert:

And no deficiency shall be made for maintenance of, or for the civil establishment at navy-yards.

The amendment was agreed to.

The next amendment was, after the word "navy-yards," in line 384, to insert the following proviso:

Provided, That not less than two navy-yards shall be maintained upon the Atlantic and Gulf coast, one north and one south of the Potomac River, and one upon the Pacific coast.

Mr. COCKRELL. I make the point of order on the proviso that it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed. The next amendment was, in line 390, after the word "yard," to strike out "for the Bureaus of Equipment and Recruiting and Ordnance;" so as to read:

Provided further, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard, and that work may be continued in the rope-walk in the Boston navy-yard.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Medicine and Surgery," in line 405, to increase the appropriation "for the naval-hospital fund, namely: for maintenance of the naval hospitals at the various navy-yards and stations" from \$25,000 to \$35,000.

The amendment was agreed to.

The next amendment was, after the word "examiners," in line 417, to insert "rent of rooms for naval dispensary;" and in line 420, before the word "thousand," to strike out "twenty" and insert "fifteen;" so as to make the clause read:

For contingent expenses of the bureau: For freight on medical stores; transportation of insane patients to the Government hospital; advertising; telegraphing; purchase of books; expenses attending the medical board of examiners; rent of rooms for naval dispensary; purchase and repair of wagons and harness; purchase and feed of horses and cows; trees, garden-tools, and seeds, \$15,000.

The amendment was agreed to.

The reading of the bill was continued to line 428.

Mr. FRYE. I desire to ask my colleague, the Senator who has the bill in charge, in regard to the appropriation of \$20,000 in line 428, "for the maintenance of the civil establishment at the several naval hospitals, navy-yards," &c., whether a careful examination was made to see if that reduction was not too great? It is one-half. It used to be \$40,000, and \$40,000 was asked for; it is reduced to \$20,000.

Mr. HALE. It was the same proportionate reduction that was made in the other civil establishments, and the committee believed that the service could be done with this money, and even with less.

Mr. FRYE. I have a letter from a very intelligent surgeon at the naval hospital at Chelsea, Massachusetts, in which he gives a list of the employés, and says that they are not sufficient, that they need a watchman in addition, and that the \$20,000 as apportioned among the several establishments would reduce their present force one-half.

Mr. HALE. The Senator will always find that where any attempt of this kind is made there will be expostulations raised at the places where it is done, because nobody wants to give up his place. The committee looked into it very carefully in connection with the Secretary of the Navy, and they believed that this reduction could be made, and in many cases even more.

Mr. HAWLEY. I inquire whether that was not made so low because they provided in other parts of the bill for reducing the number of navy-yards to be kept in order? In case that amendment which was objected to by the Senator from Missouri should not be finally made it may be necessary to consider that item again.

Mr. HALE. No, it was not made with that view; it was made with reference to the law as it exists now.

Mr. FRYE. What I desired to know was whether the committee had given the matter a careful examination?

Mr. HALE. We looked into it carefully.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Bureau of Provisions and Clothing," in line 435, after the word "ships," to

strike out "for cooking and drinking purposes;" so as to make the clause read:

For provisions for the seamen and marines; commuted rations for officers, seamen, and marines; expenses of the handling and transportation of provisions; of inspections and storehouses; and for purchase of water for ships, and for provisions and commutation of rations for 750 boys, \$1,000,000.

The amendment was agreed to.

Mr. HOAR. I beg the pardon of the Senate. I intended when upon lines 365 to 397, looking to the discontinuance of certain navy-yards, to propose an amendment, which has already been submitted to the committee. I do not know whether the committee would prefer to go back to that now or to wait.

Mr. HALE. That can be done after we get through with the committee amendments.

Mr. HOAR. I will take the course that the committee prefer.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Bureau of Construction and Repair," in the clause making appropriations "for preservation and completion of vessels on the stocks and in ordinary," in line 459, after the word "exceed," to strike out "thirty" and insert "twenty-five;" so as to read:

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 25 per cent. of the estimated cost of a new ship of the same size and like material.

Mr. BLAIR. I raise the point of order on the amendment of the Committee on Appropriations that it is new legislation.

Mr. HALE. I think that presents in about as neat a way as can be done the operation of the rule about legislation, and I am desirous of getting the ruling, with the Senator from New Hampshire, upon that point. Here is a House provision, a good one undoubtedly, intended to prevent undue repairs upon old ships or the practical rebuilding of an old ship, calling it by her old name when it is really a new ship, limiting it to 30 per cent. of the value, and the Committee on Appropriations have changed that 30 per cent. which the House puts in to 25 per cent. It has originated no legislation; it has put in no new law; but it has simply changed the percentage as provided in the bill of the House.

Mr. BLAIR. The Senator's argument is this—

Mr. HALE. I have not made any argument.

Mr. BLAIR. Then I will sit down until you do.

Mr. HALE. I do not propose to make any argument. I am willing to take the decision of the Chair upon this matter, and I do not care how it is decided.

Mr. BLAIR. The Senator has failed essentially to state the position and the facts as raised by my point of order. The House of Representatives has made a very injudicious provision in the text. It proposes that the existing navy shall not be repaired when the repairs will be more than 30 per cent. of the cost of a new vessel of the same character and material. The committee comes in with an amendment that the ship shall not be repaired—that is to say, it shall be utterly destroyed and shall cease to be a constituent part of the American Navy when it will cost 25 per cent. of the value of a new ship to repair it, and they say that because they have made an increased reduction therefore they are right. That principle of reasoning would come to this: that if it would cost one dollar even to repair the ship, for that very reason it should not be repaired; if it cost over a dollar, or if it cost ninety-nine cents, it would be thrown away; so that the Senator's argument results in an absurdity.

I do not raise this point of order for the sake of making a technical objection. We have one hundred and forty ships in the navy, of which only thirty-eight are said to be efficient and really available as naval ships in case of war—naval ships, I mean to say, of the character, the construction, the material, the ordnance, and the like that appertain to these. Of course they are not capable of meeting the formidable armaments of other navies, but they are good for the character of ships which we do possess; and with an increased navy, with a formidable navy, we should need every one of the thirty-eight which we now have, of precisely the same character and material. They would all be found efficient and serviceable.

If that character of ships will be necessary in the new navy which we expect to have in the future, it is obviously for our advantage to keep these for what they can do during this transitional period, and also for the service they may be hereafter, when we have the additional vessels which may be called for. The English navy has vessels like these which it is proposed to destroy.

What is the proposition which lies behind and beyond, and I think at the bottom of the whole naval bill? I think it is an effort of outside parties, who know we must have a navy, who know we are going to build a very extensive one, to strike down the navy, to destroy the navy which we now have in order to hurry the moment when outside contractors can come in and take advantage of the fact that we have no navy whatever, which we help to destroy by failing to repair what we now have, and which the necessity of the times imposes upon us, force us to give to them the work as contractors, holding the Government by the throat and paying them just whatever sums they may see fit to exact as contractors for the construction of a new navy.

In order to attain that end it is necessary for them to accomplish two things. They must first destroy all the facilities which the Government has on its part for the construction of a navy. In order

to do that they close every yard we have, and there are provisions for that in this very bill, that in the discretion of the Secretary (and by implication that discretion is to be exercised, for they have withheld the appropriations,) the yards shall be closed with the exception of three, and those exceptions are only brought in here by the Committee on Appropriations of the Senate; they do not come to us from the House at all. In that way they close our yards; they scatter our skilled labor.

We have it now, we have it under our control; but the moment that labor is once scattered and the necessity for the construction of a navy becomes more and more apparent, and the vessels which we now have fail to be repaired, and go to rot and ruin, as they are now going, then we shall be with no yard, with no skilled labor; and the scattering of skilled labor is a matter of much more importance in fact than the retention of the yards themselves, for when it is lost to the Government and is under the control of outside establishments it is much more difficult to replace it than it is to replace the yards themselves. The machinery and the improvements in machinery which go on from day to day are all in the possession of outside parties, and the Government is utterly helpless without yards, without skilled labor, and the necessity for the construction of the navy impending.

I believe, to get back to the point, that the provision which the House sends us is one which they supposed would be utterly fatal to the repairs of the existing navy, and unless provision is made for that, of course such navy as we have goes to the dogs immediately. I desire, however, that this tendency in the same direction which has exhibited itself in the amendment which has been brought here by the committee of the Senate shall be checked, and that we shall at least require the provision to stand as it was sent here by the House.

In fact I am not entirely without authority for these suggestions which I make. I know that constructors of the Navy, men who understand this whole matter very much better than any Senator on this floor—I do not now refer to any existing officer—but I know men who are thoroughly acquainted with the Navy and with the subject of naval armament all the way through from one end of it to the other, believe that this is an exceedingly unwise provision as it came to us from the House, and that instead of being 30 per cent. it should not have been less than 50 per cent. at the very lowest. A vessel which is worth one-half a new vessel, any one of the thirty-eight or forty which are now efficient, should not be allowed to go to destruction for the lack of repairs.

Further on there is a provision that where machinery is only worth 25 per cent. less than new machinery, or where it is worth 75 per cent. of new machinery in other words, it shall not be repaired. Engines worth seventy-five cents on the dollar of new ones are to be taken from the vessels. The vessels themselves go of course with the machinery, and the result is that every vessel we now have which is worth seventy-five cents on the dollar of a new vessel is to be consigned to immediate destruction simply for the need of repairs.

Anybody can see that the destruction of the navy is provided for in the bill, for unless we can repair ships and such ships as we have then we have no navy whatever, and when you have destroyed the navy that we now have the very next year you will be under the necessity of constructing a new one. When you have destroyed your yards and destroyed your machinery, scattered your skilled labor, destroyed your navy, and are utterly unable to build a new one, I want to know if we shall not be entirely at the mercy of those individual contractors in the country at large and in the Old World who may make prices precisely to suit themselves and hold us at their mercy!

Those who believe in the doctrine of protection which is talked of so much by Senators on this side of the Chamber and on the other side of the Chamber will see how this will operate.

How has Great Britain built up her free-trade commerce? How has she made herself strong, and how does she continue her clutch upon the commerce of the world? She pours her goods upon the market of any country which admits them without protection, pours them in *ad libitum*, until she has broken down every home establishment, and when the capital invested in manufactures in any given nation is destroyed, the yards gone, skilled labor scattered, then she turns around and makes up her losses in underselling at cost prices by taxing the foolish nation to any extent she may see fit. In precisely that same way, pursuing that same policy, we are called upon by provisions, as I understand it—and I can understand its general effect in no other way—first to destroy our capacity to produce, and then to destroy whatever we now have, and then to go to those who build ships to buy ships at their own prices.

Mr. JONES, of Florida. Before the Senator takes his seat will he allow me to ask him a question?

Mr. BLAIR. Certainly.

Mr. JONES, of Florida. Can the Senator name how many ships we have in the Navy now that are not wooden ships which would not fall within the provisions of this clause? I think we have very few but what are wooden ships in the Navy.

Mr. BLAIR. This proviso I understand covers the great mass of our vessels.

Mr. JONES, of Florida. It does.

Mr. BLAIR. My recollection is that we have one hundred and

forty ships. We have some thirty-eight which are considered efficient, good fighting ships.

Mr. JONES, of Florida. Wooden ships?

Mr. BLAIR. Wooden ships I speak of.

The PRESIDING OFFICER. Does the Chair understand the Senator from New Hampshire to raise a question of order against the amendment?

Mr. BLAIR. I raise the question of order.

Mr. LOGAN. It applies to the whole thing.

Mr. BLAIR. It applies to the committee amendment. I raise the point of order and I shall move an amendment at a subsequent time striking out the word "thirty" and inserting perhaps "50 per cent."

Mr. LOGAN. How can you do that?

Mr. COCKRELL. Will that be in order?

Mr. BLAIR. Certainly it will be in order.

The PRESIDING OFFICER. The Chair will state that the point of order made by the Senator from New Hampshire—

Mr. JONES, of Florida. I suggest to the Senator from New Hampshire to strike it all out and let it go without any limitation.

Mr. BLAIR. I raise the point of order so far as the committee amendment is concerned. If the point of order is sustained, that leaves the bill precisely as it came to us from the House, and at a subsequent time I will have the right under all the suggestions which have been made here to move to strike anything out of the bill that I see fit.

Mr. HALE. After you have raised the point of order yourself?

Mr. BLAIR. After I have raised the point of order on the committee amendment, most certainly. I do not propose to move to strike out the committee amendment. I raise the point of order so far as that amendment is concerned, but I give notice that in the subsequent consideration of the bill I shall move to insert something else instead of the words "30 per cent.," which will then remain part of the text which has been sent to us by the House.

The PRESIDING OFFICER. The Senator is right in that proposition. The Chair will be compelled to hold that the amendment is out of order, which the Chair does not hesitate to hold.

Mr. DAVIS, of West Virginia. I wish to ask the Senator upon what rule he raises the point of order? It is simply striking out an amount.

Mr. BLAIR. That it is general legislation.

Mr. DAVIS, of West Virginia. If simply striking out one amount and inserting another in an appropriation bill is out of order, then how would it be possible to consider any appropriation bill whatever, because all appropriation bills contain amounts more or less? If the Committee on Appropriations were to amend any amount, no matter what it is, salaries or otherwise, or if any Senator should wish to change in any form an amount, how could it be done unless one amount be stricken out and another inserted? How can an appropriation bill be considered, if simply striking out one amount and inserting another is general legislation and is out of order? It appears to me to be, I do not say far-fetched, but so far out of order that it is hardly a question with me. Suppose an appropriation bill comes here with an item for salary of a Senator, or for a clerk at \$1,000—

Mr. HOAR. What is the question before the Senate?

The PRESIDING OFFICER. The Chair understands the question to be the point of order raised by the Senator from New Hampshire.

Mr. HOAR. I thought the Chair had decided that.

The PRESIDING OFFICER. The Chair had indicated his readiness to decide it.

Mr. DAVIS, of West Virginia. I am attempting to address the Chair before the question of order is decided. I want to put it upon the general sense of the thing. I ask the question how it would be possible to consider any appropriation bill, much less this one—the legislative appropriation bill, for instance? A clerk's salary is made \$1,000; some Senator moves to strike out \$1,000 and insert \$1,200, or to strike out \$1,000 and insert \$900. If changing an amount is general legislation how could such an amendment ever be made by the Senate? Under what rule, in what manner, could we consider appropriation bills? This is simply, as I understand, striking out "thirty" and inserting "twenty-five."

Mr. JONES, of Florida. The Senator would not compare this to the salary of an officer?

Mr. DAVIS, of West Virginia. Certainly I would in striking out the figures.

Mr. JONES, of Florida. This is a very different case.

The PRESIDING OFFICER. The cases are in no sense parallel. The proviso proposes to fix by law a rule limiting the power to repair a certain character of vessels. The proviso as it comes from the House proposes to fix by law a rule limiting the repair of vessels. The committee amendment proposes to modify that. Therefore the Chair holds that the amendment is legislation. The proviso is legislation and the committee amendment proposes to modify the legislation as it came from the House in the proviso.

Mr. DAVIS, of West Virginia. Yes, but the rule does not say "legislation;" it says "general legislation."

The PRESIDING OFFICER. The Chair holds that this is general legislation.

Mr. BECK. The decision is perhaps law, but I desire once more to have a record made by the yeas and nays to show what we are

deciding as law. I appeal from the decision of the Chair, and call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. Mr. President, the decision of the Chair being sustained, I ask how is it possible to consider an appropriation bill or any House bill if it is general legislation simply to change an amount connected with the bill? Here is a bill fixing the amount of percentage—

Mr. BLAIR. It is an amount not of appropriation under existing law, but it is an amount contained in a provision, which entire provision is new legislation. The whole thing is new legislation.

Mr. DAVIS, of West Virginia. Of course it is new legislation, but not put in by the Senate.

Mr. BLAIR. If the Senator prefers, I can object to the entire proviso.

Mr. DAVIS, of West Virginia. I think not.

Mr. BLAIR. Certainly, because it is all new legislation on the theory of the Senator.

Mr. DAVIS, of West Virginia. I think that would be a much better objection than the Senator has made, for the one he has made on its merits, what is it? Here are provisions that \$1,750,000 appropriated for the repair of vessels—

Mr. JONES, of Florida. On that point will the Senator permit me to interrupt him for a moment? The Committee on Appropriations of course have undertaken to legislate for the Navy, and I are now of the kind that would fall within the provisions of this proviso?

Mr. DAVIS, of West Virginia. That has nothing to do with it.

Mr. JONES, of Florida. It has a great deal to do with it.

Mr. DAVIS, of West Virginia. Nothing at all; and I say that the Senate Committee on Appropriations has not undertaken to legislate for the Navy. The Committee on Appropriations had referred to it the naval appropriation bill by the Senate with legislation in it from the House. It is a House bill, not a Senate bill. The Committee on Appropriations considered that the bill could be improved by amendments, and in several places they have made amendments, but in very few places have they made any additional legislation of any kind. Here is a proposition from the House appropriating \$1,750,000 for the repair of a certain character of vessels, wooden vessels.

Mr. JONES, of Florida. Those wooden vessels at present comprise all the serviceable ships in our Navy.

Mr. DAVIS, of West Virginia. Let it be so. That does not change the question. It may or may not be so for aught I know. I am not familiar with the Navy. I know very little about it.

As I have stated, here is \$1,750,000 for the repair of vessels. The House has said where a wooden vessel is so far out of repair that it will cost more than 30 per cent. of the estimated cost of a new ship of the same size and material to repair it, it shall not be repaired. The Senate committee thought that that amount ought to be reduced, and thought that a vessel which would cost more than 25 per cent. of its actual value ought not to be repaired.

Mr. JONES, of Florida. What ought to be done with it?

Mr. DAVIS, of West Virginia. That has nothing to do with this question.

Mr. BLAIR. They are to be sold under other provisions of the bill as old junk.

Mr. DAVIS, of West Virginia. That may be the Senator's construction. The Committee on Appropriations have not rested on their own opinion or the opinion of the Secretary of the Navy, but they have made provision that an advisory board shall pass upon it and say whether or not it shall be repaired. They believed that was better than to leave it in the hands of any single man or any person; consequently on the next page you will find a further modification of this legislation. The committee thought that before a vessel was condemned or before it was decided what repairs should be made upon her an advisory board should pass upon it to see whether or not the vessel will cost more or less and whether she ought to be repaired.

Mr. BLAIR. A ship which is worth seventy-five cents on the dollar of the cost of a new ship is not to be repaired. If it is not to be repaired it is not to go to sea, for it is only to be repaired because it needs repairs in order that it may do service. What is to become of that ship? Other provisions of the bill provide for the disposal of whatever is not available for use in the Navy. What will the result be? Let me ask the Senator, as the entire Navy consists of thirty-eight efficient vessels, when they come to be worth less than seventy-five cents on the dollar will they be disposed of like other old junk and waste material under other provisions of the bill; and if to be disposed of who is to buy them? The American people do not want to buy their discarded Navy. Who else in this country wants a naval ship but the American people? Then who wants to buy that material? Simply the men who are to build the new Navy.

Mr. DAVIS, of West Virginia. There are very many people in the country who believe these old vessels ought to go out of the country.

Mr. BECK. The ground of my appeal, I will state to the Senator from West Virginia by his permission, was not whether 25 per cent. was the true limit of the estimated cost of a new ship, or whether it

should be 35 or 40 or 20; but the legislation is here, and the House has fixed it at 30 per cent., and what I deny is that the Senate has any right even to consider whether it shall be 25, 35, 40, 20, or any other percentage, because we are ruled down to 30 or nothing. The decision is of such a character that I want to have the country understand just what limit the Senate is putting upon itself by an absolutely absurd rule of the Senate, assuming the construction to be entirely right.

We had a case before the Committee on Appropriations this morning. A man by the name of Payne has invaded the Indian Territory two or three times—I do not know how many—and under the existing law he could only be imprisoned five days and fined as much as the court pleased; but then he could take the benefit of the insolvent debtor's law and get out in five days. That law ought to be amended and the man ought to be punished. There is no punishment at all practically. The House put in the sundry civil bill that he should be imprisoned ten years. The Senate say that is too long; we propose to make it five, and that is out of order.

Mr. BLAIR. That is quite interesting about the Indian Territory.

Mr. BECK. I have the floor and the Senator will sit down until I take my seat.

Mr. BLAIR. I am not under the necessity of sitting down in order to hear the Senator. I thought he had finished.

Mr. BECK. I have the floor.

Mr. BLAIR. I supposed the Senator was done.

Mr. BECK. I was not done.

Mr. BLAIR. I perceive the Senator is not done. I do not wish to interrupt the Senator.

Mr. BECK. Then do not do it if you do not wish to do it.

I was stating a case to illustrate the absurdity of such ruling, because I think the Senate ought to reverse its own decision and on a fuller vote the Senate in my opinion will reverse it, and here is a proper case made; not that the 25 per cent. is the true sum or that 30 per cent. is the true sum or 35 or 40 per cent.; but the Senate having this legislation before it which it cannot dispose of except by considering it either here or somewhere else, should have the right to say whether in its judgment 30 per cent. is the only amount and it cannot be altered.

Mr. JONES, of Florida. Mr. President, there seems to be great misapprehension in the minds of the Senator from West Virginia and the Senator from Kentucky in regard to the true character of this provision. They are arguing as though this was a question to reduce an amount, to limit or restrict a fine, to reduce a term of imprisonment, or to retrench. When you come to the merits of the question, it is no such proposition as that. What is the character of this proviso? Of course everybody knows that our principal ships of the Navy at present are wooden ships; some of our best are wooden ships; and while we all agree that naval warfare has so changed as to render necessary a different class of vessels from what we had twenty or thirty years ago, it is also admitted that this country is in a position to utilize for many years to come her best wooden ships in time of peace. If we propose to add to the Navy iron-clads and steel-clads to meet a condition of war, I am willing to go for their construction, but at the same time I am not willing to sweep out of existence by such a provision as this those wooden ships that have been so well adapted to cruising service in time of peace for a country situated as this is.

What is the character of this provision? The House goes on to say,

Provided, That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 30 per cent. of the estimated cost of a new ship of the same size and like material.

I think that is a very unwise rule to adopt even at 30 per cent., for I imagine that nobody proposes to build wooden ships at this time, and it might be wise to repair a ship in the Navy when the estimated cost of such repair exceeded 50 per cent. of a new vessel. Thirty-three and one-third per cent. new for old I think is the underwriter's rule, and when the damage amounts to less than one-half in the case of a loss at sea the owner cannot abandon, because the presumption is that the vessel may be repaired with profit to the owner when the cost of repairing does not exceed one-half the value of the property.

Now, this 25 per cent. is not on the line of reduction at all. The House says that when the cost of repairs shall exceed 30 per cent. of the estimated cost of a new ship the vessel shall be abandoned, and, as the Senator from New Hampshire wisely said a moment ago, she will be put in a condition where she must be sold. The Senate, the retrenching body, as I will call it, comes in, and what does it do? It is on the line of economy. It says that 30 per cent. is too high, and it fixes it at 25, so that when the cost of repairing a vessel shall exceed 25 per cent. of a new ship the vessel shall be put aside.

Is that proposition at all analogous to the one put by the Senator from Kentucky of reducing imprisonment, or the one put by the Senator from West Virginia of reducing the pay of an officer? They must think at least that the humble members of the Senate Committee on Naval Affairs are thick-headed sure enough if they undertake to see the proposition in that light.

I say it is unwise to put this limitation upon this bill at all. There ought to be no percentage. It is an unheard-of thing. We know very well that if it is the determination to condemn a ship under the proposition, such is the uncertainty of calculation attending works

of this kind, that it is easy to find a board to condemn any ship in the Navy and put her aside. She may require a bowsprit or two or three planks. So the board may say that the repairs necessary to be made will cost 50 per cent. of the cost of a new ship, and the ship is put aside. I would not give that power to anybody.

Mr. LOGAN. I did not intend to-day to detain the Senate at all in discussing any portion of this bill, but it seems to me that the captiousness of certain Senators is remarkable. I desire to answer what the Senator from Florida said if I can. I have heard him and other Senators not far distant from where he sits continually talking about our Navy, the condition of our Navy, the condition of our ships of war, and that we ought to build up a Navy; and on the first effort that is made in this bill to put in a provision whereby proper vessels shall be built the committee is attacked, because it is economy and retrenchment. Any man who will stand up in this day of enlightenment and talk about wooden ships for the Navy I think will astonish the intelligence of this country.

The object of the House I suppose was that the wooden ships in the Navy, as they become impaired, should be sold or disposed of and the proceeds applied to building either steel or iron-clad or other naval vessels that were of more importance to the country. That is the object of the provision.

Now, then, a point of order is made on the word "twenty-five." The House provided that when the repairs should cost more than 30 per cent. of the value of the vessel it should not be repaired. The Committee on Appropriations of the Senate provided 25 per cent., with an advisory board, which advisory board shall make the examination and determine whether or not the vessel is capable of being used further; if not, then under the Secretary of the Navy the vessel may be disposed of. That is for the purposes of providing some means by which this character of vessels can be got rid of when they become impaired so that they are of no further naval use.

Suppose you estimate the cost of a wooden ship at \$1,000,000. Will any man say to me that a wooden ship ought to be repaired for naval warfare when \$250,000 is required to put that ship in order to put to sea as a seafaring vessel again? That is the proposition, that is the question; whether you will build a navy or whether you intend to prevent it.

Are we to be lectured at here day after day about building naval vessels, and when an attempt is made in the right direction to try to prepare our Navy for the exigencies of war then we are to be sneered at because we are the economical committee of the body, as the Senator from Florida says in a sneering way?

Mr. JONES, of Florida. Oh, no. I want to say to the Senator that I never sneer.

Mr. LOGAN. Very well, if the Senator does not, why apply the term "economical committee" to any one committee more than another that does its duty? When a Senator points out a certain committee as the economical committee it is a sneer.

Mr. JONES, of Florida. I differ with you.

Mr. LOGAN. We differ; that is all. If this is out of order, I suppose the whole proviso is out of order. Why is it out of order? Because it is new legislation of a general character. But it comes from the House, and therefore you cannot make the point of order on it; but if we change the words "30 per cent." to "25 per cent.," you can make the point of order on 25, because that is general legislation. In my judgment it is simply nonsense for any such rule or decision to be established in the Senate.

Suppose that this provision came from the House, saying that each ship provided for in this proviso shall cost two and a half millions of money; suppose that we were satisfied the ships could be built for a million and a half of dollars each, and we provided that they should be built for such an amount as could be properly expended after an examination by the advisory board, would anybody say that we were bound to comply with the proposition of the House, and pay two and a half million dollars for each ship or else the whole clause must go out of the bill? That is the proposition. It is simply absurd.

Mr. JONES, of Florida. Allow me to interrupt the Senator on that point.

Mr. LOGAN. Very well.

Mr. JONES, of Florida. I should like to ask the Senator as a practical business man why this rule of percentage should be adopted in the language that it has been, 25 or 30 per cent. "of the estimated cost of a new ship of the same size and like material?" I should like the Senator to explain, if he can, what idea that gives of the value or utility of the vessel which may be necessary to be repaired.

Mr. LOGAN. The Senator will excuse me if I do not enter into a detailed discussion with reference to ships. I was only speaking of this to illustrate the proposition that he maintains here of this being out of order. But I carry it a little further.

Mr. JONES, of Florida. I did not raise the point of order.

Mr. LOGAN. I know the Senator did not raise the point of order, but he maintains it. Whether the 25 per cent. shall be agreed to or the 30 per cent., I do not care a snap. That has nothing to do with it. The committee do not care. That is not the proposition. But you say we cannot change the 30 per cent. to 25 per cent.; in other words, we cannot increase or reduce the percentage. You say a vessel ought not to be laid up unless she is damaged 50 per cent. I say, according to the theory you propound here, we cannot increase the

30 to 50 per cent., because it is out of order to do it. So I say it is illogical in every point of view. You maintain that a vessel may be damaged 50 per cent., and at the same time that you maintain it you maintain we cannot amend it so as to make—

Mr. JONES, of Florida. The Senator misapprehends me. I was speaking of the insurance rule that a person cannot abandon property damaged at sea or return it to the underwriter unless the damage exceeds one-half of the cost, because the presumption exists that she is worth the repair.

Mr. LOGAN. I took it from that statement that the Senator was trying to convince the Senate that this proposition was too low, and my argument is that if it is too low we cannot change it according to his theory for the reason that his theory says it is out of order. So you put yourself in the position that if the amount of damage is estimated too low you cannot increase it because to do so is out of order.

Now, here is a proposition on the next page of the bill for an advisory board, and the House provided for certain expenses \$50,000. We examined it very carefully, and struck out the \$50,000 and put in \$11,000, because our estimate showed that was enough. They put in \$50,000 where it was unnecessary. We changed that to \$11,000 in the interest of economy, and on your theory that cannot be done. We have got to take the \$50,000 whether we need it or not. That is your proposition. I say it is absurd and ridiculous to make an argument of that kind. Here is \$50,000 appropriated for the expenses of a board, and we in our estimates understand it will not cost over \$11,000, and we change it to \$11,000 to save the Government nearly \$40,000, and your idea is that that is out of order. We cannot reduce the expenses of the Government; if we do, a point of order will reach it, and you have got to stand it, no matter how many millions there are, and if you reduce it in the interest of economy you are out of order! What an idea!

Oh, what a happy condition of things we have now with this great logic, with this economy, with the judiciousness of this Naval Committee's opposition to these propositions, with their attack on every thing. You will find before you get through with this bill that your proposition will cost this Government more than \$5,000,000; no, I will not say \$5,000,000, but over \$2,000,000; and I say that I can demonstrate that by maintaining your theory and propositions in the Senate, it will cost the Government over \$2,000,000 for things that ought to be done.

So far as this 25 per cent., or 30 per cent., or 40 per cent. is concerned, I do not care a snap. That is a question that the Senate should determine as to the amount; but when we are told that we cannot change it but must take the amount that is in the bill anyhow, I cannot agree to that. I think the President of the Senate was right this morning in holding—and I withheld my vote for that reason—that a certain amendment proposed was out of order, separate and disconnected from any other proposition; but when it comes to holding an amendment in a proviso to a bill put into the House which is simply striking out one word and putting in another which is a reduction of expense, to be out of order, it is an absurdity.

Mr. INGALLS. Mr. President, we have three elements of a great Navy: a corps of skillfully trained and efficient officers, some heroic traditions, and a great abundance of water; John Paul Jones, Bainbridge, Lawrence, and the other heroes of the war of 1812, and 21,000 miles of undefended sea-coast, upon which in case of invasion we could rely on the assistance of one hundred and forty vessels of war of which we are told that thirty-eight could possibly be rendered seagoing and effective in case of war!

It is alleged by those who favor the construction of a Navy that Congress has been parsimonious in matters of appropriation, and that the Navy has not received that attention from Congress which it deserves. It is a sufficient refutation of this statement to say that since the close of the war more than \$300,000,000 have been appropriated by Congress and spent upon the Navy, for which we have only to show one hundred and forty vessels of all dimensions, of which thirty-eight could possibly be rendered efficient for sea. During the last six years nearly one hundred millions have been appropriated, and still we are told that Congress has been actuated by a feeling of hostility and animosity toward the Navy, so that it has not received the attention which was demanded by the country, and which, as it has been said, has made us the laughing-stock and jeer and derision of the civilized world.

I do not so read the lessons of history with regard to the American Navy. The reason why we have no navy is not because money has not been appropriated in sufficient quantities to have given us a navy that would have competed with that of Great Britain or France or Italy or any of the great naval powers of Europe. It is because the money that has been appropriated has been scandalously misappropriated and squandered.

I am called upon to make these observations in consequence of the pending amendment, which the Committee on Appropriations propose to amend by declaring that ships shall not be repaired unless the cost of repairing shall be 25 per cent. of the cost of constructing a vessel of similar size and material.

Mr. HALE. Shall not be repaired if the cost is more than 25 per cent.

Mr. INGALLS. Shall not be repaired if the cost is more than 25 per

cent. the amendment of our committee being to substitute "twenty-five" for "thirty," the percentage named in the proviso of the House bill.

Any one who is familiar with the operations in regard to the iron-clad portion of our Navy for the last few years under which one vessel, as I remember, that cost nearly \$2,000,000 was broken up and sold for less than \$50,000, and under which contract the Government was called upon to pay for the expense of breaking up and taking the old material to pieces and putting it in the hands of the contractor, will see that there needs to be some limitation upon the power of those who have the control of the Navy to break up and sell old ships and to repair old ships, and I am in favor of putting into this bill some limitation that shall prevent the extraordinary waste and profusion and extravagance which have prevailed heretofore, in consequence of which for this vast appropriation of more than \$300,000,000 we are able to show to-day but this beggarly account of one hundred and forty wretched, miserable vessels, of which only about one-fifth can by any possibility be rendered effective for sea.

Mr. President, I do not believe that there is in this country any very great demand for an immense navy. What do we want with a navy? The vast spaces of sea that spread between our coasts and those of any hostile power forbid the possibility of any invasion of our coast by any warlike nation of Europe. We have no foreign commerce to protect; we have no allies to champion. There is no probability that we shall have any great war with any foreign power within a brief space of time; and even if it were so, such is the condition of naval science that there is no fleet that could to-day be constructed that would not within the space of five years be rendered absolutely worthless in consequence of the improvement of gunnery.

Look at the Inflexible, the great English iron-clad and floating battery, that within the last few days has been engaged in the bombardment of Alexandria, an immense structure carrying four eighty-ton guns, whose projectiles weighed 1,750 pounds, that had a muzzle energy of a mile in four seconds when they were projected at the expenditure of three hundred and seventy pounds of powder, every explosion costing a thousand dollars. What possible structure can be built that will resist such projectiles as that?

The constant effort of modern science appears to be in the first place to construct a ship so armored that no projectile can penetrate it, and next to invent a gun that shall throw a projectile that no armor can resist; and thus far it has been about an even contest. Now, sir, as I said, the problem before us is not to resist foreign invasion or foreign war. The problem that we are to meet in connection with naval construction is sea-coast defense, and such is the curvature of the coast of the United States that a hostile fleet, assembling or rendezvousing at the Bahama Islands, is within four days' sailing distance of any commercial port on the Atlantic seacoast, from Portland to Saint Augustine, while if we are to assemble a fleet for the purpose of resisting such a demonstration, no concentration of force can be made within a space of less than ten days. So that if we are to have a navy for the purpose of protecting our coast, we must build one that shall be large enough to place at every important seaport, at every vulnerable commercial point, a force that shall be able to resist any force that can be brought against it by an attacking power.

Does anybody suppose that the American people propose to enter upon a system like that? Is it to be supposed that there is to be an expenditure that shall enable us to meet conditions like that? I do not believe that there is any desire on the part of the American people to enter into any such scheme as this, to attempt, by the expenditure of vast sums of money to resort to these old obsolete methods, and these antiquated systems of warfare that have been practically abandoned, and that can never be repeated.

I shall therefore vote in the direction of restraint upon any expenditure in the line indicated by the friends of a great navy, and if there is any method by which the scandal and extraordinary expenditures in the way of construction and repair that have been carried on during the last ten years can be prevented, I also shall very cordially vote for that.

Mr. BECK. I withdraw the appeal I took from the decision of the Chair.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the appeal.

Mr. BECK. I beg pardon; I was not aware of that.

Mr. ALLISON. It can be withdrawn by unanimous consent.

The PRESIDENT *pro tempore*. Certainly; it can be withdrawn by unanimous consent.

Mr. HALE. I do not think anybody will object.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the appeal is withdrawn.

Mr. BLAIR. Does that leave the point of order sustained?

The PRESIDENT *pro tempore*. So the Chair understands.

Mr. SAULSBURY. I do not concur in all that has been said by the Senator from Kansas, [Mr. INGALLS.] I believe that it is proper and right to have a sufficient navy to protect our commercial interests and uphold the honor of this Government wherever it is necessary that it shall be done; but I do concur with him in the expression of the opinion that it is no fault of Congress in the appropriations made that our Navy to-day is in so deplorable a condition as has

been described. We have appropriated within the last twenty years—

Mr. HOAR. Before the Senator proceeds will the Chair state the question?

Mr. SAULSBURY. I shall occupy but a moment or two.

Mr. HOAR. I only want to know what the question is.

Mr. SAULSBURY. I shall occupy but a few moments.

We appropriated for our naval service in—

| | |
|-----------|-----------------|
| 1860..... | \$11,514,649 83 |
| 1861..... | 12,387,156 52 |
| 1862..... | 42,640,353 09 |
| 1863..... | 63,261,235 31 |
| 1864..... | 85,704,963 74 |
| 1865..... | 125,617,434 07 |
| 1866..... | 43,285,662 00 |
| 1867..... | 81,034,011 04 |
| 1868..... | 25,775,502 72 |

Total during the administrations of President Lincoln and President Johnson..... 441,220,968 32

We appropriated in—

| | |
|-----------|-----------------|
| 1869..... | \$20,000,757 97 |
| 1870..... | 21,780,229 87 |
| 1871..... | 19,431,027 21 |
| 1872..... | 21,249,809 99 |
| 1873..... | 23,526,256 79 |
| 1874..... | 80,932,687 42 |
| 1875..... | 21,497,626 27 |
| 1876..... | 18,963,309 82 |

Total during the administration of President Grant..... 177,381,605 24

We appropriated in—

| | |
|-----------|-----------------|
| 1877..... | \$14,950,935 36 |
| 1878..... | 17,365,301 37 |
| 1879..... | 15,125,126 84 |
| 1880..... | 13,536,984 74 |
| 1881..... | 15,686,071 66 |

Total in the five years since Grant's administration..... 76,665,019 97

An aggregate of \$695,266,593.93 that has been appropriated for naval purposes since 1860; and yet after the expenditure of that vast amount the Senator from Kansas tells us to-day that we have nothing left but the *débris* of a navy. What has become of the money appropriated? I believe myself, as was expressed by the Senator from Kansas, that the cause is the incompetent management of the funds appropriated by Congress.

Mr. PLUMB. Did the Senator extend his research to twelve or fourteen years preceding the war?

Mr. SAULSBURY. I did; but I have not the figures here; they will be found in the finance reports; but prior to 1860 there was never more than about \$14,000,000 appropriated in any one year. I believe in 1858 there was about \$14,000,000 appropriated, out of which, I think, we built some seven or eight or ten vessels for the Navy; but from the appropriations that have been made since 1860 what additions have been made to the Navy? It is true that during the war a large part of the money appropriated was used in extemporizing a navy to meet the exigencies of the occasion; but, leaving out the days of the war and commencing with 1869, with the incoming of the administration of President Grant, we have spent very near \$300,000,000 for the Navy, and yet the Navy has continued to decline in all those years. Secretary Robeson in his report for 1876 undertook to maintain before the country that our Navy was in fine condition and would compare favorably with many of the navies of the world. After describing the vessels that we had in 1869, two hundred and three, he said:

Of the 203 vessels of 1869, there have been sold 46; broken up, 18; lost at sea, 5—69 vessels; thus reducing the number to 134 vessels. To which add the addition made to the Navy since 1869, of new vessels, 10; purchased vessels, 2; making the whole number on the register at the present time 146 vessels.

It does not compare, either in number or character of vessels, with the expensive establishments of those European nations whose mutual relations keep them always in armed array, whose contiguous coasts and deep harbors at home, and scattered colonies all over the world, seem to require that they should constantly rival each other, at whatever expense, in the size and power of their naval vessels and armaments; but for the defensive purposes of a peaceful people, without colonies, with a dangerous coast, and shallow harbors, separated by a vast ocean from warlike naval powers, our Navy is not without strength, and when its iron-clad fleet shall be completely repaired, a work requiring now but little time and expense, and its force supplemented by the comparatively cheap addition herein recommended, it will, I think, be found sufficient to resist any force which could be brought across the ocean to attack us; and powerful also for offensive operations upon the seas and among the islands which lie contiguous to our own shores.

The Secretary of the Navy at that time, Mr. ROBESON, asserted before the country that we had a very good Navy for our purposes, (an assertion which no one believes,) and yet to-day we hear from the Senator from Kansas [Mr. INGALLS.] that our naval armament fit for service, or that can be rendered fit for service, is some thirty-eight or forty ships of war, and that, too, after the vast expenditure to which he referred, an expenditure of nearly \$300,000,000, and our Navy constantly going down. What encouragement is there for the Senate to vote money to be placed in incompetent hands to construct a navy? While I am perfectly willing and desirous to see this country with a proper navy to maintain its honor in every sea, I am unwilling, unless there is some plan devised by which the money appropriated by Congress shall be judiciously expended in the construction of vessels, to vote appropriations.

Mr. HALE. Let me ask the Senator a question. I think that proposition is good and I agree with him; but has he examined carefully this elaborate plan that was put on in the House, hedging in and surrounding and guarding the expenditure of any money to be spent by the Navy Department for new ships?

Mr. SAULSBURY. I have read the bill over, and I find that the House of Representatives do undertake to put on some restrictions and some guards in that regard, but there is a larger amount of discretion left by the bill with the Secretary of the Navy than I am willing to invest him with as long as we put at the head of the Navy a mere politician. The experience of this country has demonstrated that all the gentlemen who have filled that position for the last fifteen years have been wanting in qualifications for the position and incompetent to deal with this question—men who have been placed in that position because of the fact that they were politicians, and not skilled in the naval service or acquainted with the naval wants of the country?

Mr. HALE. I wish the Senator when we come to that part of the bill would be ready to offer any amendments that will any further guard and make safe the expenditures of money. I want to see it done everywhere.

Mr. SAULSBURY. I do not profess to be sufficiently acquainted with the construction of naval ships to be able to frame, upon the consideration of a bill after it is called up, proper amendments to secure what ought to be done. That ought to be done by the committees charged in this body and in the other House with the consideration of the subject.

Mr. HALE. This provision was put on by the Naval Committee of the House after considering it all winter.

Mr. SAULSBURY. I have no doubt it is an improvement upon the condition of affairs that has existed; but at this late hour of the session, when there is not sufficient time, unless we remain here longer than we ought to, to consider the proposition made by the committee of the House or of the Senate, we ought not to go into the expenditure of any vast amount of money for the purpose of building up a navy without placing its expenditure in competent hands. I came here at this session of Congress prepared to vote ten or twelve millions of dollars if necessary for the construction of naval vessels if the proper assurance could be made that the money so appropriated would be judiciously and wisely expended. I believe that this great country ought to have a navy, not for show, not for the purpose of competing on exhibition with the naval powers of Europe, but so that if the honor of this country was attacked or any insult offered to its flag in any sea, we should have a naval armament sufficient to resent the insult and vindicate the wounded honor of the country. But let me say here now while the heads of the Navy Department of this Government are selected because they are politicians and not because they are men acquainted with the wants of the Navy, you will never inspire sufficient confidence in the people of the country to justify an expenditure of any large amount for the building up of a navy.

This is about all I care to say. While I am in favor of maintaining a proper navy I utter the conviction of my mind when I say that the people of this country will never be willing to see a large amount of money taken out of the Treasury for the purpose of building ships of war until your Naval Department is controlled by men distinguished not as politicians but as possessing requisite knowledge of the matters pertaining to the Department over which they are called to preside.

Mr. HALE. Now, I hope the reading of the bill will go on.

Mr. HOAR. I should like to ask the Senator from Maine a question which relates to this matter.

The PRESIDENT *pro tempore*. There is no question before the Senate.

Mr. HOAR. The question before the Senate I believe is on the general bill, the naval appropriation bill.

The PRESIDENT *pro tempore*. Certainly, but there is no specific question.

Mr. HOAR. I am going to put one. I rose for the very purpose of having a specific question before the Senate, if the Chair will pardon me. Should there not be annexed to this paragraph which the Senate is considering a provision which will authorize the Secretary of the Navy in his discretion to repair and bring home a vessel which may be damaged in foreign waters? A great many of our Government ships are floating in distant seas abroad on various errands. Now, suppose one of those is injured more than 25 per cent. by a storm, or a wreck, or a collision. This clause absolutely prohibits that; he cannot sell them without an act of Congress, as I understand; he has got to leave them in foreign waters. Now, if I am not mistaken, it is either 50 or 66 per cent. of damage which is required to authorize abandonment to the underwriters as a total loss in the ordinary law of marine insurance. It seems to me this is rather strict. I call the attention of the Senator from Maine to the point.

Mr. HALE. I see what is laboring in the mind of the Senator from Massachusetts. There might be a rare case of a ship damaged by a collision or running on to the rocks where the damage would be more than 25 per cent. of the value or cost; but such a case is so unlikely to occur that the provision put in by the House did not embody anything covering such an instance. What is sought to be remedied here is the abuse that everybody has complained of heretofore of letting naval ships run down and continue out of repair for

years until they had got to be so low and so poor that in effect you were reconstructing them when you repaired them.

Mr. HOAR. I understand that. I am quite sure the whole Senate understand the purpose of the committee's amendment and approve it. I was about to suggest that there should be added after the word "material," in line 460:

Provided, Nothing herein contained shall deprive the Secretary of the authority to order repairs of ships damaged in foreign waters so far as may be necessary to bring them home.

Mr. HALE. I see no objection to that.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Massachusetts move that amendment?

Mr. HOAR. Yes, sir.

The PRESIDING OFFICER. The question is on the amendment.

Mr. HAWLEY. Is this the place for general amendment to the text of the bill?

Mr. HALE. It is not.

Mr. HOAR. But this is so plain a matter that I thought it better to do it now than go back to it hereafter.

Mr. HALE. And for the sake of getting on with the bill I consented to it. I will not make any further explanation, but let the reading proceed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts, if there be no objection.

The amendment was agreed to.

The PRESIDING OFFICER. The reading will proceed.

The Acting Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was in line 463, after the word "authorize," to insert "at a total cost, when fully completed, not to exceed the amounts estimated by the late naval advisory board for such vessels;" and in line 466, after the word "having," to insert "as near as may be;" so as to read:

Any portion of said sum not required for the purposes aforesaid may be applied toward the construction of two steam cruising vessels of war, which are hereby authorized, at a total cost, when fully completed, not to exceed the amounts estimated by the late naval advisory board for such vessels, the same to be constructed of steel of domestic manufacture, having as near as may be a tensile strength of not less than 60,000 pounds to the square inch, and a ductility in eight inches of not less than 20 per cent.; said vessels to be provided with full sail-power and full steam-power.

The amendment was agreed to.

Mr. VANCE. I wish to offer an amendment. In line 466, after the word "manufacture," I move to insert the words:

Provided, It can be constructed at the cost of the foreign article less the tariff duties.

The PRESIDING OFFICER. The Chair will state to the Senator from North Carolina that the rule under which, by consent, the Senate is proceeding is that the committee amendments shall be first acted on, after which all amendments that are offered will be considered.

Mr. VANCE. Very well, sir; I was not aware of the rule.

Mr. BUTLER. May I ask the Senator from Maine one question, by way of explanation? What is the meaning of "the late naval advisory board?"

Mr. HALE. That is a board that was appointed, and which is revived by this bill. It is a board that was appointed and performed its work in the last year and the year before.

Mr. BUTLER. I see on page 21 it is proposed to strike out the provision of the House and insert "naval advisory board." Is that the same board?

Mr. HALE. The same board. That board is revived by this bill.

Mr. BUTLER. Why call it "the late naval advisory board?"

Mr. HALE. Because the report was made by that board, whose functions ended; but for the sake of scrutiny and of safeguard and of managing and directing the expenditure of money that board is revived under the name of the naval advisory board.

Mr. BUTLER. May I inquire who composed that naval board?

Mr. HALE. I do not remember the *personnel*. I know some of the officers, but I cannot name them all. They were distinguished officers of the Navy.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, in line 473, after the word "be," to insert "adapted to be;" and in line 481, after the word "be," to insert "adapted to be;" so as to read:

One of said vessels shall be of not less than 5,000 nor more than 6,000 tons displacement, and shall have the highest attainable speed, and shall be adapted to be armed with not more than four breech-loading rifled cannon, of high power, of not less than 8-inch caliber, or two of 10-inch caliber, and not more than twenty-one breech-loading rifled cannon, of high power, of not less than 6-inch caliber; one of said vessels shall be of not less than 4,300 nor more than 4,700 tons displacement, and shall have the highest attainable speed, and shall be adapted to be armed with four breech-loading rifled cannon, of high power, of not less than 8-inch caliber, or two of 10-inch caliber, and not more than fifteen breech-loading rifled cannon, of high power, of not less than 6-inch caliber.

The amendment was agreed to.

The next amendment was, in line 487, after the word "the," to strike out "naval board of advice and survey" and insert "naval advisory board;" so as to read:

The Secretary of the Navy is hereby empowered and directed to organize a board of naval officers and experts for his advice and assistance, to be called the naval advisory board, to serve during the period required for the construction, armament, and trial of the vessels hereby authorized to be constructed, and no longer.

The amendment was agreed to.

The next amendment was, in line 496, before the word "experts," to insert "as;" in the same line, after the word "in," to strike out "science and in the arts of ship-building, steam-engineering, and naval ordnance" and insert "naval or marine construction;" and in line 501, before the word "thousand," to strike out "fifty" and insert "eleven;" so as to read:

Said board shall consist of five officers on the active list of the Navy in the line and the staff, to be detailed by the Secretary of the Navy, without reference to rank and with reference only to character, experience, knowledge, and skill, and two persons of established reputation and standing as experts in naval or marine construction, to be selected from civil life and employed for this sole duty by the Secretary of the Navy, and to be paid such sum out of the appropriation hereby made, not exceeding \$11,000, as he may direct.

The amendment was agreed to.

The next amendment was, in line 506, after the word "armament," to insert "nor in any contract for the same;" so as to read:

Provided, however, That no person shall be a member of said board who has any interest, direct or indirect, in any invention, device, or process, patented or otherwise, to be used in the construction of said vessels, their engines, boilers, or armament, nor in any contract for the same.

The amendment was agreed to.

The next amendment was, in line 520, after the word "or," to strike out the word "any."

Mr. BAYARD. A direction has been given that it is the duty of this advisory board "to advise and assist the Secretary," and that they shall inspect the work, examine the material, and it goes on to say:

But said board shall have no power to make or enter into any contract, nor to direct or control any officer of the Navy, the chief of any bureau of the Navy, or any contractor.

I agree that that is all in accord because of the necessities of the case; but I propose to strike out, after the word "contractor," in line 520, to and including the word "Secretary," on line 521, the words "but shall in all things be subject to the order and direction of said Secretary."

It is not intended that they should be "subject to the order and direction of said Secretary." They are an advisory board, and while they may not control a contract or order officers the language there would make them the simple subordinates of the Secretary, whereas their duty is really to be independent of him as an advisory board. I move to strike out the words after the word "contractor," on line 520, to the word "Secretary," on line 521, as I have indicated.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Delaware that under the rule that the Senate is acting upon by unanimous consent, the committee amendments are first considered, and then the amendment proposed by the Senator from Delaware will be in order.

Mr. BAYARD. It is purely a verbal error, and I supposed there would be no objection to it.

Mr. HALE. If the Senator will withhold that until we get through I do not see any objection to it.

Mr. DAVIS, of West Virginia. There is no objection whatever. Why not have it done now?

The PRESIDING OFFICER. The pending question is on the amendment in line 520, to strike out the word "any."

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I understand there is no objection on the part of the committee to the amendment of the Senator from Delaware.

Mr. HALE. I would rather not break in on the rule we have followed.

Mr. BAYARD. Let it stand over.

Mr. HALE. Let it stand over, and it can easily be considered hereafter.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 533, after the word "exceed," to strike out "one" and insert "five;" so as to read:

Neither of the vessels hereby authorized to be built shall be contracted for or commenced until full and complete detail drawings and specifications thereof, in all its parts, including the hull, engines, and boilers, shall have been provided or adopted by the Navy Department, and shall have been approved, in writing, by said board, or by a majority of the members thereof, and by the Secretary of the Navy; and after said drawings and specifications have been provided, adopted, and approved as aforesaid, and the work has been commenced or a contract made for it, they shall not be changed in any respect when the cost of such change shall in the construction exceed \$500, except upon the approval of said board, or a majority of the members thereof, in writing, and upon the written order of the Secretary of the Navy.

The amendment was agreed to.

The reading of the bill was continued to line 552.

Mr. BAYARD. I desire to call attention to the words in line 552. The notice called "proper notice" ought to be "by publication for a given time." I merely draw the attention of the Senator in charge of the bill to that point now, that notice of the contracts ought to be public notice for a certain length of time in order that there may be proper competition.

Mr. BECK. There is a general law now requiring not less than a month's notice in all that class of cases, I think.

Mr. BAYARD. I am not going to offer an amendment to disturb the order in which the Senator in charge of the bill desires it to be considered, but I merely make the suggestion now that I shall offer an amendment at the proper time requiring that this notice shall be given by publication for a given period.

Mr. HALE. We have, at the suggestion of the Secretary I may say, made that so that the notice shall be not less than sixty days.

Mr. BAYARD. That is where?

Mr. HALE. On the top of the next page; and if anything more is needed to be inserted as to its being public notice I certainly have no objection to that going in. What we desire is that the notice shall be full and ample in every way.

Mr. BAYARD. There ought to be proper notice by publication.

Mr. HALE. When the bill is read through, that can be arranged. The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 560, after the word "not," to strike out "exceeding" and insert "less than;" so as to read:

Before any of the vessels hereby authorized shall be contracted for or commenced, the Secretary of the Navy shall, by proper notice, invite all engineers and mechanics of established reputation, and all reputable manufacturers of vessels, steam-engines, boilers, and ordnance having or controlling regular establishments and being engaged in the business, all officers of the Navy, and especially all naval constructors, steam-engineers, and ordnance officers of the Navy having plans, models, or designs of any vessels of the classes hereby authorized, or of any part thereof, within any given period not less than sixty days, to submit the same to said board.

The amendment was agreed to.

The next amendment was, after the word "said," in line 573, to strike out "board of advice and survey" and insert "naval advisory board;" so as to read:

Provided, That said naval advisory board herein provided for shall, under the direction of the Secretary of the Navy, prepare plans, drawings, and specifications for vessels, their machinery and armament, recommended by the late naval advisory board not herein authorized to be built.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Steam-Engineering," in the clause making appropriations "for repairs, completion, and preservation of machinery and boilers in vessels on the stocks and in ordinary," in line 592, after the word "exceed," to strike out "thirty" and insert "twenty-five;" so as to read:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 25 per cent. of the estimated cost of new engines and machinery of the same character and power.

Mr. BLAIR. I raise the point of order on that amendment.

Mr. HALE. Let that take the same course the other did.

The PRESIDING OFFICER. The Chair sustains the point of order raised by the Senator from New Hampshire; it is exactly the same that was ruled on some time ago.

Mr. BLAIR. This applies to machinery with still greater force than to an old vessel. I desire at the proper time to move a similar amendment.

Mr. ALLISON. Let me ask right there, so that I may understand the rule, would it be in order to amend "thirty" by inserting "thirty-five?"

The PRESIDING OFFICER. The Chair does not hesitate to say that it would not be.

Mr. ALLISON. I want the Chair to speak without hesitation. I only wanted to call attention to the fact that we must take these provisions of the House as they stand and reject or adopt them as a whole, which it seems to me is about as absurd a proposition as could well be expressed.

The PRESIDING OFFICER. The Chair has ruled and continues to rule that where a proposition from the House is purely one of general legislation, any modification of a proposition to legislate generally is general legislation, and is therefore, under Rule 29, out of order.

Mr. BLAIR. I desire now to make a parliamentary inquiry. I think the ruling of the Chair is very distinctly understood. I have supposed—otherwise there is no remedy and none can be devised—that it would be in order, this amendment being rejected by the raising of the point of order and the text remaining then precisely as it comes to us from the House, to move to strike out the entire House proviso as an entirety. That is to say, as an illustration in this case, commencing in line 590, with the word "provided," and striking out all down to and including the word "power," in line 594. It is a distinct provision in the House bill, and the committee amendment having been eliminated by the raising of the point of order nothing is in that provision but the language of the House, and the motion to strike it out as a whole I suppose must be in order, and I should like an intimation of the opinion of the Chair on that point.

Mr. COCKRELL. It certainly would not be in order under the decision of the Chair. That is changing and amending the legislation.

The PRESIDING OFFICER. In answer to the parliamentary inquiry of the Senator from New Hampshire, the Chair will say that where any proposition contained in this bill as it comes from the House is purely legislative in its character, a motion to strike out the whole of it would be in order. A motion to modify it or change its terms would be general legislation.

Mr. BLAIR. Then in this instance a motion may be made to strike out this proviso:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 30 per cent. of the estimated cost of new engines and machinery of the same character and power.

That being a simple proviso, entire in itself, would it be in order to make a motion to strike it out?

The PRESIDING OFFICER. If it be a simple proviso wholly independent of other legislative propositions, not connected with them, it certainly would be in order to move to strike it out, in the opinion of the Chair.

Mr. HALE. I hope the Senator from New Hampshire will let the reading of the bill be proceeded with, and raise that question at the proper time. The Senator can bring that up when the reading is through.

The PRESIDING OFFICER. The Chair thinks it would perhaps be better to raise these questions of order when the point is reached where they apply.

Mr. BECK. I desire not at this moment to offer an amendment but to give notice of a proposed amendment and to ask to have it printed—perhaps the bill may not be passed to-night—to strike out "\$1,000,000," in line 595, and in lieu thereof insert "\$400,000;" and to strike out, in line 601, after the word "and," all down to and including line 621, and insert in lieu thereof the following:

That no further steps shall be taken or contracts entered into or approved for the repair or completion of any of the four iron-clads aforesaid until the further order of Congress. And the naval advisory board created by this section is directed to report in detail by the 1st day of December, 1882, as to the wisdom and expediency of undertaking and completing the engines, armor, and armament of said iron-clads, and whether a change in the original plan or plans should be made, together with the cost of the completion of each according to plans recommended, if the completion of any of them is recommended.

I desire to have that printed, so that it may be looked at carefully, my object being neither to affirm nor to deny the validity of any existing contracts, nor to pass upon the question whether they were legal or illegal, whether they were judicious or injudicious, whether the Puritan will sink when she is launched or whether she will float; but as we have created an advisory board and the time is short and December will soon come, I want to have the advice of that board before any further step is taken in regard to these four iron-clads. We have paid for all the work done upon them. They are encumbering the yards of the contractors. We have to pay for keeping them there, or certainly we ought to. I was there once and examined them. We ought to launch them. They are ours; they are paid for; and we ought to take them out of the way of these men and hold onto them until we see whether we ought to finish them according to the original plan or change the plan, or whether we ought to recognize the old contracts or disapprove them. It is but a short time until December, and as we are creating a naval advisory board we ought to get their advice on all these subjects before we proceed any further.

Mr. BUTLER. Why \$400,000?

Mr. BECK. Because it will require between \$300,000 and \$400,000; I think \$300,000 perhaps would do; but \$400,000 will be ample to finish the armor and turrets of the Miantonomoh, launch these four ships, and put them in condition to be taken care of.

Mr. BUTLER. Is that what the \$400,000 is for?

Mr. BECK. Yes, sir; to finish the Miantonomoh, now ready for her turret and armament, and to launch the four monitors and place them in our own waters, have them painted up and preserved, and remove them away from the yards where they are now perhaps lying at our expense, and where they may be damaged by staying longer. We all agree that they ought to be taken out of where they are. They can be finished in the water as well as they can in the yards. I desire to give an ample sum to finish the Miantonomoh and take these four ships out of the yards, and in the mean time bridge over the difficulty we have had, about which a good deal has been said, and on which I do not propose to say anything as to the way the contracts were made, as to whether they could be done cheaper, as to whether we should change the plans according to new information.

We are now creating a new board, and I think the Secretary, Congress, and everybody is well satisfied that we should take a little time to know more about this business before we proceed any further.

Mr. MORGAN. I desire to present an amendment on the subject of ordnance to be printed. I ask that it be printed, and in connection with it I desire to call the attention of the Senate to some tables which appear in the remarks of Hon. Mr. HARRIS, of Massachusetts, in a speech he made in the House on June 28 and 29, which they will find a very remarkable collation of facts and statistics necessary to give information on this subject.

Mr. HALE. A very valuable speech.

Mr. BAYARD. I wish to submit to the discretion of the Senator in charge of the bill an amendment to the amendment of the committee beginning at line 602. I refer to it now as a matter of convenience, and it is irrespective of the amendment suggested by the Senator from Kentucky but not yet offered. At line 602 the Committee on Appropriations have proposed, striking out certain preceding words, to insert a clause relating to the four iron-clad steamers the Monadnock, Puritan, Amphitrite, and Terror, to provide for the launching to the best advantage of these vessels, "under the Bureau of Steam-Engineering, subject to the conditions hereinafter provided," and for "beginning and continuing to completion of work upon the engines and machinery of such vessels as he," that is the Secretary of the Navy, "may, on examination, think most expedient and best for the interests of the service."

The Senate will perceive on the following page that the naval

advisory board is, after all, the board to whose counsel the Senate proposes to look as to whether they shall embark upon a system of naval construction or not. I desire, and will put the question now if it does not disturb the consideration of the bill in the mode agreeable to the Senator from Maine, that on line 605 we strike out the words "of such;" so that the amendment will read:

Under the Bureau of Steam-Engineering, subject to the conditions hereinafter provided, to the beginning and continuing to completion of work upon the engines and machinery of said vessels.

And then strike out:

As he may on examination think most expedient and best for the interests of the service.

I may as well now say what I mean to say on this subject. It so happens that one of these proposed double-turreted monitors is being built by some constituents of mine. I have seen this iron vessel on several occasions; it is not distant more than three-quarters of a mile from the hill-top on which I live. I know a good deal about the condition of this vessel, and I know a great deal more about the character of the people who have constructed her so far.

A good deal has been said in another place, and a good deal published in respect of the contract for building these vessels, or rather I will confine my remarks to the building this one ship, the Amphitrite. I believe those contracts are at an end, that they were arrested in 1877 by Mr. Thompson, of Indiana, then Secretary of the Navy, almost immediately upon his coming into office. The contracts were abandoned under his notification, and the contractors were, all of them, paid a *quantum meruit* for the work and material which they had put upon the ships, and so far as that is concerned they are at quits with the Government. They have still a claim against the Government, arising from the occupation of the sites in their yards by the hulls of these ships for the last six years. The people who are building this vessel, the Amphitrite, are known by the name of the Harlan & Hollingsworth Company. They are constituents of mine; they have held and still hold to me the relation of counsel and client, professionally.

Their character both as workmen and as citizens is a matter in which I have an honest pride; they have been assailed most gratuitously, most ignorantly, and most unjustly. I hold in my hand, from a paper published in Delaware yesterday, the description of the launching of a vessel of 3,500 tons by this firm from the very shipyard and right alongside of where the Amphitrite lies, and she is referred to because she was covered over and became a convenient place for spectators to witness the launch. The vessel they launched will carry 9,000 bales of cotton, a perfect modern ship for merchant service, as good as any that Great Britain can turn out. The firm they built her for are men they have dealt with for twenty years, and this is the thirty-first vessel they have built for those men. There never has been a word, a quarrel, a ripple of discontent, or litigation of any sort. They have none with anybody, because they are capable, honest mechanics; they know what they are about; they are perfectly competent to fulfill their engagement, whether they make it with the Government of the United States or whether they make it with a private individual. They are able to build any man-of-war whose lines can be devised by the advisory board in this country or out of it. They are able to give security for every contract they enter into. They have built men-of-war and furnished them to the Government perfect and equipped in all respects, not a word being said about them.

Now, I only ask that Congress shall take the steps to move that vessel away from that yard, to put the vessel in such degree of completion as shall enable her to be launched and moved, but that that shall not rest with the discretion merely of the Secretary of the Navy. I do not propose to leave him the discretion to move such of these four vessels as he sees fit. I wish that vessel moved out and the people simply paid for what they have done. They are not beggars; they are not lobbyists; they have no secret agencies or influences to impress upon anybody, but I simply want them dealt with just as honest citizens ought to be dealt with by their Government.

Therefore I do not propose so far as I can help it that there shall be any doubt in regard to the completion of this double-turreted monitor devised by Government constructors, built by them on Government application, so far as she has been finished, and I do not propose that there shall be any more doubt about or mere discretion resting upon it. Take the vessel away, and let the money now applied be applied under the control of the advisory board to complete the vessel, either as to machinery or otherwise, as far as may be necessary. When the Senator from Kentucky offers \$400,000, I will say simply that will not do; we have had two or three reports on these ships, and my impression is that to finish these vessels fit for use, to arm them, to put on their turrets and give them modern machinery, will cost about \$3,000,000. And then you will get the four ships for less than Italy pays for one. Whether the plan on which the vessels were proposed to be built was wise or unwise I do not mean to say; I have some impressions of my own on the subject, but they are not in point now.

I would like, with the approval of the committee, to strike out, on page 25, line 605, the words "of such," and then, after the word "vessels," to strike out the words "as he may on examination think most expedient and best for the interests of the service," leaving it to the advisory board to settle the question.

Mr. HALE. I have been much interested in the eulogium of the

Senator from Delaware upon his clients and constituents, who certainly, so far as they are known to me, are known as a very honorable and excellent association or firm of gentlemen.

Let us look at this bill for a moment and see whether his friends are not cared for here, for I take it he would not wish that they should be specially cared for more than others.

Mr. BAYARD. No. All I want is certainty.

Mr. HALE. If the Senator will go back to the word "that," in line 594, and follow me as I read, he will see whether the launching is provided for:

That \$1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: under the Bureau of Construction and Repair, to building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; and to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror.

There the sentence and the meaning ceases. The launching of all these, including the Amphitrite at the yard of his friends, is absolutely provided for and is not left discretionary.

Mr. BAYARD. Now go on.

Mr. HALE. I agree with the Senator that all these vessels ought to be launched. We have paid the bills upon them; they are cumbering the yards of the contractors; they are giving rise each year to claims on the part of these contractors for their yards being occupied, and we ought to take them away, and this provides that they shall be taken away. Now it goes on to a new phase.

And under the Bureau of Steam Engineering—

Shifting the concern where the money shall be expended, and taking up a new subject-matter—

And under the Bureau of Steam Engineering, subject to the conditions herein after provided, to the beginning and continuing to completion of work upon the engines and machinery of such of said vessels as he may—

This does not touch the launching; that is provided for absolutely. The Amphitrite is taken away from his friend's yard, and then we go into a new domain, and that is a much-vexed domain as the Senator knows, whether after taking these vessels away from the contractors, taking them into our possession all of them, we shall begin any new work, and there, following the language, the Senator will find that the committee has tried to guard it and hedge it and surround it and control it in every possible way, for we provide—

And under the Bureau of Steam Engineering, subject to the conditions herein after provided, to the beginning and continuing to completion of work upon the engines and machinery of such of said vessels as he may, on examination, think most expedient and best for the interests of the service; and that any part of the appropriation for said bureau not used as above specified may be applied toward the construction of engines and machinery of the two new cruising vessels provided for in this act: *Provided*, That all plans for the engines, armor, and armament of the said four last-mentioned iron-clad vessels—

The Amphitrite, Monadnock, Puritan, and Terror, not to touch the question of launching, but for—

All plans for the engines, armor, and armament of the said four last-mentioned iron-clad vessels shall be submitted to the naval advisory board created by this act, for its approval or disapproval—

Not one step can be taken after these vessels are launched excepting by the approval of this board—

And said board, with the same powers, shall also consider and advise as to the wisdom and expediency of undertaking and completing said engines, armor, and armament.

The object of the committee upon this subject that has given rise to much discussion, to very considerable feeling and much heart-burning, was first to take away all these vessels, as the Senator desires, from the yards of the contractors. Then the whole question whether anything more shall be done upon them in the way of armament or engines or machinery shall be submitted to this board, and they shall decide not only what shall be done, but shall also be consulted, and shall advise and decide whether anything shall be done.

I do not think myself—and I have been through a considerable experience on these subjects-matter when I was a member of the other branch—it would be an advisable thing for any head of the Navy Department to set himself in contact with this subject and take it and grapple with it and undertake anything upon it excepting upon the very best advice that he could get. I would not advise him after these ships are taken from the yards to have a stroke of a hammer or an ounce of iron plate or a dollar of expense put on one of them until this board has decided, first, that something should be done, and, second, what should be done, and then I would treat them all alike.

Mr. BAYARD. I think the Senator's advice would be exceedingly wholesome and I think the Secretary would do very well to follow it. I think this advisory board is the most sensible thing in connection with the Navy that I have heard of since I have been a member of the Senate and I hope good will come from it. If the discretion and the judgment of the advisory board controlled this and not the judgment of the Secretary of the Navy, I should assent to it.

Mr. HALE. After this exposition, incomplete as it may have been on my part, does not the Senator now think that the question of the launching of all these vessels is taken care of?

Mr. BAYARD. I think it may be; but I think that undoubtedly there is an inconsistency, a palpable inconsistency between the language which it is proposed to exclude from the bill and the proviso on page 26. In one case you give the discretion to the advisory board and in the other you expressly give it to the Secretary. I propose to take out the discretion of the individual and leave it to the

control of the advisory board to say how these four ships shall be finished. We may probably by the aid of this board make something useful out of these four double-turreted monitors. I suspect they will be found little more than floating batteries for harbor defense.

I have not the slightest idea that they will be sea-going ships or cruisers, but they may be made very useful for harbor defense by putting proper turrets on them and giving them proper guns, whenever we have the guns; but I submit to the Senator from Maine that in lines 605 and 606 he is vesting the sole discretion in this matter in the Secretary of the Navy, and then on page 26 proposing to give it to the advisory board.

Mr. HALE. Suppose on line 605, after the word "may," I put in, "such vessels as he may, with the advice and approval of the naval advisory board, as hereinafter provided."

Mr. BAYARD. Very well. You have that in the bill before. Why do you want to put it in again? Are you vesting discretion in one sentence in a single officer and in the next adding a proviso vesting it in the advisory board? I am sure the Senator agrees with me.

Mr. HALE. We are after the same thing, I can see.

Mr. BAYARD. I think if we strike out the words "of such," on line 605, and then strike out the words "as he may on examination think most expedient and best," we leave the thing where we wish to leave it; first, that there is to be an absolute launching of the vessels and getting them out of the way, and next there is to be such expenditure as the advisory board shall approve.

Mr. HALE. I have no objection to that.

Mr. BAYARD. Very well.

Mr. HALE. Then it will read:

Under the Bureau of Steam Engineering, subject to the conditions hereinafter provided, to the beginning and continuing to completion of work upon the engines and machinery of such vessels: *Provided*, That all plans for the engines, armor, and armament of the said four last-mentioned iron-clad vessels shall be submitted to the naval advisory board created by this act, for its approval or disapproval, and said board, with the same power, shall also consider and advise as to the wisdom and expediency of undertaking and completing said engines, armor, and armament.

This last proviso was intended to guard everything, and I think it does.

Mr. ALLISON. But if the Senator from Maine will allow me, the cost of fitting the turrets of the Miantonomoh will be about \$200,000, as I remember, and the cost of the launching of these four vessels will be about \$100,000; that leaves \$700,000 of this million to be applied to the completion or construction of the machinery.

Mr. BECK. No; my understanding is that \$300,000, certainly \$400,000, will finish the Miantonomoh and launch the four.

Mr. ALLISON. That is just what I said.

Mr. BECK. I beg pardon.

Mr. ALLISON. That there will be about \$700,000 of this appropriation left. Now there must be a discretion somewhere, I do not care where, to say which one of these vessels shall be finished.

Mr. HALE. Undoubtedly; with the naval board.

Mr. ALLISON. But the provision is that this money shall be used in the machinery "of such vessels."

Mr. HALE. Precisely.

Mr. ALLISON. Then he must go on.

Mr. HALE. I do not hold any such thing.

Mr. ALLISON. I must differ with my friend. Is it worth while to begin the construction and the machinery of some one or two and not push them to completion; or must we commence *pari passu* on all the vessels, with the machinery?

Mr. HALE. I do not understand that the provision if left in that way would oblige work on all to go right on, and that for every quarter of a dollar spent on one we must spend a quarter of a dollar on another, and so on.

Mr. ALLISON. Then the Senator from Delaware does not accomplish his purpose.

Mr. HALE. I do not think he does; I do not think he changes it at all.

Mr. ALLISON. I think somebody ought to have discretion to say on which one of these vessels the money shall be applied.

Mr. HALE. The board will settle that.

Mr. BAYARD. The board will say as to that.

Mr. ALLISON. Is the Senator satisfied with that?

Mr. BAYARD. Certainly.

Mr. HALE. The great point was that his friend's vessel should not be left in his yard.

Mr. ALLISON. I understand, and that is clearly provided for.

Mr. HALE. It is, and I do not think this changes it at all.

Mr. ALLISON. I do not think we should strike out "of such." That is what I object to.

Mr. BECK. This is perhaps one of the most important portions of this bill. It has cost more time than anything else here and elsewhere, particularly elsewhere. I differ with the majority of the committee and advised them that I did differ somewhat. I believe the Miantonomoh ought to be finished from the proof we have. I believe all four of these iron-clads ought to be launched and taken out of the contractors' yards. We have paid for them and they are ours. But there are many other questions remaining. The provision of the committee leaves it in the power of the Secretary of the Navy if he sees fit to go on and recognize the old contracts of March 3, 1877, believed to be among the last acts of the administration of that Secretary. I have them here. I do not care to put them on the

record, as they are long; but here they are. There are a good many questions as to the validity of these contracts, and they have been challenged in a variety of ways.

Mr. HALE. As the Senator knows full well that nobody wants to do anything that recognizes those contracts, and we are seeking to guard and control everything, let me ask the Senator does he think it worth while to enter into a discussion of these old contracts?

Mr. BECK. No, sir.

Mr. HALE. It is an endless sea; it is a sea without a shore.

Mr. BECK. Here they are; I will not refer to them; but as it is now after five o'clock I would rather say in committee than on the floor of the Senate why I want this advisory board to pass upon the whole question before we proceed any further, and then the Secretary, who is himself a new man in the place, can have advice from them, and in December, after that board examines all about these ships, and after he himself is satisfied what is best to do, we can act. If they determine to go on we can appropriate for them; but what I fear is that the amendment as now proposed by the Committee on Appropriations, if this board agree to go on regardless of price, will allow these old contracts to be taken up and carried out. Of course these men cannot be required to carry them out. We have postponed the work so long that nobody would compel them to go on. Great changes perhaps would have to be made.

The amendment I have offered was simply to postpone any further action except to finish the Miantonomoh and launch these four ships, and give us until December to obtain the report of this board; allow the Secretary to see it and tell us what it is, and then we can act intelligently about the amount necessary to carry out the recommendations. I should like that no action should be taken until the morning, so that further consultation may be had about it. If there is any executive business, it being now quarter past five—

Mr. HALE. Let us go on and read through the bill. There are portions of it to which there will be no objection.

Mr. BECK. And pass over this informally until morning.

Mr. HALE. Pass over this informally until morning.

Mr. BECK. I shall be glad to do that.

Mr. LOGAN. I desire to offer an amendment intended to be an additional section to the bill. I know it will be subject to an objection, but I hope the Senate will allow it to be received. It is:

And be it further enacted, That all laws and parts of laws authorizing prize-money to the Navy, or any of its officers or men, for any capture or destruction of any vessel, ship, or any other property of any character whatever, are hereby repealed.

The PRESIDING OFFICER. The amendment will be received, lie on the table, and be printed. The reading of the bill will be proceeded with. The Chair will ask the Senator from Maine where he will have the Secretary commence the reading?

Mr. HALE. Commence reading on line 622.

The reading of the bill was resumed at line 622. The Committee on Appropriations proposed after line 621 to insert:

For the purchase of one testing-machine, for making tests of plate-iron, &c., \$6,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Marine Corps," after line 787, to insert:

For the purchase of forage, \$4,680: *Provided,* That no commutation for forage shall be paid.

The amendment was agreed to.

The next amendment was, in section 2, line 42, after the word "published," to insert the word "in."

The amendment was agreed to.

The reading of the bill was continued to line 13 of section 2.

Mr. BUTLER. I beg to call the attention of the Senator from Maine now to an amendment I shall offer just where the Secretary has been reading, after the reading of the bill is completed. I shall move to strike out all after the word "and," in line 13, down to and including the word "Treasury," in line 18, and to substitute the following:

And the Secretary of the Navy shall report the same to Congress at its next session.

Mr. DAVIS, of West Virginia. The Senator will find that at the end of the section the committee has added a similar provision.

Mr. BUTLER. I understand that perfectly well, but that is after the sale has been made of this old material. I want the report to Congress before the sale is made.

Mr. HALE. What the Senator wants is a report of what is unsalable before it is sold.

Mr. BUTLER. Precisely.

Mr. HALE. The Senator will offer that amendment to-morrow morning?

Mr. BUTLER. Yes, sir.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed to line 35 of section 2.

Mr. BUTLER. I beg to give notice that at that point I shall offer an amendment, after the word "register," to strike out all down to and including the word "used," in line 97, on page 38, and insert "and report the same to Congress;" so that the Secretary of the Navy shall report to Congress before any condemnation or sale of condemned vessels.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "sold," in line 95 of section 2, to insert "and the Secretary shall make full report to Congress of the funds so used;" so as to read:

In case any vessel now in process of construction in any navy-yard is found to be unworthy of being completed, and shall be condemned under the provisions of this act, which cannot properly be sold, and it becomes necessary to remove the same, the cost of such removal shall be paid out of the net proceeds derived from the sale of other vessels hereby authorized to be sold, and the Secretary shall make full report to Congress of the funds so used.

The amendment was agreed to.

The next amendment was, after the words "section 3," in line 1, to strike out "officers of the Navy shall, whenever the Secretary of the Navy may deem it advisable, be required to perform such duties at the navy-yards and stations as have hitherto been performed by civil employes paid from the appropriations for the civil establishment. And no," and insert "no;" in line 10, after the word "employment," to insert "and also the duration of such service, beyond which time it shall not continue;" and in line 14, after the word "may," to strike out "direct" and insert "deem required by due economy and the public interests;" so as to make the section read:

No officer of the Navy whose pay is appropriated for in this bill shall be employed on any shore duty unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue; and all other officers, when not at sea, shall be placed on leave of absence, or waiting orders, or on furlough, as the Secretary of the Navy may deem required by due economy and the public interests.

The amendment was agreed to.

Mr. BAYARD. I desire to give notice that I shall move to amend, in line 13, by striking out the words "on furlough."

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in section 4, line 4, after the words "grades of" to strike out "not more than;" so as to make the section read:

SEC. 4. After all vacancies in the lower grades of the line and staff corps of the Navy and Marine Corps shall have been filled, nothing herein shall be construed to prevent the promotion into the appropriate corps and grades of ten of the remaining graduates of the year, at the conclusion of their six years' course, who may stand highest in the order of merit as determined by the academic board of the Naval Academy.

Mr. HALE. That section is taken care of in another part of the bill. I ask that it be stricken out. It was put in by mistake.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine, striking out the last section of the bill.

The amendment was agreed to.

Mr. HALE. Now, as the bill has been read through, there are a few informal amendments from the committee to which no objection will be made that I will put in in the morning, and I give notice that I shall call the bill up as early as possible to-morrow morning after the reading of the Journal.

Mr. SAULSBURY. I see that a portion of section 3, which provides that officers of the Navy, if the Secretary may deem it advisable, shall be required to perform such duties at the navy-yards and stations as have been performed hitherto by civil employes, has been stricken out by the committee. I do not think they ought to be made to perform the duties of civil employes at the navy-yards and stations, but it seems to me they might perform some duties.

Mr. HALE. We thought it was so difficult a thing to settle as to what they could be employed in and what they could not, agreeing fully with the Senator that there are certain things they clearly could not, we deemed it best not to mix it up with the question; so we struck it out.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendments of the Senate to the concurrent resolution of the House of June 26, 1882, to print 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States.

The message also announced that the House had passed a concurrent resolution providing that the Sergeant-at-Arms of the House and of the Senate purchase for use in the Rotunda of the Capitol the thirty-two elastic settees now in said Rotunda, at a sum not exceeding \$7 each.

The message further announced that the House had passed the following enrolled bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts; and

A joint resolution (H. R. No. 274) to continue the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 60) to grant the right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;

A bill (S. No. 602) for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased;

A bill (S. No. 790) for the relief of Joseph Hertford;

A bill (S. No. 838) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, New Jersey;

A bill (S. No. 1582) to amend the statutes in relation to copyright;

A bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth C. Custer;

A joint resolution (S. R. No. 81) to authorize the construction and maintenance of a bridge across the Saint Lawrence River; and

A joint resolution (S. R. No. 83) relating to the memorial cards to accompany the memorial address on the life and character of the late James A. Garfield.

PUNISHMENT OF COUNTERFEITING.

On motion of Mr. HOAR, it was

Ordered, That the bill (S. No. 1000) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments be recommitted to the Committee on the Judiciary.

AMENDMENTS TO BILLS.

Mr. CAMERON, of Wisconsin, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts, was read twice by its title and referred to the Committee on Military Affairs.

ELASTIC SETTEES IN THE ROTUNDA.

The following concurrent resolution of the House of Representatives was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved by the House of Representatives, (the Senate concurring.) That the Sergeants-at-Arms of the House and of the Senate purchase for use in the Rotunda of the Capitol the thirty-two elastic settees now in said Rotunda, at a sum not exceeding \$7 each, one-half of the amount to be paid out of the contingent fund of the House of Representatives and one-half out of the contingent fund of the Senate.

GOVERNMENT EXPENDITURES.

The joint resolution (H. R. No. 274) to continue the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government" was read twice by its title.

Mr. ALLISON. I ask that the joint resolution may be put on its passage. It is absolutely essential that it should be passed, and it ought to be passed to-day if possible. It extends the time to the 3d of August.

Mr. DAVIS, of West Virginia. I do not object to the joint resolution; I think it will have to pass; but I desire to ask the chairman of the Committee on Appropriations whether he thinks the time is extended far enough, whether he is sure we shall be ready to adjourn then, or whether another such measure will be necessary?

Mr. ALLISON. I cannot prophesy with reference to that. I only know that we cannot get through before that time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BECK. Does that embrace the War Department employes as well?

Mr. ALLISON. It embraces all.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGISLATION ON APPROPRIATION BILLS.

Mr. HAWLEY. I offer an amendment to the rules for reference to the Committee on Rules.

The amendment was read, as follows:

Amend Rule 29 by adding thereto:

"But provisions for general legislation coming from the House of Representatives as part of a general appropriation bill shall be subject to any amendment germane and relevant to the subject-matter of such proposed general legislation, with the further limitations of this rule."

Mr. ALLISON. I wish to offer a resolution of amendment on the same subject.

Mr. HOAR. I desire to point out to my friend from Connecticut that if the proposed amendment is not referred to the Committee on Rules now but he simply offers it, to-morrow it will be in order to pass it, if there should be a majority favoring it, under the rule.

Mr. HALE. The Senator will not try to do that of course, without the committee considering it, at this late stage of the session.

Mr. HOAR. The Senate would then have entire power over the subject.

Mr. HAWLEY. I do not know that I care to pursue the course suggested by the Senator from Massachusetts.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The proposed amendment will be referred to the Committee on Rules.

Mr. ALLISON submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule 20 be amended as follows: Insert after the word "bill," in the second line, the words "except to items or clauses of general legislation contained in such bills as passed by the House."

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, July 23, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had agreed to the amendment of the House of Representatives to the bill of the Senate No. 602 for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund, disagreed to by the House of Representatives, and asked a further conference upon the disagreeing votes of the two Houses thereon; also, that the Senate had appointed Messrs. BAYARD, WINDOM, and SHERMAN, as managers at said conference on the part of the Senate.

PORTS OF DELIVERY, MISSOURI.

Mr. VAN HORN. I ask unanimous consent to take from the Speaker's table Senate bill No. 740, to establish ports of delivery at Kansas City and Saint Joseph, in the State of Missouri, and put the same upon its passage.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc. That Kansas City and Saint Joseph, in the State of Missouri, be, and the same are hereby, constituted ports of delivery; and that the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to said ports; and there shall be appointed a surveyor of customs for each of said ports, to reside at the port for which he shall be appointed, who shall receive a salary to be determined in amount by the Secretary of the Treasury, not exceeding \$1,000 per annum.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. VAN HORN. Mr. Speaker, this is a Senate bill, has been considered and reported favorably from the Committee on Commerce, and is recommended by the Secretary of the Treasury. I will only say that the large importing business of the two cities named in the bill render the establishment of ports of delivery a necessity. And particularly since the opening of railway communication with Mexico that necessity has become imperative, as foreign commerce has now commenced to flow in at the back door of the nation, so to speak; or, in other words, we have both an interior and a maritime front.

Mr. FORD. Mr. Speaker, the report of the Committee on Commerce is explicit and convincing in the indorsement of this measure. It is a Senate bill, and, as I am advised, received a very generous support when considered at the other end of the Capitol.

Now, Mr. Speaker, the two cities asking this legislation are entitled to be heard. My honorable colleague, [Mr. VAN HORN,] who has had a large experience in public life as a legislator and journalist, is amply prepared to enter upon the discussion of this bill should it be necessary. I simply wish to say that the city of Saint Joseph, which I have the honor to represent, a city of 40,000 inhabitants and one of the growing cities of the productive Missouri Valley, is of great commercial importance. I hope the bill will pass.

The SPEAKER. The question is on the third reading of the bill. The bill was ordered to be read a third time; and being read the third time, was passed.

Mr. VAN HORN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FREE NAVIGATION, NAVIGABLE WATERS, UNITED STATES.

Mr. BUCKNER. I ask unanimous consent, Mr. Speaker, to take up Senate bill No. 1392, to provide for the removal of obstructions to the free navigation of the navigable waters of the United States and put it upon its passage. This bill is upon the Speaker's table.

Mr. PAGE. I reserve my right to object until after I hear the bill read.

The SPEAKER. Undoubtedly, objection can be made after the bill is read. The Clerk will read the bill.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WHITTHORNE. I object.

Mr. HOLMAN. I reserve the right to object until I hear an explanation of this bill.

Mr. BUCKNER. It has been considered by the Committee on Commerce of this House, and unanimously reported by them. It is a bill of very great importance, providing as it does for the free navigation of the navigable waters of this country, and especially has a bearing and importance upon the navigable waters of the West. I hope it will be passed.

The SPEAKER. But the gentleman from Tennessee objects.

Mr. WHITTHORNE. Yes, I object. It is too much power to confer on any one man in this country.

MASTER ARMORER AT SPRINGFIELD, MASSACHUSETTS.

Mr. ROBINSON, of Massachusetts. I ask that by unanimous consent the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts, and that it be brought before the House for present consideration.

The bill was read, as follows:

Be it enacted, etc., That in addition to the compensation now allowed and paid to the master armorer at the national armory in Springfield, Massachusetts, there shall be paid to him further compensation at the rate of \$1,000 per annum during such time as he shall perform the duties of master machinist at said armory in addition to those of master armorer.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I wish to reserve the right to object until the House is fully informed of the nature of this proposition.

Mr. ROBINSON, of Massachusetts. I will be glad to make a statement in explanation: this is the unanimous report of the Committee on Military Affairs, and is recommended by the Secretary of War and the Chief of Ordnance. The United States has in its employment at the Springfield armory a gentleman of long experience there and whose services are very valuable. His experience is of great benefit to the Government. Prior to a year ago he held the position of master machinist. On the death of the master armorer he was assigned to the duties also of master armorer; so that he is now called upon to perform the duties of both offices, those of the master machinist and those of the master armorer.

The House will understand those are positions of great responsibility. Under the law the salary of each position is \$1,500 a year. The Chief of Ordnance says that the services of this gentleman could not be had by any private establishment for less than \$5,000 a year; in other words, his services outside the armory would be worth that much in consequence of his experience and his qualifications for the duties he discharges.

This gentleman, Mr. Porter, is not willing to occupy those two positions and have those responsibilities at a salary of \$1,500, and if the extra compensation, without increasing either of the two salaries, is paid to him the Government has the benefit of his experience and services and actually is saving the \$500 a year which would be paid if two men were employed to perform the duties of the two offices. There is no question about the facts, and we have the statement of the superior officers as to the qualifications and the entirely satisfactory character of this officer's performance of his duties.

Mr. HEWITT, of New York. I desire to confirm from my personal knowledge all that has been said by the gentleman from Massachusetts. And I wish to add further that in any private establishment for the manufacture of arms the services of this gentleman would be regarded as exceedingly cheap at any figure less than \$5,000 a year.

Mr. ROBINSON, of Massachusetts. There is no question about it.

Mr. HOLMAN. I desire to say a word. I do not consent to this proposition on the ground on which the gentleman from New York seeks to put it. I am not willing that it shall be understood that this salary is increased on the ground mentioned by that gentleman. I can only assent to it as a matter of economy, as I understand it. But I wish to ask my friend from Massachusetts [Mr. ROBINSON] this question, whether there is not reason to apprehend that in placing this salary at \$2,500—the amount of the two salaries put together—this may be made use of in the future as a precedent for increasing the salaries in other arsenals of the country? Is there not danger of that? We know that salaries are generally made to go up by taking some particular case and increasing the salary in that instance, and then making all the other salaries for that grade correspond.

Mr. ROBINSON, of Massachusetts. I am quite in accord with the gentleman from Indiana as to what he is now seeking to guard against. I agree with him precisely as to the general policy. But I want to say this is the only arsenal where arms are manufactured by the Government; and in the next place this gentleman is the only master armorer in this country. Therefore there is no other officer of the same grade whose case is to be met in the same way. Besides, this bill does not increase the salary at all. It merely provides that since this gentleman is burdened with these responsibilities, which are great, he, in consequence of his ability to serve the Government

in the faithful and competent way in which he does serve it, shall have additional compensation during such time only as he shall perform the two sets of duties.

Mr. HOLMAN. I desire to ask my friend from Massachusetts one other question. He is quite sure, I hope, that when this other office comes to be filled the additional salary now to be paid for one of these offices will not remain as a permanent increase.

Mr. ROBINSON, of Massachusetts. I drew the bill designedly so as to prevent that. I did not want to increase the compensation and would not do it, because I think that would not be wise. But I do think it is no more than just to the man who holds these positions, and that it is also in the interest of the Government that this should be done to retain his services, because with the addition of this \$1,000 the compensation is certainly not more than sufficient to cover his efficient services at the armory.

Mr. HOLMAN. I have great faith in the knowledge of the gentleman from Massachusetts about this matter and in his thrift in such affairs—

Mr. HAZELTON. And his good moral character. [Laughter.]

Mr. HOLMAN. And I am therefore not inclined to object. But as a general proposition I do earnestly protest against any measure of this kind which might possibly result in a permanent increase of salary.

Mr. ROBINSON, of Massachusetts. I only want to say that I am satisfied the gentleman from Indiana has been won over by the merits of the proposition and not by any advocacy of mine.

There being no objection, the Committee of the Whole House on the state of the Union was discharged from the further consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROBINSON, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of New York. I ask unanimous consent—

Mr. McKENZIE. I call for the regular order.

Mr. COX, of New York. I think the gentleman from Kentucky [Mr. McKENZIE] will withdraw that demand.

Mr. McKENZIE. I do not withdraw it. I insist upon it.

CREEK ORPHAN FUND.

Mr. HASKELL. I desire to call up at this time the message from the Senate announcing non-concurrence in the amendments of the House to the bill of the Senate No. 125, to reimburse the Creek orphan fund, and to move that the House insist upon its amendments and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment as the conferees on the part of the House of Mr. DEERING of Iowa, Mr. HASKELL of Kansas, and Mr. WELLBORN of Texas.

JAPANESE INDEMNITY FUND.

The SPEAKER also announced as the conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 1052, in relation to the Japanese indemnity fund, Mr. WILLIAMS of Wisconsin, Mr. RICE of Massachusetts, and Mr. DEUSTER of Wisconsin.

ENROLLED BILLS SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the Senate of the following titles; when the Speaker signed the same:

A bill (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes; and

A bill (S. No. 1819) granting an increase of pension to Mrs. Elizabeth C. Custer.

ADJOURNMENT UNTIL MONDAY NEXT.

Mr. HISCOCK. I move that when the House adjourns to-day it be to meet on Monday next.

Mr. RANDALL. I hope that motion will be agreed to.

The question was taken; and upon a division there were—ayes 75, noes 34.

Mr. UPSON. No quorum has voted.

Tellers were ordered; and Mr. HISCOCK and Mr. UPSON were appointed.

The House again divided; and the tellers reported that there were—ayes 112, noes 34.

Before the result of this vote was announced,

Mr. UPSON called for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 12 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The motion of Mr. HISCOCK was accordingly agreed to.

Mr. HISCOCK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY PROVISION FOR EXPENDITURES OF THE GOVERNMENT.

Mr. HISCOCK, by unanimous consent, introduced a joint resolution (H. R. No. 274) to continue the provision of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government;" which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the provisions of the joint resolution entitled "A joint resolution to continue the provisions of a joint resolution approved June 30, 1882, entitled "A joint resolution to provide temporarily for the expenditures of the Government," approved July 20, 1882," be, and the same are hereby, extended and continued in full force and effect to and including the 3d day of August, 1882, and the provisions of a joint resolution entitled "A joint resolution authorizing the payment temporarily of certain employees of the War Department, approved July 12, 1882."

The joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was upon the passage of the joint resolution.

Mr. McKENZIE. Upon that question I ask a vote by division.

The House divided; and there were—ayes 75, noes 13.

Mr. McKENZIE. No quorum has voted.

Tellers were ordered; and Mr. HISCOCK and Mr. McKENZIE were appointed.

The House again divided; and the tellers reported that there were—ayes 126, noes 4.

So (no further count being called for) the joint resolution was passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EVENING SESSION FOR PENSION BILLS.

Mr. BROWNE. Inasmuch as the House has determined to adjourn from to-day until Monday next, I ask that the special order providing for a session to-night for the consideration of bills from the Committee on Pensions and the Committee on Invalid Pensions may be vacated, and that a similar order be made for a night session on Monday next.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. BAYNE. I desire to submit some reports from the Committee on Military Affairs.

Mr. HISCOCK. I am disposed, as soon as a little business is done by unanimous consent, if there is any such, to move that the House adjourn.

Mr. BAYNE. I ask consent to make some reports from the Committee on Military Affairs.

There was no objection.

DONATION OF CONDEMNED CANNON, ETC.

Mr. BAYNE, from the Committee on Military Affairs, by unanimous consent, reported back with favorable recommendations the following bills; which were referred to the Committee of the Whole House on the state of the Union, and the accompanying reports ordered to be printed:

A bill (H. R. No. 6815) to authorize the Secretary of War to furnish condemned cannon for the soldiers' monument at Utica, New York.

A bill (H. R. No. 6817) to donate four condemned cannon to Henry Wilson Post No. 68, Grand Army of the Republic, Slaterville, New York, for monumental purposes in the cemetery at that place;

A bill (H. R. No. 6818) donating condemned cannon for monumental and other purposes;

A bill (H. R. No. 6826) to authorize the Secretary of War to turn over to Williams Post, Grand Army of the Republic, of Mystic, Connecticut, four condemned cannon and four cannon-balls; and

A bill (H. R. No. 6829) to authorize the Secretary of War to donate to the Monumental Association of Pickaway County, Ohio, five condemned cast-iron cannon and five cannon-balls.

Mr. BAYNE also, by unanimous consent, from the same committee, reported back with amendments the bill (H. R. No. 6821) donating condemned cannon to the Monumental Association of Allegheny County, Pennsylvania; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. McKENZIE. I call for the regular order.

Mr. PAGE. I ask unanimous consent to have passed a bill reported from the Committee on Commerce, known as the tonnage bill. I think there will be no objection to it.

Mr. McKENZIE. I demand the regular order.

Mr. TUCKER. What is the regular order?

The SPEAKER. The regular order will be proceedings under the Pound rule for one hour.

Mr. RANDALL. I understood that the gentleman from New York [Mr. HISCOCK] moved to adjourn.

The SPEAKER. The gentleman merely gave notice of his intention to submit such motion.

Mr. HISCOCK. I hope the motion to adjourn will not be made now, for the reason that we are anxious to receive from the Senate a notification of the appointment of a conference committee on the

legislative appropriation bill. Certainly we ought not to adjourn until the Senate has had time to take such action.

Mr. TUCKER. I would like to add that I believe the House has not considered the Private Calendar during the last three months, and I see no reason why we should not go on with it to-day.

ADVERSE REPORTS FROM THE COMMITTEE ON PRINTING.

Mr. VAN HORN, from the Committee on Printing, reported back adversely the following joint resolutions, &c.; which were laid on the table, and the accompanying reports ordered to be printed:

Joint resolution (H. R. No. 2) to provide for the printing of 5,000 copies of the reports on Zoology;

Joint resolution (H. R. No. 53) to provide for the printing or purchase of copies of the work entitled Lamphere's United States Government;

Joint resolution (H. R. No. 157) to provide for the printing of 100,000 copies of the address of Hon. James G. Blaine in honor of the memory of James Abram Garfield, late President of the United States;

Joint resolution (H. R. No. 168) to print the report of the board of medical experts, and appropriating money therefor;

Concurrent resolution providing for publishing 150,000 copies of Helper's Three Americas Railway; and

Petition of citizens of Otsego County, New York, asking that Congress publish its proceedings in newspaper form weekly, to be sent free to every family in the United States.

EMPLOYÉS OF GOVERNMENT PRINTING OFFICE.

Mr. VAN HORN also, from the same committee, reported, as a substitute for House bill No. 3254, a bill (H. R. No. 6844) to fix the compensation of certain employés in the Government Printing Office, and repealing all laws in conflict therewith; which was read a first and second time, placed on the House Calendar, and, with the accompanying report, ordered to be printed.

SOCIETY OF THE RED CROSS.

Mr. VAN HORN, from the same committee, reported back with a favorable recommendation the joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross.

Mr. VAN HORN. I ask that this resolution be put on its passage.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of State, in the printing and publication of necessary information concerning the Society of the Red Cross, for the amelioration of the sufferings of soldiers in time of war, under the recent accession of the United States to the Geneva convention for the organization of said societies, and giving a brief history of such organization and the results thereof.

The joint resolution was ordered to a third reading, read the third time, and passed.

PRODUCTION OF GOLD AND SILVER.

Mr. VAN HORN. I am directed to report from the Committee on Printing two more resolutions which will finish up our business for this session. The committee have directed me to report back, with a recommendation of concurrence in the Senate amendments, the resolution of the House for printing the report of the Director of the Mint in reference to the annual production of gold and silver.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring therein,) That 15,000 copies of the report of the Director of the Mint on the annual production of gold and silver in the United States be printed; 8,000 copies for the use of the House of Representatives, 3,000 for the use of the Senate, and 4,000 for the use of the Director of the Mint.

The following amendments of the Senate were read and concurred in:

Strike out "15,000" and insert "9,000"

Strike out "8,000" and insert "4,000."

Strike out "3,000" and insert "2,000."

Strike out "4,000" and insert "3,000."

FLAGS OF MARITIME NATIONS.

Mr. VAN HORN, from the same committee, reported back with a favorable recommendation the following resolution of the Senate; which was read, considered, and adopted:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed from the plates now in the possession of the Bureau of Navigation, Navy Department, 3,000 copies of The Flags of Maritime Nations; of which 800 copies shall be for the use of the Senate, 1,200 copies for the use of the House of Representatives, and 1,000 copies for the use of the Navy Department, to be used on board of vessels of the Navy, and for sale at the cost of paper and printing, in accordance with section 432 of the Revised Statutes of the United States.

Mr. VAN HORN moved to reconsider the various votes upon agreeing to the reports of the Committee on Printing; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECORD FOR LEGATIONS ABROAD.

Mr. VAN HORN, by unanimous consent, introduced a joint resolution (H. R. No. 275) to supply the daily CONGRESSIONAL RECORD to American legations and consulates; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

NIGHT WATCHMAN FOR FOLDING-ROOM.

Mr. URNER, from the Committee on Accounts, reported back the following resolution:

Resolved, That the Doorkeeper of the House of Representatives be, and is hereby, authorized to employ a night watchman for duty at the folding-room at 217 East Capitol street, at a salary of \$75 per month, to be paid out of the contingent fund of the House.

Mr. HOLMAN. Do I understand this resolution is before the House?

The SPEAKER. It is a privileged report from the Committee on Accounts.

Mr. HOLMAN. Does it now come from the Committee on Accounts?

The SPEAKER. It was referred to the Committee on Accounts, and is now reported back favorably.

Mr. URNER. I wish to say in explanation of the resolution that the House some time ago adopted a resolution, reported from the Committee on Ventilation, directing the renting of the house No. 217 East Capitol street for the use of the folding-room. There are about \$20,000 worth of public property, as we are informed, stored in that house. They have now no watchman, and the property is only protected by lock and key. The interests of the Government require, as the Doorkeeper states, the employment of a night watchman.

The resolution was adopted.

Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAPERS OF COMMISSIONERS OF CLAIMS.

Mr. URNER also, from the same committee, reported back the following resolution:

Resolved, That the Clerk of the House cause to have prepared an alphabetical list of the papers received from the late commissioners of claims, which shall contain such action as was had thereupon; that the person designated to perform the service shall receive the same rate of pay as now allowed to committee clerks of the House not receiving annual compensation, and that the expense thereof shall be paid out of the contingent fund of the House.

Mr. URNER. That is the resolution which was referred to the Committee on Accounts, but it is reported back with an amendment. I ask that the report be read, which embodies the amendment recommended by the Committee on Accounts.

The SPEAKER. The Clerk will now read the resolution as the Committee on Accounts desire to have it passed.

The Clerk read as follows:

Resolved, That the Clerk of the House cause to have prepared an alphabetical list of the papers received from the late commissioners of claims, which shall contain such action as was had thereupon; that the persons, not exceeding two in number, designated to perform the service shall receive the same rate of pay as now allowed to committee clerks of the House not receiving annual compensation; the work to be completed on or before the 1st day of December, 1882, and that the expense thereof shall be paid out of the contingent fund of the House.

Mr. HOLMAN. I trust the gentleman from Maryland will allow me a moment.

Mr. URNER. Certainly.

Mr. HOLMAN. If I understand this resolution it applies only to claims before the Southern claims commission. Am I correct in that?

Mr. URNER. Yes, sir.

Mr. HOLMAN. Now, Mr. Speaker, the duty of arranging these matters belongs properly to the Committee on War Claims. It is a service which devolves on the two clerks of that committee. That committee has now two clerks, one at \$2,000 a year and the other at \$1,600 a year, and I am sufficiently familiar with that committee to know that this work of preparing this index of these Southern claims should be performed by those two clerks of the War Claims Committee. It is a duty which properly belongs to them and can be performed by them without any inconvenience whatever. They are on the annual roll and are familiar with the reports of the Southern claims commission, so that they are particularly competent to the discharge of this duty.

Now, I regret the Committee on Accounts has seen fit to ask for the employment of two clerks to discharge this duty when we have two clerks already employed by the War Claims Committee on the annual roll whose duty it is to do this very work. There is no reason why other persons should be employed to perform it. It naturally and legitimately belongs to these committee clerks. It is a subject with which they are familiar. If necessary the work should be under the direction of the chairman of that committee. I do not see any reason why the Government should be put to additional expense in this matter.

Mr. URNER. The statement made by the gentleman from Indiana is calculated to produce an erroneous impression in regard to this matter. These papers are not subject to the Committee on War Claims at all. They are papers in the files of the Clerk's office, and are now packed away in boxes.

The Clerk took several members of the Committee on Accounts through these rooms for the purpose of showing the condition in which these papers are preserved and the character of the work to be done, and we have been furnished with a memorandum, which I will print with my remarks for the information of the House. The clerk

of the Committee on War Claims has, of course, charge only of the papers filed with that committee; but the papers to which I now refer are those which are in the room of the file clerk of the House, under the control of the chief clerk, and they are filed in this room on the west side of the building, subject only to the control of the file clerk. The clerks of the Committee on War Claims have therefore no right whatever to take charge of these papers or to do anything with reference to them, as they do not come under their control. The facts of the matter are that a great many bills are presented here for claims which originated during the war. Some of these bills have been settled in part by the Southern claims commission and some rejected; but all of the papers are filed away and properly labeled in this room. The total number of claims filed before the Southern claims commission was 22,298, aggregating over \$60,000,000. The commission was in existence nine years, and made ten reports to Congress, nine annual and one final report. Of the total number of claims presented, the Southern claims commission allowed in whole or in part 7,413; 9,578 were wholly rejected; 5,250 were barred for non-prosecution, and 57 were withdrawn or dismissed. All of the papers, however, referring to these claims are on file in that room.

The memorandum furnished the committee by the clerk is as follows:

Memorandum as to the necessity of having a list of claims prepared for the use of the House as proposed in the resolution before the Committee on Accounts.

As the committee is doubtless aware, large numbers of claims for property taken for the use of the Government during the war have been and are now being presented to Congress for adjudication. Many of these claims have once been acted upon either by Congress or some of the Departments of the Government, but notwithstanding this they are still presented to Congress either for additional allowances or for a reversal of the action of Congress where it is against them.

For instance, there were filed before the late Southern claims commission 22,298 claims, aggregating over \$60,000,000; the commission was in existence nine years and made ten reports to Congress—nine annual and one final. Of these 22,298 claims before the commission, 7,413 were allowed in whole or in part, 9,578 were wholly disallowed, 5,250 were barred for non-prosecution, and 57 were withdrawn or dismissed. The papers constituting all these claims, except those in which allowances were made or those withdrawn or dismissed, are now, with but a very few exceptions, on the files of Congress. As they are filed and recorded in exactly the same order in which they were received from the commission at those stated periods it is extremely difficult readily to produce these papers when called for to be used in connection with claims revived by the same claimants or their Representatives before Congress or elsewhere.

The object of the resolution before the committee is to provide for the necessary expense which will be incurred in preparing such a list.

It is believed that the small expenditure proposed will eventually save the Government a large sum of money by enabling Congress to utilize the information contained in the ten reports of the Southern claims commission by the preparation of a full index, such as is proposed in the resolution.

Now, when any of these claims are revived and the bills are referred to the Committee on War Claims, these files of papers are referred to, as we are informed, for information, and the custodian of the papers has to search through this vast mass of documents in order to obtain the facts in the case. It is necessary, therefore, for the Clerk of this House, through his deputy, to go through these books and papers and search for the claim and ascertain what action has been taken upon it; and it requires time and an immense amount of labor, and sometimes, under the necessity for haste in connection with the matter, it is absolutely physically impossible to find the papers in time so that the Government may be protected against the payment of claims which have already been settled by the Southern claims commission. Now, they have submitted a plan of the work as to how they propose to have these papers all indexed, so that at any time in future easy reference can be had to any of them, and no claim can be paid twice, either through ignorance or inadvertence.

The committee regard this plan as something which will afford exceedingly valuable information to the Government, and which it should possess, not only for convenience in searching for papers among these files, but also to guard the Government against the possibility of loss in the payment of claims already adjudicated.

Mr. HOLMAN. I desire to say, Mr. Speaker, to my friend from Maryland that I am rather familiar with the action of the Committee on War Claims upon these papers and their mode of reaching the consideration of such claims. Whenever occasion requires reference to these papers, as the subject properly comes under the jurisdiction of the Committee on War Claims, they have access to the files. At the time the Southern claims commission was in existence of course these papers were all subject to its jurisdiction; but now they come properly before the Committee on War Claims of the House and Senate; and one of the objects of the creation of the Committee on War Claims in 1872 was to take up this mass of material which came from the Southern claims commission and go on with the examination and care and custody of such papers as should from time to time come to the House from that commission.

But the point I wish to make in this connection is this: that no clerk whom we can possibly create by the action of this proposed measure can ever approach in intimate knowledge of the subject-matter of these papers the clerks of the Committee on War Claims, who have been connected with the business for a number of years; and therefore it seems to me that if for no other reason the papers should be left as they are under the control of that committee.

Mr. URNER. Will the gentleman allow me to interrupt him for a question?

Mr. HOLMAN. Certainly.

Mr. URNER. I simply desire to ask my friend from Indiana

whether the clerks of the Committee on War Claims have any control whatever of the papers in that room, which are now in the custody of the file clerk; and whether they can go in there for the purpose of taking the papers out for examination?

Mr. HOLMAN. Does my friend from Maryland ask that question seriously, as though the power of the House was so limited that it could not confer the power to examine these papers upon one clerk instead of another? It is just as easy to confer this authority and power upon the clerk of the Committee on War Claims as it is upon the Clerk of the House or any other clerk whom we may see fit to appoint; and if he will change the phraseology of this resolution a little he will find that it will accomplish that purpose. You can impose the duty upon any employé of the House, and there is no one who is more intimately associated with the papers and more familiar with them than the clerk of this Committee on War Claims. He has proper charge of the subject-matter, and we are paying annual and liberal salaries for the custody of these papers now, and the performance of this duty. I see no necessity, therefore, for any additional employés at a considerable expense simply to do the work which can be done better under the present system by the clerks of the Committee on War Claims. Let them prepare the index. I object to increasing the number of the employés of the Government more than the public service requires.

Mr. URNER. May I ask the gentleman another question?

Mr. HOLMAN. Certainly.

Mr. URNER. It is this: When a bill is prepared and referred to the Committee on War Claims of the House, having reference to any of these claims which have been adjudicated by the Southern claims commission, is it not the practice of the Committee on War Claims to send for the papers and inquire what has been done in the case by the Southern claims commission?

Mr. HOLMAN. They can send right to the files, as my friend himself goes to the files when he wants any information to be found there. Here is a file clerk having control of these papers and every one has access to them. Does my friend imagine that the clerk of the Committee on War Claims goes to the Clerk of the House to obtain these papers? He goes directly to the file clerk. There is no intermediate process. This is a public office.

Mr. RANDALL. Will the gentleman from Maryland allow me to ask him whether the clerk of the Committee on War Claims is not an annual clerk?

Mr. URNER. Of course he is an annual clerk.

Mr. HOLMAN. Both the clerks are.

Mr. RANDALL. Why not have him and his assistant do this work? Why should you pile up employés in this way?

Mr. URNER. This is not part of the duty of the clerk of the Committee on War Claims.

Mr. RANDALL. I think it is his duty.

Mr. URNER. This does not belong to the Committee on War Claims. It is subject to the control of the House of Representatives. These papers are under the control of Dr. Finch, who has had charge of them for fifteen years and is more familiar with them than any one else.

Mr. RANDALL. I know Dr. Finch is one of the most efficient clerks of this House; and I believe if you leave it under his care and have these two annual clerks of the Committee on War Claims do this work it would be well done, without any additional employés. At the proper time I will move to amend the proposition in that way.

Mr. URNER. I submit we have not any right to impose on the clerks of the Committee on War Claims any duty except those that legitimately belong to them under the law. I ask for the previous question on the adoption of the substitute for the resolution.

Mr. RANDALL. The gentleman might as well say we have not the right to pay those clerks during the recess when they are doing nothing.

The SPEAKER. The gentleman from Maryland calls for the previous question on the substitute reported by the Committee on Accounts for the resolution referred to them.

Mr. RANDALL. I call for a division.

The question being taken, there were—ayes, 19, noes 35.

So (further count not being called for) the previous question was not ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] is recognized.

Mr. RANDALL. I move to amend the proposition so that this work shall be done by the clerks of the Committee on War Claims. I am willing the work should be done, but I think it should be done by employés of the House.

Mr. HOLMAN. I trust the gentleman from Pennsylvania will allow this resolution to go to the Committee on War Claims, the committee which has had the duty of examining these claims from the beginning, and is more familiar with the subject than any other committee can be. If in order, I move that the resolution and substitute be referred to the Committee on War Claims, with authority to report at any time.

Mr. URNER. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. URNER. Is it in order for me to withdraw this resolution?

Mr. HOLMAN. I think it should be acted upon in some way or other.

The SPEAKER. It may be withdrawn by unanimous consent. If there be no objection the gentleman from Maryland withdraws the report.

Mr. RANDALL. There is objection. I move to amend the substitute so that it will read as follows:

Resolved, &c., That the clerk and assistant clerk of the Committee on War Claims, under the direction of the file clerk of the House, are directed to prepare an alphabetical list of the papers received from the late commissioners of claims, which shall contain such action as was had thereupon, the work to be completed on or before the first day of December, 1882.

Mr. URNER. I move to recommit this whole matter to the Committee on Accounts.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] submits an amendment. The gentleman from Maryland moves to recommit the resolution with the pending amendment to the Committee on Accounts.

Mr. HOLMAN. I trust the gentleman will allow this to go the proper committee, the Committee on War Claims.

The question being taken, the motion to recommit to the Committee on Accounts was agreed to.

DANIEL DONOVAN.

Mr. URNER also, from the same committee, reported back the bill (H. R. No. 5614) for payment to Daniel Donovan for additional labor and services rendered to the District of Columbia, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

BEAUFORT C. LEE.

Mr. URNER also, from the same committee, reported back the resolution for the relief of Beaufort C. Lee; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Claims.

The motion was agreed to.

SETTEES IN ROTUNDA.

Mr. URNER also, from the same committee, reported back with a favorable recommendation the following concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the Sergeants-at-Arms of the House and of the Senate purchase for the use of the Rotunda of the Capitol the thirty-two elastic settees now in said Rotunda, at a sum not exceeding \$7 each, one-half of the amount to be paid out of the contingent fund of the House of Representatives and one-half out of the contingent fund of the Senate.

Mr. BURROWS, of Michigan. I did not exactly catch the object of the resolution from the reading of it.

Mr. URNER. It is a concurrent resolution to authorize the purchase of the settees in the Rotunda. It is asked for by the Architect of the Capitol.

The resolution was agreed to.

MINNIE LYLES.

Mr. URNER also, from the same committee, reported back the resolution for payment out of the contingent fund of the House to Minnie Lyles, widow of Alfred Lyles, late employé of this House, a sum equal to his pay for three months and the proper funeral expenses, and moved that the resolution be referred to the Committee on Appropriations with a favorable recommendation.

The motion was agreed to.

Mr. URNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORTS OF SMITHSONIAN INSTITUTION AND NATIONAL MUSEUM.

Mr. SPRINGER, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. R. No. 144) authorizing the Public Printer to print reports of the Smithsonian Institution and National Museum.

The joint resolution was read, as follows:

Resolved, &c., That the Public Printer be, and he hereby is, instructed to print and stereotype, from time to time, the regular number of 1,900 copies of any matter furnished him by the secretary of the Smithsonian Institution relative to the operations, researches, and explorations of the institution and the National Museum, to be capable of being distributed in parts, and the whole to form annual volumes in quarto or octavo, as may be required, with suitable illustrations, to be made under the direction of the Joint Committee on Printing; the extra edition of said works to consist of 5,000 copies, of which 2,500 shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,500 for the use of the Smithsonian Institution, for distribution to public libraries and for exchange, the returns for which to be placed in the Library of Congress.

The question was upon ordering the joint resolution to be engrossed for a third reading.

Mr. HOLMAN. I wish to inquire of the gentleman from Illinois [Mr. SPRINGER] whether he thinks it is good policy to make this permanent appropriation for the publication of the works of this institution without any further action of Congress? And does he deem it proper to extend the same principle to any other department of the Government?

Mr. SPRINGER. These publications of the Smithsonian Institution have become so well understood and reduced to such a system that it is deemed advisable to regulate their printing by general

law in order that there may be uniformity in the volumes printed and in the manner of their distribution.

I have here a communication from the secretary of the Smithsonian Institution which I erroneously presented to the House on the 20th of June last in connection with another matter. It relates, however, to this joint resolution, but was by mistake printed heretofore in the RECORD in reference to another subject. If the gentleman desires it, I will have it read now, or it may be printed in the RECORD.

Mr. HOLMAN. I hope it will be read. I understood that the gentleman was opposed to these indiscriminate publications.

Mr. SPRINGER. I am when they are inconsiderately made, but when they are reduced to a system I think the publications should be made permanent.

Mr. HOLMAN. The same argument would apply to all publications.

The SPEAKER. The communication will be read.

The following communication was read in part, and the whole of it ordered to be printed in the RECORD:

SMITHSONIAN INSTITUTION,
Washington, D. C., March 1, 1882.

SIR: I beg to make the following statement in explanation of a resolution offered in the House a few days since in reference to the printing by Congress of certain volumes for the service of the Smithsonian Institution and the National Museum.

Since the Smithsonian Institution began its labors it has printed quite a number of important works of great scientific and practical value. These consist of papers and reports on the recent progress and present condition of our knowledge upon various scientific subjects, such as chemical technology, meteorology, general natural history, astronomy, geography, American antiquities, &c., and constitute a series eagerly sought after as standard works by libraries throughout the United States. The edition printed is usually 1,500 copies, which are distributed—

1. To the principal libraries of the United States which rank in proportion to the number of volumes already in their possession and the position they hold within a certain district;

2. To colleges and academies; and

3. To scientific, technical, and industrial societies publishing transactions and furnishing copies of these in return.

A few special presentations are also made gratuitously to persons engaged in certain researches, covered by the original investigations relative to the subjects involved. Besides, with few exceptions, all the libraries in the various Congressional districts which receive the Government publications through the Interior Department are on our books. Our exchange of publications with societies covers the whole civilized world; and by this method the most valuable collection extant of transactions of societies and journals of all kinds has been concentrated in Washington. Its magnitude may be estimated from the fact that it now embraces nearly one hundred thousand volumes, in the pages of which are presented all the original announcements of discovery in theoretical and applied science, data being thus furnished for magazine articles, reviews, and text-books. While a library possessing these original sources of information from all parts of the world is admirably adapted for enabling inventors and students to keep pace with the progress of discovery in all countries, it also saves them an expenditure of time in unwittingly prosecuting investigations already elaborated and published. Comparatively few of these books received as exchanges can be purchased, the vast majority of them being obtainable in no other way than through a system of exchange such as that which has been carried on by the Smithsonian for many years.

Thus the publishing fund is converted into books which are bartered for other books of a similar character, the result being a collection of works to buy even a portion of which would require a sum much larger than the fund used in publishing.

The special plea for this application is—

1. The scientific and educational value of the Smithsonian and National Museum publications;

2. Their gratuitous distribution to the public libraries which have been established as recipients of Government publications;

3. The fact that the whole of the library accumulated by the Smithsonian Institution in the manner above described is now a part of the Congressional Library, constituting one of its most important factors; and

4. That all the additional receipts of books, through exchange or otherwise, are sent at once to the Library of Congress, and are immediately incorporated therein.

The publications of the Smithsonian consist of an annual volume of the quarto series entitled "Smithsonian Contributions to Knowledge," of which twenty-three have appeared; also an annual volume of "Miscellaneous Collections," (octavo,) of which the same number have been issued; and the "Proceedings of the National Museum," of which four volumes are ready, together with the "Bulletins of the National Museum," whereof one only has thus far been issued, and several parts which appear separately.

I have the honor to be, very respectfully, your obedient servant,

SPENCER T. BAIRD, Secretary.

Hon. R. T. VAN HORN,

Chairman of Joint Committee on Printing, House of Representatives.

Mr. HISCOCK. How did this joint resolution come before the House?

The SPEAKER. It was reported regularly from the Committee on Printing.

Mr. HISCOCK. I move that the House now adjourn.

Mr. SPRINGER. I hope the gentleman will not insist on that motion now.

Mr. TUCKER. I hope the House will not adjourn.

Mr. HOLMAN. I call for the regular order.

Mr. STEELE. I desire to move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER. The question is on the motion to adjourn.

The question was taken; and upon a division there were—ayes 63, noes 51.

Before the result of the vote was announced,

Mr. ALDRICH called for the yeas and nays.

Mr. BURROWS, of Michigan. Oh, no; it is too hot for that.

The question was taken upon ordering the yeas and nays, and there were thirty-five in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 63, not voting 124, as follows:

YEAS—99.

| | | | |
|--------------------|------------------|--------------------|------------------|
| Anderson, | Dugro, | McMillin, | Smith, J. Hyatt |
| Armfield, | Dunn, | Moore, | Stockslager. |
| Atherton, | Evins, | Morrison, | Stone, |
| Atkins, | Forney, | Mutchler, | Strait, |
| Bayne, | Garrison, | Neal, | Talbot, |
| Bisbee, | Hammond, N. J. | Parker, | Taylor, |
| Blackburn, | Harmer, | Payson, | Thomas, |
| Blount, | Harris, Benj. W. | Peirce, | Thompson, P. B. |
| Brewer, | Hatch, | Pettibone, | Townsend, R. W. |
| Briggs, | Hazelton, | Randall, | Turner, Henry G. |
| Browne, | Hepburn, | Ray, | Turner, Oscar |
| Buck, | Hewitt, Abram S. | Reed, | Wadsworth, |
| Buckner, | Hiscock, | Rice, John B. | Wait, |
| Burrows, Julius C. | Holman, | Rice, William W. | Ward, |
| Butterworth, | Horr, | Rich, | Warner, |
| Cannon, | Hosse, | Robeson, | Washburn, |
| Chace, | Hubbell, | Robinson, Wm. E. | Watson, |
| Cox, Samuel S. | Hutchins, | Ross, | White, |
| Cox, William R. | Jadwin, | Ryan, | Whitthorne, |
| Cullen, | Ketcham, | Scales, | Williams, Thomas |
| Curtin, | Knott, | Seoville, | Willis, |
| Dawes, | Leedom, | Shultz, | Willits, |
| De Motte, | Le Fevre, | Simonton, | Wilson, |
| Dezendorf, | Mackey, | Smith, A. Herr | Wise, George D. |
| Dibrell, | Manning, | Smith, Dietrich C. | |

NAYS—66.

| | | | |
|------------|--------------------|-------------------|--------------------|
| Aldrich, | Ellis, | Lynch, | Shallenberger, |
| Belmont, | Ermentrout, | McClure, | Sherwin, |
| Blanchard, | Errett, | McKenzie, | Skiner, |
| Bliss, | Farwell, Sewell S. | Mills, | Spaulding, |
| Bowman, | Ford, | Morey, | Springer, |
| Buchanan, | George, | Muldrow, | Townsend, Amos |
| Cabell, | Gunter, | Norcross, | Tucker, |
| Campbell, | Hardenbergh, | Oates, | Updegraff, J. T. |
| Carpenier, | Harris, Henry S. | Peelle, | Upton, |
| Cassidy, | Haseltine, | Phelps, | Urner, |
| Clements, | Haskell, | Pound, | Vance, |
| Colerick, | Henderson, | Prescott, | Van Horn, |
| Converse, | Jones, George W. | Reagan, | Wellborn, |
| Crapo, | Jones, James K. | Rice, Theron M. | West, |
| Cravens, | Klotz, | Ritchie, | Williams, Chas. G. |
| Culberson, | Lewis, | Robinson, Geo. D. | |
| Dingley, | Lord, | Robinson, Jas. S. | |

NOT VOTING—124.

| | | | |
|------------------|-------------------|----------------|---------------------|
| Aiken, | Davis, Lowndes H. | Jones, Phineas | Page, |
| Barbour, | Deering, | Jorgensen, | Paul, |
| Barr, | Deuster, | Joyce, | Phister, |
| Beach, | Dowd, | Kasson, | Ranney, |
| Belford, | Dunnell, | Kelley, | Richardson, D. P. |
| Beltzhoover, | Dwight, | Kenna, | Richardson, Jno. S. |
| Berry, | Farwell, Chas. B. | King, | Robertson, |
| Bingham, | Fisher, | Lacey, | Rosecrans, |
| Black, | Flower, | Ladd, | Russell, |
| Bland, | Frost, | Latham, | Scranton, |
| Bragg, | Fulkerson, | Lindsey, | Shackelford, |
| Bruun, | Geddes, | Lowe, | Singleton, Jas. W. |
| Burrows, Jos. H. | Gibson, | Marsh, | Singleton, Otho R. |
| Caldwell, | Godshalk, | Martin, | Smalls, |
| Calkins, | Groat, | Mason, | Sparks, |
| Camp, | Guenther, | Matson, | Speer, |
| Candler, | Hall, | McCoid, | Spooner, |
| Carlisle, | Hammond, John | McCook, | Steele, |
| Caswell, | Hardy, | McKinley, | Stephens, |
| Chapman, | Heilman, | McLane, | Thompson, Wm. G. |
| Clardy, | Herbert, | Miles, | Tyler, |
| Clark, | Herndon, | Miller, | Updegraff, Thomas |
| Cobb, | Hewitt, G. W. | Money, | Valentine, |
| Cook, | Hill, | Morse, | Van Aernam, |
| Cornell, | Hoblitzell, | Mosgrove, | Van Voorhis, |
| Covington, | Hoge, | Moulton, | Walker, |
| Crowley, | Hooker, | Murch, | Webber, |
| Cutts, | Houk, | Nolan, | Wise, Morgan R. |
| Darrall, | Hubbs, | O'Neill, | Wood, Benjamin |
| Davidson, | Humphrey, | Orth, | Wood, Walter A. |
| Davis, George R. | Jacobs, | Pacheco, | Young, |

So the motion to adjourn was agreed to.

The following pairs were announced from the Clerk's desk:

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DWIGHT with Mr. HARDY.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. GROUT with Mr. COVINGTON.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. SCRANTON with Mr. BEACH.

Mr. CORNELL with Mr. LATHAM.

Mr. CURTIN with Mr. THOMAS.

Mr. HAMMOND, of New York, with Mr. PHISTER.

Mr. GEDDES with Mr. RITCHIE.

Mr. GUENTHER with Mr. DEUSTER.

Mr. McLANE with Mr. URNER.

Mr. MASON with Mr. MONEY.

Mr. FARWELL, of Illinois, with Mr. SCALES.
 Mr. MILES with Mr. SINGLETON of Illinois.
 Mr. UPDEGRAFF, of Iowa, with Mr. RICHARDSON, of South Carolina.
 Mr. STEELE with Mr. COBB.
 Mr. BREWER with Mr. HOGE.
 Mr. CASWELL with Mr. MOULTON.
 Mr. O'NEILL with Mr. KENNA.
 Mr. BELTZHOVER with Mr. MCCOOK.
 Mr. RUSSELL with Mr. SPEER.
 Mr. HILL with Mr. STEPHENS.
 Mr. MCKINLEY with Mr. CARLISLE.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. No. 60) to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;

Joint resolution (S. R. No. 81) to authorize the construction and maintenance of a bridge across the Saint Lawrence River;

Joint resolution (S. R. No. 83) relating to the memorial cards to accompany the memorial address on the life and character of the late James A. Garfield;

A bill (S. No. 602) for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased;

A bill (S. No. 790) for the relief of Joseph Hertford;

A bill (S. No. 838) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, New Jersey;

A bill (S. No. 1435) for the relief of Albert Elsberg, administrator of Gustave Elsberg, deceased; and

A bill (S. No. 1582) to amend the statutes in relation to copyright.

LEAVE OF ABSENCE.

Mr. MOORE, by unanimous consent, obtained indefinite leave of absence, on account of sickness.

LEAVE TO PRINT.

By unanimous consent, Mr. JONES, of Arkansas, obtained leave to have printed in the RECORD remarks on general subjects. [See Appendix.]

LAND GRANTS TO RAILROADS.

The SPEAKER. The gentleman from Minnesota [Mr. STRAIT] asks a change of reference of the letter of the Secretary of the Interior, in response to a House resolution of June 6, 1882, concerning alleged excessive certification of lands to certain railroad companies. This letter was referred to the Committee on the Judiciary. If there be no objection, that committee will be discharged from its consideration and the communication will be referred to the Committee on the Public Lands.

There was no objection, and it was ordered accordingly.

SEWELL COULSON AND OTHERS.

Mr. PEELE, by unanimous consent, reported back from the Committee on Claims with a favorable recommendation the bill (H. R. No. 4431) for the payment of Sewell Coulson and Porter, Harrison & Fishback for legal services; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CARRIAGE AND STORAGE OF DANGEROUS ARTICLES.

Mr. TOWNSEND, of Ohio, by unanimous consent, reported back from the Committee on Commerce with a favorable recommendation the bill (H. R. No. 6774) to amend section 4472 of the Revised Statutes, relative to the carriage and use as stores of certain dangerous articles; which was placed on the House Calendar, and the accompanying report ordered to be printed.

The result of the vote on the motion to adjourn was then announced; and accordingly (at twelve o'clock and fifty minutes p. m.) the House adjourned until Monday next.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. CAMPBELL: The petition of 1,408 civil, mechanical, and mining engineers, machinists, ship-builders, and other constructors in 28 different States and Territories, and insurance companies of Massachusetts representing a capital of \$300,000,000, and similar corporations of other States, for the passage of House bill No. 4726, providing for the appointment of a commission for testing iron, steel, and other manufacturing materials—to the Committee on Manufactures.

By Mr. CASSIDY: The petition of M. P. H. Lowe, a veteran of the Mexican war, relative to the treatment by the Government of soldiers engaged in the Mexican war—to the Committee on Pensions.

By Mr. CULBERSON: The petition of Frank C. Armstrong, for

the removal of political disabilities—to the Committee on the Judiciary.

By Mr. GEORGE R. DAVIS: The petition of George Scoville, accompanied by a letter signed by Judge Drummond and other judicial officers, praying that the Department of Justice shall audit and pay claims for legal services of counsel for defense in the Guiteau trial in like manner as now authorized as to special counsel for the Government—to the same committee.

By Mr. FISHER: The petition of John Dougherty and others, for establishment of national observatory and school of mines on Jack's Mountain, Pennsylvania—to the Committee on Education and Labor.

By Mr. HENDERSON: The petition of Mrs. Hannah J. Coffee and other ladies of Rock Island County, Illinois, for an amendment to the Constitution of the United States to enfranchise women—to the Committee on Woman Suffrage.

By Mr. THOMAS UPDEGRAFF: The petition of the Iowa State board of health and of S. F. Andrews, for an appropriation for the support and maintenance of the National Board of Health—to the Committee on Appropriations.

By Mr. VANCE: The petition of William Pickens, for a pension—to the Committee on Invalid Pensions.

By Mr. WHITE: The petition of John W. Mullins, of London, Kentucky, for an appropriation to be expended under the direction of the Postmaster-General to examine improved methods of canceling stamps and mailing letters—to the Committee on the Post-Office and Post-Roads.

SENATE.

SATURDAY, July 29, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, in answer to a resolution of the 22d instant, transmitting a statement of the sums of money paid to the Ponca Indians since 1871, and under what treaty stipulation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented a petition of citizens of Marshall County, Kansas, praying for the passage of an act granting a pension to Beverly Post, who was a soldier in the late war; which was referred to the Committee on Pensions.

Mr. WALKER. I present a memorial of the Choctaw Indians, showing the results of certain former efforts to allot Indian lands in severalty, which I ask to have printed and referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. It is not usual to print memorials.

Mr. WALKER. Then let it be referred without printing.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Indian Affairs.

Mr. BUTLER presented the petition of Frank C. Armstrong, late captain Second United States Dragoons, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented the petition of Mary A. Hughes, of Louisville, Kentucky, widow of Franklin M. Hughes, late captain Company E, Twenty-eighth Regiment Kentucky Volunteer Infantry, praying for a pension; which was referred to the Committee on Pensions.

Mr. FERRY presented a petition of members of Garfield Post, Grand Army of the Republic, at Coloma, Michigan, praying for the passage of the House bill for the increase of pensions to those who have lost an arm or a leg or suffered disability equivalent thereto in the service of the United States; which was referred to the Committee on Pensions.

REPORT OF CHIEF SIGNAL OFFICER.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a concurrent resolution for printing 7,500 additional copies of the report of Chief Signal Officer for the use of the Signal Office, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

Resolved, (the House of Representatives concurring.) That there be printed 7,500 additional copies of the report of the Chief Signal Officer for the use of the Signal Office.

Mr. ANTHONY. The Senate passed a resolution printing 2,500 copies. The Secretary of War and the Chief Signal Officer asked for 10,000. We cut it down to 2,500 on the ground of economy, but there is a letter from the Secretary of War recommending the original number, and a letter from the Chief Signal Officer, which, I think, is very conclusive, showing the absolute necessity of it to carry on the operations of the Signal Office. The cost of it will be \$9,000.

The resolution was agreed to.

AMERICAN FORESTRY CONVENTION.

Mr. SHERMAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring.) That the proceedings of the American forestry convention held at Cincinnati in April, 1877, be printed, under the direction of the Commissioner of Agriculture, and that 5,000 additional copies be printed, of which 1,300 copies shall be for the use of the Senate, 2,600 copies for the use of the House, and 1,100 copies for the use of the Commissioner of Agriculture.

ORDER OF BUSINESS.

Mr. CONGER. I reported the other day from the Committee on Commerce a bill to regulate the carriage of passengers by sea. The Senator from Massachusetts [Mr. HOAR] does not object to any further postponement of the bill, and I should like very much to have it considered this morning.

Mr. GEORGE. Some time ago I introduced a resolution which now lies on the table—

The PRESIDENT *pro tempore*. If there is no further morning business the Senator from Michigan [Mr. CONGER] has the floor.

Mr. GEORGE. I want to call up that resolution this morning.

The PRESIDENT *pro tempore*. If there is no further morning business the morning hour is closed, and the Senator from Michigan asks to call up the bill (H. R. No. 6722) to regulate the carriage of passengers by sea.

Mr. HALE. How long a time does the Senator think the bill will occupy?

Mr. CONGER. I do not know that it will take any longer than to read it. As I remarked the other morning when I called it up, it is the same bill which passed the two Houses and which the President vetoed because of a misdescription in the bill of the deck and of the amount of space allotted to passengers by reason of a misdescription.

Mr. HALE. I do not want to interfere with the bill if it can go through easily. At the same time everybody sees that it is almost a necessity that we finish the naval appropriation bill to-day.

Mr. CONGER. I do not desire to antagonize that at all; but it is very essential that this bill should be passed. It has passed the House—

Mr. HALE. I see the force of that; I think it ought to go through. Suppose the naval appropriation bill be taken up as the order, and then I will yield to the Senator from Michigan if his bill will not take much time.

Mr. CONGER. I have no objection to that course.

Mr. INGALLS. I regard it as of the highest importance to the public service that the appropriation bill should be proceeded with. There will be ample opportunity for the consideration of measures from the House when the appropriation bills are in conference. I shall object to the consideration of the bill called up by the Senator from Michigan or any other bill; and if the Senator from Maine sees fit to allow his bill to be laid aside it will be by a vote of the Senate.

Mr. CONGER. I move that the Senate proceed to the consideration of the bill for the carriage of passengers by sea, notwithstanding the objection.

Mr. HALE. I think the Senator will get along better with his measure if he does not do that.

Mr. CONGER. I might be in a position where I could not make the motion, where I should be at the mercy of other members of the Senate. I wish to test the view of Senators upon the proposition.

Mr. HOAR. The bill has passed the House, I understand, and every provision in it the Senate has once given its assent to. There were additional provisions misdescribing or misusing the present term and description of ships, as I understand, on which the President vetoed the bill, and this bill strikes out that objectionable matter.

Mr. CONGER. The error which gave rise to all the trouble was describing what used to be called "the uppermost deck," which was the main deck in the old mode of describing decks; and now there is an additional deck called the uppermost deck. It is to restore the words "main deck."

Mr. HALE. If the Senator from Kansas will be willing to leave this thing as it was running along, I think the naval appropriation bill will be less embarrassed than by any other course.

Mr. CONGER. I want to say to Senators that the time we occupy in saying whether the Senate will consider a bill is sufficient ordinarily for its passage.

Mr. HALE. It might and might not. If the naval bill be taken up, as the Senator and I agreed, and I then yield to him, trusting to him that his bill will not take much time, both bills will get along faster.

Mr. CONGER. If the Senate does not desire to pass this bill, which the whole country and every interest in the country is demanding, it can be shown by a vote very readily. I insist on testing the sense of the Senate on it.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to postpone the regular order, which is the consideration of the Calendar under the Anthony rule, with a view to the consideration of the bill indicated by him.

Mr. ALLISON. Pending that motion I wish to report the sundry civil appropriation bill from the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Chair will receive the report.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, to report it with amendments.

ORDER OF BUSINESS.

Mr. CONGER. Why is it not possible some time in the Senate to have a motion entertained made by an obscure member of the Senate, but made in regular order, I believe?

The PRESIDENT *pro tempore*. The Chair was putting the motion when the Senator from Iowa presented the report on the sundry civil bill. The question is on postponing the regular order.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Senator from Michigan now moves to proceed to the consideration of the bill indicated.

Mr. SHERMAN. As I understand, that does not preclude the Senator from Maine from calling up the naval bill at twelve o'clock, or moving to take it up.

The PRESIDENT *pro tempore*. The morning hour is ended when the morning business is over.

Mr. INGALLS. Now, let us understand the effect of the motion. The morning business having ended the morning hour has expired. If this bill is taken up, until what time does its consideration extend without any further action on the part of the Senate?

The PRESIDENT *pro tempore*. Until two o'clock.

Mr. DAVIS, of West Virginia. I ask the Senator from Maine if he does not propose to take up the naval bill?

Mr. HALE. I should be very glad to take up the naval bill.

Mr. INGALLS. Then let us vote this motion down.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Michigan to take up the bill to regulate the carriage of passengers by sea.

Mr. CONGER. I call for the yeas and nays.

Mr. HAWLEY. I wish the Senate would appreciate the importance of this bill. I most heartily concur with the Senator from Michigan. It is one of very great importance, and it is due to our sense of humanity and justice that we should consider the bill. A comparatively trifling change has been made in it which does not touch the merits of the bill, but is a mere technical change. The general merits of the bill no one in the world can deny.

Mr. DAVIS, of West Virginia. I wish to understand why the bill cannot be taken up when the appropriation bills are disposed of. There will be plenty of time then. We all know that the appropriation bills have to go into conference committee, and these other bills can be disposed of while the appropriation bills are in conference. There are two appropriation bills now pending. The sundry civil bill has just been reported by the chairman of the Committee on Appropriations, and there will be a day or two after the passage by the Senate of the appropriation bills before we can adjourn, because the two Houses will have to agree upon them. Why cannot all these bills be taken up during that time?

Mr. HAWLEY. It would have been impossible to have had as much debate on the whole bill as we have had now on taking it up.

Mr. DAVIS, of West Virginia. Then why do Senators move to take up other bills when appropriation bills are pending?

Mr. CONGER. I move to take this up because of the continual recurrence of wrongs done to immigrants who approach our shores, who come to our ports, which are a burning shame to the American people. The law which protects the immigrants having been declared by the Supreme Court not to apply to steamships, the steamship companies are permitted to treat immigrants in whatever mean and dastardly manner they propose, and the newspapers are full of that.

Mr. DAVIS, of West Virginia. Has the Senator any knowledge of how long the bill will take?

Mr. CONGER. I think it would have been read through and passed before this bill if there had not been some little objection either to the principle of the bill or to its being taken up now. What I desire is to have the yeas and nays, and see who it is among Senators here who desire to postpone the passage of a law demanded by the humanity and by the judgment of the whole American people. The Senate may do as they please with it. I will do my duty and ask that it be taken up.

Mr. DAVIS, of West Virginia. Has not a similar bill been vetoed by the President?

Mr. CONGER. Yes, sir; because the President—

Mr. DAVIS, of West Virginia. Then it is not very well to say that it is such a burning shame not to take up the bill.

Mr. HAWLEY. This is the identical bill, and the technical objections the President was obliged to make have all been obviated.

Mr. HALE. Let me ask the Senator from Michigan, as he and I have very near once to an agreement, and by this time might have got the bill out of the way, will the Senator agree—

Mr. CONGER. Let me answer first the Senator from West Virginia.

Mr. HALE. Let me put this proposition: Will the Senator agree that if we consent to have this bill taken up he will not take any more time than until twelve o'clock.

Mr. CONGER. The Senator from Michigan will agree, as he always does, not to obtrude his own views on the Senate even on this bill, in which he feels great interest, and allow the Senate to pass it on the discussion of other members. I have no desire to say a word about it, so that the bill can be passed and become a law.

Mr. HALE. Will the Senator agree at twelve o'clock if debate arises that he will withdraw the bill and make no test question after that time?

Mr. CONGER. I see no necessity for that. This is in the morning hour, this is before the time for taking up appropriation bills any way. Now, why can it not be taken up and passed?

Mr. HALE. The Senator will not agree to what I suggested?

Mr. CONGER. I ask for the yeas and nays on the proposition.

The yeas and nays were ordered.

Mr. McMILLAN. I just wish to say, in view of the remarks of the Senator from West Virginia, that this bill has been reported once and passed by the Senate and House of Representatives, the only difficulty being a technical misdescription of one of the decks of vessels, which required the President to veto the bill. That has been remedied and corrected here, and there is no necessity for a word of discussion upon the merits of the bill. I hope it will be taken up, and passed without discussion.

Mr. HALE. I hope that the call for the yeas and nays will be withdrawn, so as to save the time and let the Senate go on with the bill, I giving notice that as soon as it is finished I shall call up the naval appropriation bill, or at twelve o'clock at any rate will move to lay it aside and take up the naval appropriation bill. We shall save time by not calling the yeas and nays.

Mr. GEORGE. I desire to give notice that as soon as the consideration of this bill is through I shall call up the resolution in regard to pensioning soldiers of the Mexican war which is now lying on the table, offered by me some days ago, and I shall ask for a vote on it.

Mr. BLAIR. I wish to make some reports from the Committee on Pensions.

The PRESIDENT *pro tempore*. By unanimous consent the Chair will receive morning business, although that order has been passed.

Mr. BLAIR. We have several reports; and it is very necessary they should be printed in order that the Senate may act on them at this session.

The PRESIDENT *pro tempore*. The Senator had better withhold the reports until we get through with the matter now before the Senate. The Senator from Maine has suggested that the call for the yeas and nays be withdrawn and that the Senate agree to take up the bill by unanimous consent. Is that conceded?

Mr. CONGER. Why cannot the yeas and nays be called?

The PRESIDENT *pro tempore*. They are ordered. The Senator from Maine made that suggestion.

Mr. CONGER. I did not hear what the suggestion was.

The PRESIDENT *pro tempore*. The Senator from Maine made the suggestion that the call be withdrawn.

Mr. HALE. If the Senator from Michigan wants the yeas and nays, let us have them and vote down the motion, and stick to the appropriation bill. He has rejected every proposition I have made.

The PRESIDENT *pro tempore*. The roll will be called on the motion of the Senator from Michigan to proceed to the consideration of the bill indicated by him.

The Principal Legislative Clerk proceeded to call the roll.

Mr. WALKER, (when Mr. GARLAND's name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call having been concluded, the result was announced—yeas 25, nays 17; as follows:

YEAS—25.

| | | | |
|------------------|-----------------|------------------|-----------|
| Cameron of Pa., | Hawley, | Miller of N. Y., | Van Wyck, |
| Cameron of Wis., | Hoar, | Morgan, | Vest, |
| Chilcott, | Jackson, | Pendleton, | Voorhees, |
| Conger, | Lapham, | Platt, | Windom. |
| George, | McDill, | Pugh, | |
| Grover, | McMillan, | Rollins, | |
| Harrison, | Miller of Cal., | Sherman, | |

NAYS—17.

| | | | |
|----------|--------------------|----------|---------|
| Allison, | Coke, | Harris, | Vance. |
| Bayard, | Davis of Illinois, | Ingalls, | Walker. |
| Beck, | Davis of W. Va., | Logan, | |
| Blair, | Frye, | Maxey, | |
| Butler, | Hale, | Morrill, | |

ABSENT—34.

| | | | |
|-----------|-------------------|-------------------|------------|
| Aldrich, | Farley, | Jonas, | Ransom, |
| Anthony, | Ferry, | Jones of Florida, | Saulsbury, |
| Brown, | Garland, | Jones of Nevada, | Saunders, |
| Call, | Gorman, | Kellogg, | Sawyer, |
| Camden, | Groome, | Lamar, | Sewell, |
| Cockrell, | Hampton, | McPherson, | Slater, |
| Dawes, | Hill of Colorado, | Mahone, | Williams. |
| Edmunds, | Hill of Georgia, | Mitchell, | |
| Fair, | Johnston, | Plumb, | |

So the motion was agreed to.

PASSENGERS BY SEA.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6722) to regulate the carriage of passengers by sea.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. HALE and Mr. GEORGE addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Maine.

Mr. HALE. I move now to take up the naval appropriation bill.

Mr. SAUNDERS. Will the Senator from Maine allow me to call up a bill which came from the House?

Mr. HALE. Let me get the naval appropriation bill taken up, and then for any formal matter I will yield.

The PRESIDENT *pro tempore*. The Senator from Mississippi [Mr. GEORGE] wished to take up a resolution. He did not address the Chair as soon as the Senator from Maine, although he rose first.

Mr. HALE. The Chair will remember that I gave notice first that I should make this motion. I do not want, now that it is so important the naval bill should be got through, to have anything else come up that will take any time.

Mr. INGALLS. Everything will take time that is taken up.

Mr. GEORGE. I do not think the resolution will take any time.

The PRESIDENT *pro tempore*. Does the Senator from Maine insist on his motion?

Mr. HALE. I must insist on taking up the naval appropriation bill, and then in regard to formal matter, if any Senator wants to make a report or anything of that kind, of course I shall not interfere with that.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the naval appropriation bill.

The motion was agreed to.

The PRESIDENT *pro tempore*. The naval appropriation bill is before the Senate.

Mr. GEORGE. I ask that the naval appropriation bill be laid aside temporarily, with a view of taking up a resolution I offered several days ago instructing the Committee on Pensions to report a bill pensioning the soldiers who served in the Mexican war and who are in such indigent circumstances that they derive their subsistence by manual labor and only by that. I understood when the general pension bill was being discussed and when an amendment was offered looking to the pensioning of the soldiers of the Mexican war there was a very general expression of the wish to give a pension to those of them who are indigent. I have drawn this resolution with a view of meeting that sentiment on the part of the Senate. It is not what I believe is due to the soldiers of the Mexican war, but I hope the Senate will consent to take up the resolution and act on it and pass it.

Mr. HALE. I cannot yield to that, for several Senators have just notified me that when the resolution of the Senator from Mississippi comes up they wish to debate it at some length; so that it would evidently take up at least the day. I know that under those circumstances the Senator himself would not wish to take it up.

The PRESIDENT *pro tempore*. A single objection carries it over.

Mr. GEORGE. Have I a right to make a motion now to take up the resolution?

The PRESIDENT *pro tempore*. The Senator has a right to move to set aside the naval appropriation bill and take the sense of the Senate upon that motion with a view to taking up the resolution.

Mr. GEORGE. I believe it my public duty to make that motion.

Mr. HALE. I hope the Senator will not make that motion. Of course it is in his discretion, if he chooses, but we have the naval appropriation bill up now, and I am sure the Senate desires to go on with it.

Mr. GEORGE. If I could be assured that I should have another opportunity during the present session of the Senate to make the motion, I would not press it now. With the understanding that I shall have such an opportunity, I will waive it.

The PRESIDENT *pro tempore*. The Chair would suggest to the Senator that after the appropriation bills are passed, of course there must be considerable time. It is for the Senate to decide what it will do.

Mr. MAXEY. I am very much in favor of the resolution of the Senator from Mississippi, but I believe the appropriation bills ought to be passed, and while they are in conference we shall have some time and then we can act upon the resolution.

Mr. GEORGE. According to that suggestion I waive the motion for the present consideration of the resolution.

REGULATION OF IMMIGRATION.

Mr. MILLER, of New York. I desire to call the attention of the Senator from Maine to a bill which I ask his consent to take up at this time, laying aside informally the appropriation bill. I wish to have taken up the bill (H. R. No. 6677) to regulate immigration. I do not desire to antagonize the naval appropriation bill, but this is a bill of such importance, it being in the same line with the bill which has just passed the Senate, that I am very anxious it should be taken up and passed. I think it will give rise to no discussion. If the Senator from Maine will give way for that purpose I should be very glad to have it taken up. I appeal to the Senator from Maine.

Mr. HALE. The Senator's bill may be read, and if it gives rise to no discussion and passes at once, I shall yield to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6677) to regulate immigration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OMAHA INDIAN RESERVATION.

Mr. SAUNDERS. I ask that Senate bill No. 1255, received from the House of Representatives, be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, which was to strike out all after the enacting clause and insert a substitute therefor.

Mr. SAUNDERS. Without reading the amendment, I wish to move that the Senate do not concur in the amendment of the House; and to expedite business I will move that a committee of conference be appointed.

Mr. HAWLEY. I am not sure that that motion ought to be agreed to by any manner of means. I am inclined to think the House has improved the bill. I suppose it is a matter of mere form to agree to a conference committee.

Mr. DAWES. Without doubt the House improved the bill, but there seems to be a necessity for some verbal alteration.

Mr. HALE. If the bill can go to a conference at once I will yield for that purpose.

Mr. HAWLEY. I refrain from objecting partly on the intimation of the Senator from Massachusetts that the bill is about right.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. SAUNDERS, Mr. DAWES, and Mr. PENDLETON were appointed the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had concurred in the resolution of the Senate of the 19th instant for the printing of 3,000 copies of the Flags of Maritime Nations from the plates now in the possession of the Bureau of Navigation, Navy Department.

REPORTS OF COMMITTEES.

Mr. WINDOM. In accordance with the notice of the Senator from Maine that he will yield for merely formal matter, I wish to make a report from the Committee on Foreign Relations. I am instructed by the Committee on Foreign Relations to ask that the message which I send to the Chair, being a report of the Secretary of State in regard to the claims of Benjamin Weil and the La Abra Silver Mining Company against Mexico, be printed in confidence for the use of the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. Which order will be made, if there be no objection. The Chair hears none.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 6317) granting an increase of pension to James Bennett, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 2078) granting a pension to Mrs. Adeline A. Turner, asked to be discharged from its further consideration, and that the bill be postponed indefinitely; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 3414) granting a pension to Sarah J. Cameron, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3733) granting a pension to Mary E. Taylor, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3601) for the relief of Martha A. Jones, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 3717) granting a pension to Alvin Walker, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. No. 5985) granting a pension to Martha Jane Douglas, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. CHILCOTT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2966) granting a pension to Annie W. Osborne, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

WIDOW OF H. H. GARNETT.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. R. No. 270)

for the relief of Sarah J. S. Garnett, widow of Henry H. Garnett, late minister to Liberia, to report it back without amendment. The joint resolution is only six lines long and it is exactly like two others we have passed, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides for the payment to Sarah J. S. Garnett, widow of Dr. Henry H. Garnett, late minister of the United States to Liberia, one year's salary as minister, in addition to all legal allowances, deducting the amount of salary received by him since the date of his appointment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. CULLEN.

Mr. BLAIR. I call the attention of the Senator from Tennessee [Mr. JACKSON] to the bill (H. R. No. 5158) for the relief of James F. Cullen. In that case there is a majority and minority report from the Committee on Pensions. Since the case was placed on the Calendar additional evidence has been placed in the hands of the committee which has been examined by them, and further action has been taken by the committee, so that what was the minority report is now the report of the majority, while the majority report has become the minority report, and both the majority and minority desire to submit additional views, that they may be printed.

The PRESIDENT *pro tempore*. The order allowing that will be made if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House insisted upon its amendment to the bill (S. No. 126) to reimburse the Creek orphan fund disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. N. C. DEERING of Iowa, Mr. D. C. HASKELL of Kansas, and Mr. OLIN WELBORN of Texas, the conferees on the part of the House.

BILL INTRODUCED.

Mr. DAVIS, of West Virginia, (by request,) asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2168) providing pay, bounty, &c., for the militia of the State of West Virginia who actually performed service for the United States Government during the late war; which was read twice by its title, and referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the act (S. No. 2084) to encourage and promote telegraphic communication between America and Europe; and on the 27th instant the act (S. No. 329) to authorize the preparation and publication of a classified, analytical, and descriptive catalogue of all Government publications from July 4, 1776, to March 4, 1881, and an act (S. No. 679) for the relief of William A. Gavett.

The message also announced that the President had on the 28th instant approved and signed the following acts and joint resolutions:

An act (S. No. 469) to provide for the sale of certain Kickapoo Indian lands in Kansas;

An act (S. No. 698) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians;

An act (S. No. 1620) to authorize the construction of a street-railway and wagon-road bridge over the Rio Grande River between the city of El Paso, Texas, and Paso del Norte, Mexico;

A joint resolution (S. R. No. 17) relating to the refunding of certain internal-revenue taxes illegally assessed against and collected from the Detroit House of Correction in the State of Michigan;

A joint resolution (S. R. No. 75) allowing the widow of General Stephen A. Hurlbut, late minister to Peru, one year's salary; and

A joint resolution (S. R. No. 77) allowing the widow of General Judson Kilpatrick, late minister to Chili, one year's salary.

NAVAL APPROPRIATION BILL.

Mr. HALE. Now I call for the regular order.

The PRESIDENT *pro tempore*. The naval appropriation bill is the regular order.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

Mr. HALE. I offer the following amendment from the Committee on Appropriations.

The PRESIDENT *pro tempore*. There was one portion of the bill passed over informally yesterday.

Mr. HALE. That can be taken up after this amendment. On line 17, page 2, after the word "promotion," I move to insert:

Who shall, after fifteen years' service, be entitled to receive as annual pay, when at sea, \$2,100; when on shore duty, \$1,800, and when on leave or waiting orders, \$1,600.

The amendment was agreed to.

Mr. HALE. Now with the leave of the Senate let us go to the part informally passed over last evening; that is on page 25.

The ACTING SECRETARY. In line 596, after the word "namely," the Committee on Appropriations propose to strike out the word

"to" and insert "under the Bureau of Construction and Repair, to;" so as to read:

That \$1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects, namely: Under the Bureau of Construction and Repair, to building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomah.

Mr. HALE. There is no objection to that amendment.

The amendment was agreed to.

The next amendment reported by the Committee on Appropriations was, after the word "Miantonomah," in line 599, to insert the word "and."

The amendment was agreed to.

Mr. BECK. Is the amendment I offered being considered now?

Mr. HALE. No; we are only now considering that part touching the launching of these ships, to which nobody objects. After this amendment is passed we come then to that portion of the bill that the Senator from Kentucky and the Senator from Delaware perhaps wish to be heard upon.

The PRESIDENT *pro tempore*. Six hundred and one is the line.

Mr. BAYARD. The Senate will remember that last evening I suggested, and if I did not then I will offer now to strike out the words "of such," in line 601.

Mr. HALE. We have not reached that yet. We are only on that part relating to the launching now.

The PRESIDENT *pro tempore*. We are down to line 601.

Mr. HALE. Has the amendment in line 599 been acted on?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HALE. If that is passed it is all right. The Senator from Delaware can now send up his amendment.

Mr. BAYARD. I gave it to the Secretary last night. I ask him to read it.

The ACTING SECRETARY. In line 605, it is proposed to strike out the words "of such;" and in the same line, after the word "vessels," to strike out "as he may, on examination, think most expedient and best for the interests of the service;" so as to make the clause read:

Under the Bureau of Steam-Engineering, subject to the conditions hereinafter provided, to the beginning and continuing to completion of work upon the engines and machinery of said vessels, and that any part of the appropriation for said bureau not used as above specified, may be applied toward the construction of engines and machinery of the two new cruising vessels provided for in this act.

Mr. HALE. I have no objection to that amendment.

Mr. INGALLS. Before departing from this subject I should like to ascertain from the Senator from Maine having this bill in charge in what condition the steamers Miantonomah, Monadnock, Puritan, Amphitrite, and Terror now are?

Mr. HALE. The Monadnock, the Puritan, Amphitrite, and Terror now lie in the yards of the several contractors.

Mr. INGALLS. What yards are they?

Mr. HALE. One yard is at Chester, of Mr. Roach; one of Harlan & Hollingsworth, at Wilmington, and one of Cramps, in Philadelphia.

Mr. BECK. The Terror is at Cramps's, the Puritan at Roach's, and the Amphitrite at Wilmington.

Mr. HALE. And the Monadnock is in California.

Mr. INGALLS. But what amount of money has been expended on each of them since the sale to these contractors of the material in the old vessels of the same names?

Mr. HALE. I can get the figures showing the whole amount in detail. I can state in gross here, without hunting up the figures, that their condition is this: the hulls have been completed—

Mr. INGALLS. How much has been expended since the sale of the original vessels?

Mr. HALE. I will get the figures if the Senator wants them of that particular time. I cannot tell him now just what has been expended on these vessels in detail between one date and another. I only here can say that they have been completed so far as the hulls are concerned, and are ready now if it is deemed advisable to put further work upon them; but there has been nothing done beyond that.

Mr. INGALLS. When was the last work done on these hulls? Has anything been done since 1877?

Mr. HALE. Four years ago.

Mr. INGALLS. Since 1877?

Mr. HALE. In 1877. They have lain there ever since.

Mr. INGALLS. Has there been any report from any board of naval survey showing that they are in a condition that renders it possible that they can ever be made serviceable for sea?

Mr. HALE. There have been different reports made upon them, some reports in one direction and some reports varying. It is a question to be settled for the future as to the advisability of putting more money upon them. I should advise any Secretary to proceed with the greatest care and circumspection, considering two questions; first and fundamentally the question that he must clear away before he goes to anything else is whether he will do anything upon them. That is the first question. That is the brushing of the road, and I would advise any Secretary, as I said, to proceed with care and circumspection under the advice of a board before he settles that, and then if that is settled in favor of further work being put upon these hulls, and it is found when they are launched that they float well, that they can be taken around and indicate seagoing qualities, then

I would consider the question with equal care and circumspection as to just what shall be done. But that is all in the future, and the Senator knows, as he has examined this, that we have tried to guard and limit it in every possible way.

Mr. INGALLS. Well, Mr. President, I doubt very much whether the matter is sufficiently guarded. I do not want, if possible, to have the history of the past with regard to the construction and reconstruction of these ships repeated. I believe that at the close of the war all these vessels that are named were upon the stocks in a condition of greater or less completion. Up to the time when this system was adopted which has resulted so disastrously, the Puritan had cost nearly \$2,000,000; the Amphitrite had cost nearly \$1,200,000; the Terror had cost over \$1,000,000; and the Miantonomah had cost about \$1,300,000. The Puritan was sold for a little in excess of \$43,000 to Mr. John Roach. The Amphitrite, which cost nearly \$1,200,000, was sold to a firm of favored contractors for a little in excess of \$28,000. The Terror, which cost over a million dollars, was sold for about \$32,000; and the Miantonomah, which cost in excess of \$1,300,000, was sold to John Roach for a little in excess of \$27,000.

Mr. BAYARD. Will the Senator please state to whom the Amphitrite was sold?

Mr. INGALLS. The Amphitrite, as I am advised, was sold to Harlan, Hollingsworth & Co. for the exact sum of \$28,782. So that these four ships, which had cost in money up to that time the sum of \$5,457,789, brought as old iron and useless material the sum of \$132,439, and out of this paltry and petty sum was taken the cost of the demolition of the vessels, so that this net material which cost nearly five million and a half brought in all to the Government, after the expenses were deducted, the sum of \$78,000.

Now, Mr. President, I am not willing that anything shall be left to the discretion of any executive officer of this Government that shall permit the repetition of such extraordinary operations as these, and that we shall thereafter be told, when expenditures grossing five and a half million dollars have netted but \$78,000, that there has been parsimony on the part of Congress in dealing with the American Navy.

Mr. VANCE. Will the Senator allow me to ask him a question? I wish to know if those were sales passing absolutely the property of the Government to the purchaser?

Mr. INGALLS. So I understand.

Mr. VANCE. Then I should like to ask the chairman of the committee that has the bill in charge by what right we undertake to appropriate money to fit out these ships or exercise any ownership over them at all?

Mr. INGALLS. I know nothing about the matter. I am not the chairman of the committee.

Mr. VANCE. I directed my inquiry to the chairman.

Mr. INGALLS. But the history of these vessels is neither fortunate nor fragrant, and it is not becoming that there should be any opening left by which the operations in regard to the reconstruction of these vessels can by any possibility be repeated, and before I vote the expenditure of any money for rebuilding these vessels which have already been once upon the register and have met with this unfortunate destiny I should like to have the Senator in charge of the bill explain what provisions there are that render the repetition of these extraordinary operations impossible.

Mr. HALE. I will explain to the Senator.

Mr. BECK. Will the Senator allow me to offer my amendment now, of which I gave notice, so that the question can be before us?

Mr. HALE. Let me just here explain to the Senator from Kansas. Nothing is easier than for the Senator from Kansas to glance at a subject for a few minutes and then find fault with all its provisions and details. It is the easiest thing in the world to go back to the old history of the Navy Department and to array figures of the great cost of Government ships that finally when broken up and sold realized very little money; but I can tell the Senator from Kansas that if the Navy Department to-day should present to him a dozen old ships that cost ranging from half a million to a million and a half of dollars he would find them elephants on his hands; he could not afford to break them up and take them away as gifts.

Mr. INGALLS. These were not old ships.

Mr. HALE. What were not old ships?

Mr. INGALLS. The Miantonomah, Puritan, Amphitrite, and Terror. They were uncompleted ships.

Mr. HALE. But these are ships that have been in process of construction through all these years. Of course that did not apply to those ships.

Mr. INGALLS. They rotted on the stocks in process of construction.

Mr. HALE. Like many other ships that were started during the war, and continued along for years and years. I have in the list that I hold in my hand the record of thousands of ships that were started, and hundreds of thousands of dollars, and in some cases more than a million, spent on them in the yards, and they were never launched, and were found to be good for nothing, and nobody could have afforded to take them as a gift. There is nothing in that. We were spending money in the Navy Department for years at the rate of over \$100,000,000. Every scheme and suggestion that human ingenuity or device could suggest was tried. They tried all sorts of inventions, and the Navy Department gave money without stint, and

scores and scores of these experiments were found to be good for nothing, and vessels were never launched where there had been more than a million dollars spent on them. That is not the question here.

Mr. FRYE. Were they not compelled from lack of material, in very many of the vessels, to use white oak instead of live oak?

Mr. HALE. That is one instance. The Senator is quite correct.

Mr. FRYE. White oak will not last anywhere over six or seven years.

Mr. HALE. In many cases, under the pressure of getting a ship to completion, they were obliged to use incomplete timber, and the result was that the vessel was never able to float. There is no doubt about that.

Mr. MILLER, of California. Were the four ships mentioned in this bill, some of which were described by the Senator from Kansas, ever sold? Did the Government ever sell the four ships mentioned in this bill for the sum of money specified by the Senator from Kansas?

Mr. HALE. I have no recollection that these ships were sold.

Mr. MILLER, of California. The wooden ships bearing the same names were sold. These are iron ships, I understand.

Mr. HALE. I was called out for a moment. Did the Senator from Kansas claim that these particular ships that we are now repairing were sold? I did not hear that. Of course they were not.

Mr. CAMERON, of Wisconsin. The Senator from Kansas [Mr. INGALLS] did not make that statement, but the Senator from North Carolina [Mr. VANCE] propounded an inquiry in which he appeared to assume that that was the fact.

Mr. BUTLER. I understood the Senator from Kansas to make exactly that statement.

Mr. INGALLS. What statement?

Mr. BUTLER. That they had been sold.

Mr. INGALLS. The material of which they were composed was sold to the contractors.

Mr. CAMERON, of Wisconsin. Of the old ships bearing these names?

Mr. INGALLS. Yes, and there were two of the largest ships bearing the same name; and took the \$78,000 realized from the sale of these vessels and commenced by a strange kind of hocus-pocus the construction of other vessels bearing the same name without authority of law.

Mr. HALE. That was a thing that has been done time and again for the last forty years. As long ago as 1844 and 1845 four or five new ships were made in that way. It is not a regular way; there is no doubt about that. It is a thing that I hope will never be done hereafter. It is one of the things that this bill seeks to prevent by limiting the extent of repairs, as they are called, put upon old ships. For years further back than the service of any man in this body goes the Navy Department has been in the habit of doing just that thing of taking the old name and putting upon it in effect a new ship and setting her afloat in the Navy. She is to all intents and purposes a new ship. I say it ought not to be done; it is irregular; but there is no fraud in it if the money is properly expended. The new ship is there, and if the name is not objectionable she is sailing under the old name.

Mr. VANCE. It ought to be "junior," so as to distinguish it from the old ship of the same name.

Mr. HALE. These ships are entirely new.

Mr. CAMERON, of Wisconsin. These identical ships have not been sold.

Mr. HALE. These identical ships have not been sold from the time the first dollar was expended on them. I did not hear any Senator make that charge.

Mr. MORGAN. I desire to ask the Senator from Maine a question for information. I wish to know whether there has been any act of Congress, either upon an appropriation bill or elsewhere, in which we have ratified the building of these particular ships in their present form?

Mr. HALE. We have made appropriations from time to time.

Mr. MORGAN. So that they have been recognized in the law as ships to which we could appropriate money?

Mr. HALE. Nothing further than as to the hulls.

Mr. MORGAN. That is a recognition of the ship as being built under the authority of the Government.

Mr. HALE. Undoubtedly.

Mr. BECK. What amendment is now pending, I desire to ask?

The PRESIDENT *pro tempore*. The amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. BECK. I thought that was adopted.

Mr. BAYARD. It was agreed to.

Mr. BECK. Then the only amendment I know of is the amendment I offered yesterday, which I now desire to have pending.

Mr. HALE. Let the Senator's amendment be reported.

Mr. BAYARD. Is the amendment I offered adopted?

The PRESIDENT *pro tempore*. Yes, sir; the Chair is so informed.

Mr. BECK. Let my amendment be read.

The ACTING SECRETARY. It is proposed in line 595 to strike out the words "one million dollars" and insert the words "four hundred thousand dollars;" and in line 601 to strike out all after the word "and," down to and including line 621, and in lieu thereof insert the following:

That no further steps shall be taken or contracts entered into or approved for the repairs or completion of any of the four iron-clads aforesaid until the further

order of Congress; and the naval advisory board created by this act is directed to report in detail by the 1st day of December, 1882, as to the wisdom and expediency of undertaking and completing the engines, armor, and armaments of said iron-clads, and whether any changes in the original plan or plans should be made, together with the cost of the completion of each according to the plans recommended, if the completion of any of them is recommended.

Mr. BECK. It will be observed that in the amendment I offer I first seek to strike out "\$1,000,000" and insert "\$400,000," because the Secretary of the Navy and all the officers tell us that \$400,000 (indeed I think \$300,000 or \$350,000 certainly) is amply sufficient to finish the Miantonomoh. I desire now to modify the amendment I have offered as follows. The printed amendment is on Senators' tables and they can follow it. In line 595, after the word "amount," I propose to insert "or so much thereof as may be necessary."

Mr. HALE. What does the Senator insert in lieu of \$1,000,000?

Mr. BECK. Four hundred thousand dollars, and after the word "amount," in the same line, insert "so much thereof as may be necessary may be applied by the Secretary." I modify to that extent for this reason, that it may not require \$400,000 to do what I propose; indeed \$300,000 was suggested as being ample, and \$350,000 was spoken of; but I want to insure the result of finishing the Miantonomoh perfectly, and launching these four ships and taking them out of the private yards of the gentlemen who now have them in their yards and putting them in good condition, painting them and preserving them in our own waters. Whatever sum is necessary to do that I desire to appropriate, because we are liable to expense as long as they remain in the yards. Then I propose to strike out the remainder of the clause and provide—

That no further steps shall be taken or contracts entered into or approved for the repairs or completion—

The word "repairs" has been used in regard to these vessels as well as "completion" in many of the contracts—

of any of the four iron-clads aforesaid until the further order of Congress; and the naval advisory board created by this act is directed to report in detail by the 1st day of December, 1882, as to the wisdom and expediency of undertaking and completing the engines, armor, and armaments of said iron-clads.

I desire to stop any further proceedings under the contracts of March 3, 1877, until Congress has determined certain questions with regard to them, first whether they are valid, next whether they are proper, next whether or not essential changes ought not to be made in order to have the ships what they ought to be; and it was because I did not propose to revive any of the old quarrels and scandals in regard to these old contracts that I desired to suspend them until December, when we may ascertain the facts.

In 1877 the first report of Secretary Thompson in regard to these ships reads thus:

There were contracts made by the Department March 3, 1877, for work to be done by this bureau for the completion and fitting the iron-clads Puritan, Monadnock, Amphitrite, and Terror, amounting to \$2,103,642. There being at that time no money available in payment of these contracts, a provision was inserted in them that no payments should be made under them until appropriations applicable to the purpose were made by Congress. I deemed it my duty also to suspend these contracts, inasmuch as I regarded them as not authorized by law, and to submit to Congress to decide whether they shall be recognized or canceled, and if these vessels are to be completed in what manner it shall be done.

From that day to this no appropriation has ever been made authorizing those ships to be completed or recognizing these contracts in any shape or form. No appropriation has been made to carry them out; no submission has been made to Congress in any form that Congress has acted upon. Report after report has been made, some partially approving them, some condemning them; and they stand to-day condemned by the Secretary of the Navy who came into power on the 5th day of March, 1877, as being illegal contracts and not being fit to be finished. Mr. Thompson goes on to say:

Finding no present appropriation applicable to that purpose, I do not regard the Department as possessing any discretionary power in reference to them except to see that the interest the Government has in them is properly protected. If the amount covered by these contracts is to be charged against the Bureau of Construction and Repair, then the whole amount of its actual and conditional indebtedness will be \$3,539,798.23.

Somewhere in this report, or some other report that I have had, he says the Government did pay for what was due upon the past work, so that they are ours, free from all incumbrance for any past liability.

Mr. INGALLS. No work has been done or material furnished since 1877.

Mr. BECK. None has been applied to the ships. What the contractors may have on hand ready I do not know.

Mr. MORGAN. I desire to ask the Senator if these contracts were made by direction of Congress.

Mr. ANTHONY. Is this amendment in order?

The PRESIDENT *pro tempore*. It is to strike out and insert.

Mr. ANTHONY. I thought there was a legislative provision in it as I heard it read.

Mr. BECK. There was no point of order made.

Mr. ANTHONY. There has been no opportunity to make one because the Senator has been on the floor ever since he offered the amendment.

Mr. SAULSBURY. Will the Senator from Kentucky allow me to call his attention to one point? Do I understand him to say there has been no money appropriated for the repair of these vessels?

Mr. BECK. To carry out the contracts since that time.

Mr. SAULSBURY. I hold in my hand a letter from the Secretary of the Navy stating the amount of repairs made necessary.

Mr. BECK. Made when?

Mr. SAULSBURY. April 7, 1882, showing that on the Miantonomoh there was spent in 1877 and 1878 for repairs \$2,168.05.

Mr. BECK. There have been some little bills paid.

Mr. SAULSBURY. In 1879 and 1880, \$74,910.84 was expended. The whole cost of repairing that vessel has been \$498,534.94.

Mr. HALE. Is the Senator from Delaware referring to the letter of the Secretary of the Navy of May 24?

Mr. SAULSBURY. April 7, 1882. There was some expenditure on all these vessels.

Mr. BECK. I suppose there has been something put on them, to paint them, to keep them from rusting, and prevent them floating away.

Mr. SAULSBURY. There have been several thousand dollars spent on the Monadnock.

Mr. BECK. I do not want to argue these questions or criticize any action in regard to them. I had these contracts before me yesterday, and if it is desired before the debate closes I shall have them read and laid before the Senate; they are very long and there are some remarkable things about them. You will find the order was first made for carrying on this work March 2, 1877, and the contracts were made March 3, the next day, amounting to a very large sum. The contract for the Puritan alone with Mr. Roach was for about \$997,642, in two items, as I understand it, and the contract in regard to the Terror, Amphitrite, and Monadnock were each for about \$348,000 for side armor, and for changes in side armor \$50,000, making \$398,000; a total of about \$2,191,000. I speak in general terms. When you come to examine the contracts it will be observed, as I said, that the order was first issued on the 2d day of March, 1877. They were all closed up or purport to be on the 3d, when letters purporting to be written in New York, Philadelphia, and elsewhere on the 3d were received and answered from the Department on the same day. I am satisfied that it was impossible for our officials within office hours to have received those communications; altogether it was a very remarkable performance.

The main question I want to call the attention of the Senator from Maine to is this: after providing for the launching of all these ships, as my amendment does, after providing for the finishing of the Miantonomoh, as we are constituting a naval advisory board, and as December will soon be upon us and Congress meets then, and there are very many questions to be determined about these ships, and it has been charged in reports that the Puritan would not float if launched, and as other charges have been made, I think we had better defer all further action until Congress understands all the facts and passes upon the question. There can be no great injury, very little delay, and unless my amendment is adopted I believe that these old contracts of March 3, 1877, may be affirmed and we shall be decided between now and December.

We called the Secretary of the Navy before us and the question was put to him, "Will you, if this House bill becomes a law, submit these contracts to the Attorney-General and have the question of their legality decided upon?" The answer was, "I do not know whether I shall or not. I shall have to carefully examine, and if I think they are legal contracts I will take the responsibility myself, if I believe at the same time they ought to be carried out."

Now, I deny the right of the Secretary of the Navy in the present condition of these contracts to decide that question. I do not propose to leave it to him as the bill as it comes from the committee will leave it to him. However honest he may be, however anxious he may be to carry forward the good of the public service, the finishing of these four monitors, the legality of the contract for which is doubtful, and there are very many things that ought to be looked into, which should pass the revision of the board we have provided, and then be submitted to us and let us determine. I would not allow this discretion to the Secretary of the Navy when he avows that he will if he sees fit, without consulting the Attorney-General, go on under these contracts and will secure the building of these ships.

Mr. FARLEY. Allow me to ask the Senator a question. Does he believe that the \$400,000 he proposes to appropriate for the purpose of launching these four vessels and making the necessary preparation for that purpose will be ample for that?

Mr. BECK. The chairman of the committee, the Senator from Iowa, [Mr. ALLISON,] yesterday thought his recollection was that \$350,000 was ample. We all agree that \$490,000 is ample; there is no doubt about that. The only question is whether it ought not to be \$350,000. We have put in now \$400,000, or so much thereof as may be necessary, so as to prevent all confusion.

What I want to get at from the chairman of the committee is what objection there is to my amendment to postpone until December, when a report can be had of the action under these contracts, and whether I have not stated substantially the Secretary's views in regard to what he considers his duty and his power to go on in the mean time if, after investigation, he shall think these contracts ought to be ratified. I have great faith in the wisdom and the capacity of the Secretary, but I do not want these contracts acted on until Congress declares after full hearing what ought to be done. That is the only difference between my amendment and the action of the committee.

Mr. HALE. I will try to answer the Senator from Kentucky and will try to state as briefly as possible the judgment of the committee

which I represent upon this matter and then leave it to the Senate to decide how this question shall be settled and how far we shall go in appropriating money now or hereafter.

One thing, Mr. President, is lucky, and that is that these ships, the Miantonomoh, the Amphitrite, the Terror, the Monadnock, and the Puritan come before the Senate now disembarassed from all these old questions. The Senator from Kansas [Mr. INGALLS] shakes his head. I do not say that any Senator may not go back and array the old figures and present old facts here and may not find objectionable things in the history of naval vessels heretofore.

Mr. INGALLS. And desire not to have them repeated.

Mr. HALE. And desire not to have them repeated; but all the same I repeat that these five ships come to us now utterly disembarassed of all these old questions for this reason: for five years there has not been a stroke of work done upon them by the Government; they have been there in the yards of the contractors, and Congress has been as silent upon them as it has been upon the ark of Noah. During all that time there has not been any claim that any contract is existing or outstanding upon these vessels pushed before Congress, whatever any contractor may to himself have believed or lie in wait ready afterward to assert.

The vessels also are disembarassed in this, that they come before Congress in a condition where it may well be decided whether anything shall be done, or nothing shall be done. They are at such a point that you may begin and expend money and in no way be involved or embarrassed with previous expenditure on these hulls. They stand clean and clear, and simple before Congress, and the question is whether we shall put any more money onto these hulls, and in deciding that no man need go into the past.

The Senator from Kentucky says that his object is to free them from any possibility of being controlled as to future expenditures by the contracts of March 3, 1877. I agree with him in his object. I do not want to see any Secretary of the Navy embarrassed by those contracts. I do not want him put in an attitude where Congress will by any act seem to recognize or annul these contracts; and the committee has endeavored by this proviso to cure that. Now let me read it:

Provided, That all plans for the engines, armor, and armament of the said four last-mentioned iron-clad vessels—

Namely, the Amphitrite, the Terror, the Puritan, and Monadnock, for the Miantonomoh raises no question—

shall be submitted to the naval advisory board, created by this act, for its approval or disapproval, and said board, with the same powers—

That is, of approval or disapproval—

shall also consider and advise as to the wisdom and expediency of undertaking and completing said engines, armor, and armament.

Under that provision the Secretary of the Navy cannot move in the direction of spending one dollar, or of deciding a plan to spend one dollar, or of deciding that he will decide a plan upon which he shall spend one dollar, until the naval advisory board has considered it and approved it and he acts on its advice. If that is not a safeguard, if a dollar can be expended in any way without that, then I misread the provision, and that has been the object of this all the way through.

The Senator refers to the attitude of the Secretary of the Navy with regard to these old contracts, and is afraid that if anything is allowed to be done between now and December we may find these old contracts foisted upon us. Now, to begin with, these old contracts were made at a time and under such prices that nobody who made the contracts could afford to carry them out, and they do not stand impending over us. But in addition to all that the Secretary cannot move an inch under these contracts unless the naval advisory board direct and approve of his doing so.

The Senator found fault with the Secretary of the Navy because when asked if he would submit the question whether the Government was bound by these old contracts to the Attorney-General he declined to say that he would do so. Let me ask the Senator from Kentucky himself whether he would have been better satisfied himself if the Secretary of the Navy had replied, "I will turn this whole subject over to the Attorney-General of the United States and will do precisely as he advises about it?" Would the Senator from Kentucky, I ask him, prefer that this question whether the Government is bound by these old contracts be settled by the Attorney-General of the United States rather than by the Secretary of the Navy?

Mr. BECK. I will answer that very frankly. My object being to have all the information laid before Congress, I desire that Congress should pass upon it before any work is done. I stated before the apprehension that I have. I believe the Secretary of the Navy is a very good lawyer and a very good man. Ordinarily it would be better to have the advice of the Attorney-General. I do not know the Attorney-General as well as I do the Secretary of the Navy, and I do not know that his opinion is of any more value. In the ordinary course of things the Attorney-General's opinion ought to be of value in a legal question; but I do not want the Secretary of the Navy or the Attorney-General in the next two weeks, if you please, to summon a board of five officers, tell them these contracts are binding, and say, "We want you to tell us what is the best shape to put them in," and go on and bind Congress. I want the board to tell us first what ought to be done.

Mr. HALE. I understand what the Senator from Kentucky is seeking to get at, that nothing shall be done until a report is made to Congress; and he brought up the attitude the Secretary of the Navy has taken in answer to a question put by him. The Secretary of the Navy did not advance that proposition; but on being asked whether he would submit this question as to these old contracts to the Attorney-General and be bound by his opinion, the contractors being all or nearly all Pennsylvania parties, the Secretary of the Navy was bound to reply in one way or the other, and I know in my own mind the Secretary stood better with his answer, and I think he did with the Senator from Kentucky, that in a matter of that kind where the responsibility was upon him, where his reputation to be made in the Department was involved, he would not consent to turn it over to the Attorney-General even to be decided. I think he was right in that. If I had been in his place, let me say to the Senator from Kentucky, I would have made the same reply, and I think the Senator from Kentucky would, too.

Mr. BECK. The Senator must not understand me as finding any fault with the attitude of the Secretary. I think I asked him the question myself, and we agreed as to the answer. I do not care to say anything about whether they were Pennsylvania men, the Attorney-General being a Pennsylvania man. But the Senate understands the difference in the propositions. I do not want anything done until Congress is advised. I do not want any executive officer to decide whether these contracts are legal or whether they are not legal. I do not want men who have maintained these contracts to come out and say, "All that has been said against these contracts is set aside by the action of Congress," and I do not want those who have made charges against the former Secretary to say, "All you pretend about the legality of these contracts is condemned by the action of Congress."

Mr. HALE. Does the Senator think these contractors could claim their contracts had been in any way approved or sustained under the provision the committee reports?

Mr. BECK. They will think so. Whether the courts would think so or not I do not know.

Mr. HALE. Does the Senator think the provision the committee has inserted obliging the Secretary to consult this board before he moves an inch, not only as to plans but as to whether he shall move an inch, would be pleasing to the contractors?

Mr. BECK. My impression is that the amendment of the committee, after we talked over that matter, relieves a good deal any apprehension I should have had as to the rights of the contractors. I do not believe they have any rights; and I think the committee and the Senator from Maine endeavored fairly (whether successfully or not) to prevent them from having any claim by reason of anything contained in this bill.

Mr. HALE. I certainly have, and it seems to me I have succeeded.

Mr. BECK. I doubt it. The only point is whether we had not better have the advisory board look at the whole question between now and December and report to us the whole situation, and then we can appropriate whatever is necessary after we know all the facts.

Mr. HALE. If the Senate concludes to adopt the view taken by the Senator from Kentucky, and provide that nothing shall be done until a report is made to Congress, we shall have then no additional light that we have not now. It will be simply a postponement, with nothing to be done upon these ships that have cost us already \$3,528,580.58.

Mr. INGALLS. Since the reconstruction began?

Mr. HALE. Yes, if you call it reconstruction on these new ships; they are new ships. That is what has been spent upon them. It is postponing for one year more any work upon them. The amendment of the committee I have modified at the suggestion of the Senator from Delaware, so that if at any portion of it it seemed that the Secretary had a discretion not controlled by this board, that should be taken away, and he is satisfied with that; and neither can the Secretary spend a dollar upon any plan, or decide upon any plan or that he will make any plan, until this board have advised and approved any course in that direction. It is the question, and that is all it amounts to, whether we shall delay in this condition for another year any work or expense upon these valuable ships, which for their purposes for harbor defense, as the board of examiners have unitedly reported, are the best ships that can be afloat in the world; that is the question. If it is thought advisable to postpone all work for a year, we shall when we come here at the short session next winter be confronted with the same questions and with no additional light. But that is for the Senate to decide. It is not for the Senator from Kentucky nor for me to be bigoted in this matter, or to seek in any pride of opinion to have our way. I do not think he does; I know that I do not.

But with the Senate understanding the subject fully, with all the safeguards that have been thrown around it, I am willing that the vote shall be taken whether this shall be postponed under what the Senator calls additional safeguards for another year; but according to my judgment it is clear that finding these embarrassed ships upon our hands, taking them as we have decided to do, and to which nobody objects, from the yards of the contractors, and finding them ready for work to be done upon them under safeguards that have been thrown around them by the committee amendment, the sooner we utilize and make these ships of some purpose and effect to us, if trouble does arise, the better for us.

Mr. INGALLS. Can the Senator from Maine inform the Senate what is the estimated cost of rendering these vessels ready for martial purposes and traversing the sea?

Mr. HALE. Yes; it will be over \$3,000,000 upon the five.

Mr. INGALLS. So we have expended already five and a half millions and three and a half millions, making nine millions, and require an additional expenditure of three millions more, which would make twelve millions.

Mr. HALE. We have only spent \$3,528,580.

Mr. INGALLS. But we spent \$5,400,000 in the first instance.

Mr. HALE. But that has nothing to do with this matter. That has been explained over and over again. These vessels have been built from the bottom.

Mr. INGALLS. Twice.

Mr. HALE. A good deal more than the Senator from Kansas ever builds a speech that he makes. They have been built right from the bottom, and now they stand before us—

Mr. INGALLS. So I understand. There were two Miantonomohs on the register at the same time, one being in the process of dislocation and demolition and the other in process of construction around a plank or spike. That I understand thoroughly. But that does not change the fact that the aggregate expenditure for these four vessels so standing on the Navy Register up to this time has been \$9,000,000, and the Senator informs us that the estimated expenditure to render them available for purposes of harbor defense is \$3,000,000 more, which makes \$12,000,000.

Mr. HALE. I do not pretend to state it with accuracy, but it will be something about that.

Mr. INGALLS. It will not be any less than that; I think there is no question on that point; and if they are to be again demolished and dislocated and distributed and again rebuilt around a plank or a spike or a knot-hole, no one can tell how far the expenditure will proceed.

Now, what I am anxious to ascertain is whether or not if this expenditure of \$1,000,000 is now appropriated by Congress, which is to be inevitably followed by an appropriation of two millions in another year to complete these vessels, because we shall then be met by the argument that unless the money is appropriated what we have spent is thrown away, we are going to procure anything that will be beneficial for the purposes for which these ships are desired. I am advised by those who pretend to be skilled in these matters that these second editions of these four vessels were constructed without a drawing or without a plan; that they were built haphazard from day to day, erected rib after rib and plank after plank without any preliminary studies or drawing or models, and that they stand to-day the most extraordinary specimens of naval architecture in the world, and that those best competent to judge hesitate to say that if they were completed they would even float much less carry armor and armament. Therefore, Mr. President, I should like to have, in some way, this expenditure withheld until Congress itself can say whether, in view of all the circumstances, it is advisable to make an aggregate expenditure of \$12,000,000 for four vessels that will be worth nothing when they are done.

Mr. BECK. The House bill and the amendment of the Committee on Appropriations even now do not in my opinion authorize any change of plan or anything else except to go on and to continue and complete these vessels, either under the contracts of 1877, or in the same general line in the slipshod, loose way alluded to by the Senator from Kansas. When you read the amendment you will find it says "to the beginning and continuing to completion of work upon the engines and machinery of said vessels."

Mr. HALE. How could the Senator get any more fundamentally at the bottom at the initiation of this new work than by that clause: "to the beginning and continuing to the completion?" I put in that word "beginning" in order to meet this very difficulty that the Senator raises that there should be nothing below, that there should be nothing before, that it should be an initial proceeding, that it should be a beginning. What better could I do?

Mr. BECK. There being nothing done now begun to be carried on, this provision is as to the engines and boilers. The Senator from Delaware said a few moments ago that Harlan and Hollingsworth have the boilers of the Amphitrite ready now; they are ready to be put in, they are now waiting, and this appropriation orders it to be done. It is to go on, in other words, on the old plan, and the old plan seems to be exactly what the Senator from Kansas has stated.

Mr. HALE. Does the Senator think a plan would be good for anything unless it was approved by the advisory board?

Mr. BECK. The plan for the engines, armor, and armament would have to be submitted to the board, and approved by them first; but here is just the difficulty: these vessels were all built in that slipshod way that the Senator from Kansas has spoken of, the hulls built by one man, the machinery by another, the guns by another, the rooms for the men by another. Commander Evans appeared before some very distinguished gentlemen, and they asked him certain questions. Mr. HARRIS, of Massachusetts, put the questions. I will not say where this occurred, but I will read from the examination:

The CHAIRMAN. Is not that the system that must be adopted in order to build these ships successfully?

Commander EVANS. It seems to me so. The way that the work has gone on in the Navy heretofore has been, to say the least of it, ridiculous. The old plan was this: when a ship was to be built the constructors would build her hull; when that was done, and the engineers came to look at it, they would say: "Hallo, there

is no room here for the engines." So they would put her down a foot more in the water; and then when the ordnance officer came along he would say the hatches were too close to the water-ways, so that the guns couldn't be mounted; then the equipment officer would complain that he couldn't swing men enough to fight the guns, and so on. I think it is time that system was stopped.

The CHAIRMAN. Do you think it is possible to make any progress until we have a head to this business; one executive and a board of advisers at the head?

Commander EVANS. I think that to build these ships successfully you must have a board to do it, and the plans must be prepared by that board. The plans of the engines must be given to the engineer to build; and the plan of the hull to the constructor, and so on throughout each department of the ship. You must say to each, "There are your plans; do not vary an inch one way or the other;" and then, if the parts do not fit when the ship is finished, you had better hang some of these people.

The CHAIRMAN. Do you not know that in the Navy in the past there has been a strong hostility to an advisory board of this character?

Commander EVANS. No, sir; not in the Navy, I think. There has been, though, in the Navy Department. The bureau officers, naturally, will always be opposed to anything that cuts their power or authority.

The CHAIRMAN. Do you not think that it existed among the line officers as well as the staff?

Commander EVANS. No, sir; I think not. I never heard a line officer express that feeling in my life. On the contrary, I have heard a great many of the line officers pray for the day when we would have a board organized. You see the line officer is the man who suffers most from the evils we have been speaking of. The line officer finds himself sent to sea in ships that cannot fight and that are utterly uneconomical. I have had some experience in one of them myself, the Delaware, in China. That vessel rolled thirty-seven degrees each way, and if you had cast a gun loose it would have taken charge of the whole concern.

The CHAIRMAN. Where is that ship now?

Commander EVANS. She is now the hospital ship at New York.

The CHAIRMAN. And worthless for any naval purpose?

Commander EVANS. Utterly so. She was commenced in the latter part of the war and finished just about the close of the war. Her tonnage was about 3,200 tons. She went to China on one cruise, and that is about all she has ever done.

I inquired about the Delaware, which cost over a million dollars, and I think we got about \$30,000 for her. She only made one cruise to China and was abandoned. What I want to secure is that this board shall submit their report to Congress and tell us all about it, and then let us question the Secretary of the Navy and the board and act on the best information we can get. I know how we can use these vessels, and I know a very good use for them. I would take two or three of them to League Island, a place where there never ought to be a navy-yard, where there is little but mud and fog and malaria and abomination, and I would sink them there, (if we are going to keep it,) so as to make a foundation for something. That is the easiest way to get clear of them, unless they are better than I think they are.

Mr. BUTLER. According to the Senator from Kansas, I think they would sink as soon as they struck water, and if his statement be correct it would be unsafe to attempt to launch them.

Mr. FARLEY. I wish to ask the Senator a question. One of the vessels mentioned in this bill, the Monadnock, has been tested, so far as her floating qualities are concerned. She was taken from the Atlantic to the Pacific Ocean, and the question I wish to propound to the Senator from Kentucky is, would the \$400,000 that he proposes as an amendment be sufficient to launch these four vessels and make the necessary repairs upon them and fit them for use? I understand the chairman of the Committee on Appropriations to say that the estimate is less than \$400,000 for launching these four vessels mentioned. The bill appropriates \$2,200,000, of which \$1,000,000 is to be applied to launching them and completing the Miantonomoh. The Monadnock's floating qualities, I say, have been established. As to the other vessels, I know nothing about them.

Mr. BECK. The Senator from California must recollect that the Monadnock was taken around there with only her hull finished.

Mr. FARLEY. Yes. She has been lying on the dock at Mare Island ever since.

Mr. BECK. And will float as she now lies, but when you add a good many hundred tons of machinery, and the coal necessary to drive her along, and put an eighty-ton gun in her turret, you treble the weight on her in her present condition. The point is not that these vessels will not float as hulls, but whether you can finish them into fighting ships and make them float. I am inclined to believe they will all float except the Puritan.

Mr. FARLEY. There was a board appointed by Secretary Thompson during his administration of the Navy Department for the purpose of examining the Monadnock and these other vessels. There were two reports, one made in favor of repairing and finishing the Monadnock, and one against it.

Mr. BECK. Why not wait until the new board is created and has reported to us?

Mr. FARLEY. It will only be four or five months until some action can be taken upon it if we wait for the report. I have no particular objection to the amendment offered by the Senator from Kentucky if the amount of \$400,000 is sufficient, and the chairman of the Committee on Appropriations and the Senator from Kentucky, and the Senator from Maine, I think, all admit that it will be sufficient for the purpose of making the necessary repairs upon and launching these vessels.

Mr. MORGAN. I prefer the amendment of the Senator from Kentucky because the amendment requires that this examination shall be made by the board and reported to Congress before any further definite action is taken. Until I heard the discussion between the Senator from Kentucky and the Senator from Maine, I had no doubt at all that the language in this bill requiring the launching of these ships was mandatory; but the Senator from Kentucky

seems to concede what the Senator from Maine insists on, that it is merely directory, and that it is subject to the action and advisement of the board of advice. The language is as follows:

That \$1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects.

It goes on to enumerate them—

To building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; and to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror.

That language is unexceptionably mandatory. The Secretary of the Navy is not only authorized but he is required to expend not exceeding \$1,000,000 of this money for the purposes I have read from the text of the bill, and the additional purposes expressed in the succeeding part of it. I do not see how the Secretary of the Navy could possibly refuse to expend this money for the launching of these four ships and for the fitting of turrets and pilot-house on the iron-clad steamer Miantonomoh under this language.

Now, let us look at the qualifications. It will be seen in the proviso that the qualifications that are affixed to his power relate not to the launching of these four iron-clads, nor do they relate to the putting on of the pilot-house and turrets on the Miantonomoh.

Mr. HALE. It is admitted by everybody that that is to be done.

Mr. ALLISON. The amendment of the Senator from Kentucky contemplates the launching of the four ships. All agree they ought to be launched.

Mr. MORGAN. But I understand the amendment of the Senator from Kentucky requires all this matter to be brought to the attention of Congress before anything is done.

Mr. ALLISON. No; his amendment provides for the completion of the Miantonomoh and the launching of the other four ships.

Mr. BECK. That is right.

Mr. MORGAN. And that requires the question of putting in engines and armament to come before Congress.

Mr. HALE. As the other four ships?

Mr. MORGAN. If it is agreed all around that these four ships are to be launched, and it is agreed that the Miantonomoh is to be completed to the extent of putting a turret and pilot-house on her, then I do not see any necessity for the Senator's amendment at all; the question of going further, then, is a question which certainly is brought within the advisement, to say the least, of the board of advice. I was mistaken in the scope of the Senator's amendment, having heard it read only from the desk.

Mr. BECK. The Miantonomoh is complete except her guns, and if we finish her now and put her guns on and she works successfully we shall know that between now and next winter, and that will be some additional assurance to us as to whether we ought to go on with the other four that have nothing but hulls yet.

Mr. MORGAN. Misunderstanding the Senator's amendment and supposing there was really a necessity for it, I intended to support it; but I do not intend to do so now.

Mr. HALE. I hope we may have a vote upon this matter.

The PRESIDING OFFICER. (Mr. VOORHEES in the chair.) The question is on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. HALE. Before the question is put on the motion of the Senator from Kentucky to strike out, the text should be perfected. I think the vote has not been yet taken on the committee's proviso:

Provided, That all plans for the engines, armor, and armament of the said four last-mentioned iron-clads, &c.

That should be adopted.

Mr. BECK. That vote may as well be taken first.

The ACTING SECRETARY. In line 609, before the word "two," the Committee on Appropriations propose to insert the word "the," and in line 610, after the word "act," to strike out the following proviso:

Provided, That all plans for the completion of the armor and armament of the said iron-clad vessels provided for in this bill shall be submitted to the board of advice and survey created by this act, for its approval or disapproval.

And in lieu thereof to insert:

Provided, That all plans for the engines, armor, and armament of the said four last-mentioned iron-clad vessels shall be submitted to the naval advisory board created by this act, for its approval or disapproval, and said board, with the same powers, shall also consider and advise as to the wisdom and expediency of undertaking and completing said engines, armor, and armament.

Mr. HAWLEY. Before the question is put on that, I wish to make a suggestion to the Senator in charge of the bill that he should put in also the word "hulls."

Mr. HALE. I think that is right, because in any question as to what should be done in the future with these the board would examine any plans there are of the hulls also. After the word "the" and before "engines," in line 615, I move to insert "hulls."

Mr. HAWLEY. I hope that will not be done there.

Mr. HALE. The Senator does not want this shall be submitted to the board for their approval, for that is a thing of the past. It is only that they may be laid before the board when it shall be considering the question of what it shall do as to machinery and armament, but the Senator would not want them to pass upon the question of approving these because that opens the old question about the hulls, and we do not want to open that.

Mr. HAWLEY. If a certain addition to these hulls enables the vessels to float, and without it they will not, we had better put on

the addition. That is one of the disputes about the hulls, whether they will satisfactorily float or not; and I feel like disclosing the alleged fact that there are no plans, and never have been, for these hulls.

Mr. HALE. Well, it will do no harm any way.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Maine to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

Mr. HOAR. Does not this leave it to the Secretary of the Navy after all? He is not bound to adopt the action of the naval advisory board as the amendment stands.

Mr. HALE. He may do nothing.

Mr. ALLISON. If he does anything, he is bound to do as the board tells him.

Mr. HOAR. Does it read so? The provision is that the money "shall be applied by the Secretary of the Navy to the following objects."

Mr. HALE. Subject to the conditions specified.

Mr. HOAR. "As he may, on examination, think most expedient and best."

Mr. HALE. That has been struck out.

Mr. HOAR. What has been struck out?

Mr. HALE. What you are reading now, "as he may, on examination, think most expedient and best," &c. That has been stricken out at the suggestion of the Senator from Delaware [Mr. BAYARD] to meet the very point. In lines 605 and 606 and part of line 607 the words "as he may, on examination, think most expedient and best for the interests of the service" have been stricken out, and the whole thing is left to be subject to the approval of the board.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. HALE. I suggest that the Senator take the vote on the proviso in the amendment first before he takes it on the amount of money.

Mr. BECK. That is right, because if my amendment is not agreed to it would not be perhaps proper to strike down the amount from a million to four hundred thousand dollars. I regard this as simply settling the question whether or not in the next few months the old contracts of 1877 shall all be adopted and work begun accordingly.

Mr. HALE. I hope the Senator will not vote under that apprehension. I do not consider it in any way at all an indorsement of those old contracts.

Mr. INGALLS. Let me ask the Senator from Maine if it is his purpose and the purpose of the committee, in having this advisory board established, to provide that unless they concur in a certain method of expenditure the Secretary of the Navy shall not act?

Mr. HALE. Yes.

Mr. INGALLS. Then let me ask him where in the amendment of the committee that is expressed? In the words in italics from line 614 down to 622, the powers of this advisory board are defined to be to "consider and advise as to the wisdom and expediency of undertaking and completing said engines, armor, and armament." If the Senator will point out to me any language either in the bill as it came from the House or in the amendments of the committee that prevents the Secretary of the Navy from doing just exactly as he pleases whether this advisory board suggests one way or the other, I should be glad to have him do so.

Mr. HALE. The thing the Secretary of the Navy is to do, if he does anything, is to spend money. He cannot move an inch without money; he has got to get that money from Congress, and this bill provides—

That \$1,000,000 of the above amount shall be applied by the Secretary of the Navy to the following objects—

There is a limitation of the appropriation of the million dollars—Under the Bureau of Construction and Repair, to building and fitting the turrets and pilot-house of the iron-clad steamer Miantonomoh; and to the launching to the best advantage of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror.

He can spend that money upon them, and upon them alone. "Shall be applied by the Secretary of the Navy to the following objects." Does it help it any for the language of the statute to be "and it must be applied to the following objects?" Is that any stronger in law than the words "to be applied to the following objects?"

Mr. INGALLS. I think the Senator hardly conceives the point I wanted to call his attention to.

Mr. HALE. I have not quite got to that yet. "To be applied to the following objects." Can anything be more explicit than that?

Mr. INGALLS. So far, so good.

Mr. HALE. There is no objection to completing the Miantonomoh and to the launching of these other ships now. Now it says:

Under the Bureau of Steam-Engineering—

That is, shall be applied under the Bureau of Steam-Engineering to these objects—

subject to the conditions hereinafter provided, to the beginning and continuing to completion of work upon the engines and machinery of said vessels.

Then the next clause giving the discretion is struck out.

Mr. INGALLS. Now, show us the conditions that limit the authority of the Secretary of the Navy.

Mr. HALE. It is:

Provided, That all plans for the engines, armor, and armament of the said four last-mentioned iron-clad vessels—

Which are the vessels that it is said before this money shall be applied to—

All plans for the engines, armor, and armament of the said four last-mentioned iron-clad vessels—

Which we have described—

shall be submitted to the naval advisory board created by this act, for its approval or disapproval.

Can he move an inch unless they approve?

Mr. INGALLS. If that is all the Senator has to say, will he advise me where there is any limitation of the power of the Secretary to do as he pleases if this naval advisory board disapprove of the plans for the construction of the armament?

Mr. HALE. Well, I must say that if the Senator, I do not care how suspicious he is, after such a board is created, and after it is explicitly declared that what is done shall be subject to their approval, believes that any Secretary would, if that board disapproved, still go on and spend the money, he must have a very vast idea of the responsibility that a Secretary would take.

Mr. INGALLS. I speak from considerable experience of the past doings of Secretaries of the Navy.

Mr. HALE. That is no analogy. There has never been an attempt heretofore or a condition where the Secretary of the Navy has been surrounded by any such restrictions as we have put around him.

Mr. HOAR. I raised this question first and yielded to the answer of the Senator from Maine, that the language had been changed, and did not pursue it any further; but I think the Senator will see himself that although this is a very narrow verbal criticism, yet it is a perfectly sound verbal criticism which the Senator from Kansas makes. Just look at the language as the Senator now interprets it. It is this in substance: the Secretary of the Navy shall apply a sum of money to—what? To, among other things, doing so and so about "such of said vessels as he may on examination think most expedient and best for the interests of the service."

Mr. HALE. That is struck out.

Mr. HOAR. That is struck out but this remains:

To the beginning and continuing to completion of work upon the engines and machinery of said vessels.

Mr. HALE. Subject to conditions.

Mr. HOAR. I know. What is the condition? The condition is that he shall first hear the advice of an advisory board.

Mr. HALE. More than that.

Mr. HOAR. That is the point. It does not seem to me that there is more than that. It seems to me that the law still not merely vests in the Secretary a discretion, but it imposes on him a mandate to do this thing, and he has to do it according to his opinion just as if it said "after consulting the most approved authority on naval architecture" or anything else. The advisory board does not limit the Secretary of the Navy. The Senator thinks his language accomplishes a certain result which the Senator from Kansas thinks ought to be accomplished. Therefore it is not worth while for me to waste time by discussing whether we are right or wrong. If instead of saying that the plans still be subject to the board's approval or disapproval we say "shall first be approved by" the board, we reach the point.

Mr. HALE. I will say "shall be submitted to and shall be subject to the approval or disapproval of the advisory board."

Mr. HOAR. That will do.

Mr. HALE. I am entirely willing to do that. I would have put it in myself before if I thought it had been needed.

The PRESIDENT *pro tempore*. If there be no objection that modification will be inserted.

Mr. HALE. I want the Secretary to be subject to their approval; I do not want him to move an inch without it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. MORGAN. What part of the amendment are we voting upon, the entire amendment or the lower clause?

The PRESIDENT *pro tempore*. All except the amount.

The yeas and nays were taken.

Mr. WALKER, (when Mr. GARLAND's name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL,] who is absent from the city. If he were present I should vote "yea."

Mr. VOORHEES, (when his name was called.) I am paired on this with the Senator from Mississippi, [Mr. LAMAR.] I would vote "yea," and I am advised by friends of the Senator from Mississippi that he would vote "nay," if present.

The roll-call was concluded.

Mr. SAWYER. I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were here, I should vote "nay."

Mr. FERRY. In the absence of the Senator from Delaware, [Mr. SAULSBURY,] I am paired with him. If he were present, I should vote "nay."

The result was announced—yeas 33, nays 19; as follows:

YEAS—33.

| | | | |
|------------------|--------------------|-------------------|-----------|
| Bayard, | Davis of Illinois, | Ingalls, | Sherman, |
| Beck, | Davis of W. Va., | Jackson, | Slater, |
| Brown, | Farley, | Jones, | Van Wyck, |
| Butler, | George, | Jones of Florida, | Vest, |
| Call, | Groome, | McDill, | Walker, |
| Cameron of Wis., | Grover, | Maxey, | Williams, |
| Chilcott, | Hampton, | Morgan, | |
| Cockrell, | Harris, | Pendleton, | |
| Coke, | Hawley, | Pugh, | |

NAYS—19.

| | | | |
|-----------------|-----------|-------------------|----------|
| Aldrich, | Conger, | Hill of Colorado, | Morrill, |
| Allison, | Dawes, | Hoar, | Platt, |
| Anthony, | Frye, | Logan, | Plumb, |
| Blair, | Hale, | Miller of Cal., | Rollins, |
| Cameron of Pa., | Harrison, | Miller of N. Y., | |

ABSENT—24.

| | | | |
|----------|------------------|------------|-----------|
| Camden, | Hill of Georgia, | McMillan, | Saunders, |
| Edmunds, | Johnston, | McPherson, | Sawyer, |
| Fair, | Jones of Nevada, | Mahone, | Sewell, |
| Ferry, | Kellogg, | Mitchell, | Vance, |
| Garland, | Lamar, | Ransom, | Voorhees, |
| Gorman, | Lapham, | Saulsbury, | Windom, |

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BECK] moves also in line 595 to insert "\$400,000, or so much thereof as may be necessary," in lieu of "\$1,000,000."

Mr. BECK. I suppose there will be no objection to that now.

Mr. HALE. No; that naturally follows.

The PRESIDENT *pro tempore*. If there is no objection, in line 595 "\$1,000,000" will be stricken out and "\$400,000" inserted, and also the words, "or so much thereof as may be necessary;" so as to read:

That \$400,000 of the above amount, or so much thereof as may be necessary, shall be applied by the Secretary of the Navy to the following objects.

Mr. ALLISON. The aggregate amount ought to be reduced \$600,000.

Mr. HALE. The \$2,200,000 should be \$1,600,000. That is the amendment I propose now. In line 589 I move to strike out "\$2,200,000," and insert "\$1,600,000."

The PRESIDENT *pro tempore*. That amendment will be agreed to if there be no objection. The Chair hears none.

Mr. HAWLEY. I wish to call attention to a correction of a letter which should be made in the name "Miantonomah." It should be "Miantonomoh." It is so in the history of Connecticut.

The PRESIDENT *pro tempore*. That correction will be made.

Mr. HALE. I wish to add at the end of the provision which has just been adopted certain words which were stricken out, that the Senate will not object to. Beginning in line 607, I move to restore the words:

And that any part of the appropriation for said bureau not used as above specified may be applied toward the construction of engines and machinery of the two new cruising vessels provided for in this act.

Mr. BECK. That can be added.

Mr. HALE. That was stricken out with the rest, and should come in with the clause just put in.

The PRESIDENT *pro tempore*. The question is on the amendment restoring those words.

The amendment was agreed to.

Mr. MILLER, of California. Mr. President—

Mr. ROLLINS. Are the amendments of the Committee on Appropriations disposed of?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. ROLLINS. I have an amendment to offer.

The PRESIDENT *pro tempore*. The Senator from California shall be recognized.

Mr. MILLER, of California. I now offer the amendment of which I gave notice, to strike out after the word "dollars," in line 130, down to and including the word "Statutes," in line 152. The matter from line 130 to 140 has been stricken out, so that my amendment will commence after the word "hereafter," in line 140.

Mr. BUTLER. The first part went out on a point of order.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The ACTING SECRETARY. It is proposed to strike out, beginning with the word "all," in line 140, down to and including the word "statutes," in line 152, in the following words:

All promotions to the grade of rear-admiral on the active list shall be made from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made after July 1, 1883: *Provided, however*, That no commodore now in the service shall be reduced in rank or deprived of his commission by reason of this act: *And provided further*, That no officer shall be promoted under the provisions of this act unless his mental, moral, and professional fitness shall have been established according to the provisions of sections 1496 and 1497 of the Revised Statutes.

Mr. BAYARD. The words "by selection," in line 142, went out on a point of order.

Mr. MILLER, of California. I propose to insert in lieu of that matter what I send to the Chair.

The PRESIDENT *pro tempore*. The matter proposed to be inserted will be read.

The Acting Secretary read as follows:

A commission consisting of nine members, to wit: two Senators, to be designated by the President *pro tempore* of the Senate; three Representatives in Congress, to be designated by the Speaker of the House; the Secretary of the Navy; and three officers of the Navy, to be designated by the President of the United States, is hereby constituted and appointed a board or commission to consider all matters relating to the proper reduction of the official list of the Navy and the adjustment of the several grades and corps thereof, said commission to make report thereon to Congress at its next session. The Secretary of the Navy is authorized to detail an officer to act as secretary, and to employ such clerks and stenographers as may be necessary; and said commission shall have power to send for persons and papers.

Mr. MILLER, of California. Mr. President, this is the same amendment which I offered yesterday. The object of it is to remand all that relates to the subject of the reorganization of the Navy to a mixed commission, to consist of two Senators and three members of the House of Representatives, to be selected by the respective presiding officers of the Houses, and three officers of the Navy, to be selected by the President of the United States, and the Secretary of the Navy, who shall form a board or commission to take into consideration all subjects relating to the reorganization of the *personnel* of the Navy and to report to Congress at the next session.

It is evident from the debate which has taken place upon this bill that the Senate is not prepared to adopt the provisions which came from the House, stripped as they are of all amendments reported by the Committee on Appropriations for the reorganization of the *personnel* of the Navy. The particular provision which I have moved to strike out provides that—

All promotions to the grade of rear-admiral on the active list shall be made by selection—

Mr. LOGAN. The words "by selection" were stricken out yesterday on a point of order.

Mr. MILLER, of California. The words "by selection" were stricken out. The provision is that—

All promotion to the grade of rear-admiral on the active list shall be made from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made after July 1, 1883.

This is a radical change in the organization of the Navy by dropping out one of the ranks of the Navy. So I might go through these provisions. Another part of the bill provides for the reduction of the numbers of several of the grades in the Navy; it provides for the reduction of lieutenants of the Navy; and in fact in nearly all the grades there is a reduction, in some greater and in others less. This brings up questions of the greatest moment to the Navy as to its efficiency and as regards its *personnel*.

I do not think that at this late hour in the session the Senate is prepared to go into this matter. It has not the time to devote to a proper discussion and to consider this subject in all its bearings, its effect upon the Navy and the naval establishment.

If reorganization is necessary the proper way perhaps to arrive at a correct conclusion in respect to it would be first to take into consideration the number of officers which we have now in the Navy of the several grades. The first question which would arise would be whether we have too many of one grade and two few of another, or whether we have too many of all grades. That could only be determined by considering how many ships of the Navy we have now in commission; how many which are not in commission might be put in commission; what the policy of the Government should be in respect to repairing vessels and putting them in commission. After those charged with the investigation of this subject should come to a conclusion upon these topics, we might then see whether we had officers enough to properly officer the ships or whether we had too many, and then provide for their proper reduction.

Another subject which should properly be considered would be as to the policy of the Government in building new vessels; how many new vessels the Government would probably build; how many it ought to build; how many it needs, if it needs any, and then how many officers it would take to properly officer those vessels. In making the reduction in the different grades the effect it will have upon the *esprit du corps* and efficiency of the Navy ought to be considered, comparing the numbers of one grade with those of another, as it might affect the question of promotion.

The bill provides for a very sweeping reorganization of the Navy. In my judgment the effect of it will be, if adopted, to drive out most of the enterprising and worthy young officers of the Navy, who will see that by these provisions promotion for a great number of years is impossible for them. They will quit a service in which they have no hope of advancement and go into private pursuits, and you will have very few left of the best men in the younger officers of the Navy, and only those without ambition, without hope of advancement, mere drones in the service, who would go along and perform what duty may be assigned to them as best they might, taking the best care of themselves, and waiting for promotion.

I do not care to go into a long discussion, but I think the Senate is attempting to grapple here with a great subject at a time when it is not prepared to do it. We have heard from the Committee on Appropriations that if the provisions sent to us by the House are stricken out and a conference committee is raised to consider these questions we shall have trouble with the House of Representatives. I think the best compromise that can be offered, and the best thing which we can give to our conferees to stand upon, is this proposi-

tion for a commission to take charge of the subject, investigate it thoroughly, and give us their opinion at the next session of Congress.

It is said that these reductions are in the line of economy. It is only three or four months until the next session of Congress will begin, at most in six months the subject can be acted upon by Congress, and this bill really does not work any economy so far as the pay of the Navy is concerned for that length of time. The appropriations for the pay of the Navy are about the same that they were last year, and cannot be affected by the proposed reduction in the personnel of the Navy, because reductions will not take place until long after the next session of Congress.

I do not desire to take up the time in a discussion of the matter, but I submit this proposition for the consideration of the Senate.

Mr. COCKRELL. This strikes me as partaking of the nature of legislation, and therefore under the rules I object to it on the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken upon the proposition to insert. The question recurs on the motion to strike out.

Mr. MILLER, of California. There is no objection to striking out what I propose, I take it. For the very same reasons I insist on the motion to strike out.

Mr. COCKRELL. What is the motion to strike out? Let us hear what it is.

The PRESIDENT *pro tempore*. The matter will be read.

The ACTING SECRETARY. It is proposed to strike out the following, beginning in line 140:

All promotions to the grade of rear-admiral on the active list shall be made from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made after July 1, 1883: *Provided, however*, That no commodore now in the service shall be reduced in rank or deprived of his commission by reason of this act: *And provided further*, That no officer shall be promoted under the provisions of this act unless his mental, moral, and professional fitness shall have been established according to the provisions of sections 1496 and 1497 of the Revised Statutes.

Mr. LOGAN. That provision was agreed to by the Senate.

The PRESIDENT *pro tempore*. What was agreed to by the Senate is of course open to amendment by the Senate. The whole bill was read over. For instance, the words "by selection," in line 142, were stricken out. The text remains as it came from the House, and that of course may be amended at any time.

Mr. WILLIAMS. Mr. President, I am very sorry that the point of order was made upon the Senator from California, for his proposition met my hearty concurrence, and I believe would have given the best solution possible of all the difficulties attending this bill, which in my judgment instead of being called a bill to reorganize the Navy, would be better called a bill to destroy the Navy.

The particular part which it has been moved to strike out proposes to abolish the grade of commodore entirely. Another clause of the bill proposes to reduce the lieutenants of the Navy from two hundred and eighty to two hundred. I maintain that there is nothing so injurious to the service, nothing so unjust to the officers of the service, as these two propositions.

I have made a calculation as to how long, if this bill becomes a law, it will require for the junior officers, the subordinate ones in the Navy, to arrive at a captaincy. I find that the master of a vessel will be forty years of age when he is promoted to a lieutenantcy, an ensign will have to be forty-four years of age, while those who are now midshipmen, before they reach the rank of lieutenant, will be forty-eight years of age. That is the average. I know a lieutenant, just in the midst of the line of lieutenants, who when he reaches a captaincy will be fifty-nine years of age, almost ready to go upon the retired list. I know a young ensign who is very distinguished, upon whom I made the calculation under existing laws that he will be promoted to a lieutenantcy in two years. If the bill becomes a law it will be fourteen years before he is promoted.

What sort of efficiency to the Navy will that give? Your entire list will be furnished from the list of captains. Does not any man see that all the enterprising, bold, and ambitious young officers of the Navy will resign? Shall no man be a captain before he is fifty or sixty? Shall no captain be promoted before he is old enough to be placed on the retired list by force of law? It is utterly ruinous to the discipline and to the efficiency of the Navy. If this bill becomes a law we will have a set of mediocre men in our Navy, and we will not have gallant, toplofty young fellows at all; they will all quit it in disgust, and they ought to quit it in disgust.

I assert that in my judgment, whatever may be said to the contrary, we have not to-day one single officer too many. Look at the various duties they accomplish. Look at your Naval Academy; who instructs your cadets there? Look at your training-ships; who instructs them there? Look at your navy-yards; who commands them? Look in your bureaus, assisting the Secretary of the Navy; who has charge of them? All are details from the Navy. I venture to assert that if a war should spring up to-day we would not have officers enough if we intended to increase our naval establishment to proper proportions for defense or aggression.

Mr. LOGAN. We have more than we had during the war.

Mr. WILLIAMS. We have fewer than we had in 1866.

Mr. LOGAN. We have more to-day.

Mr. WILLIAMS. No; I say we have fewer. The policy of the

Government has been not to keep up in time of peace a great military or naval establishment, but to keep a nucleus of educated and competent officers ready to take command of such an army and of such a navy as we could improvise in time of public necessity. If a war should spring up to-day and we should increase our naval establishment to anything like the proportion to correspond with the greatness and wealth and power of this mighty nation, with 25,000 miles of exposed sea-coast, we should have to call upon citizens for volunteers, as we did in the late war. It is perfectly apparent to my mind.

Sir, one other question as to the commodores. Day before yesterday, in some remarks of mine upon that subject, I spoke of its being an ancient rank, an illustrious one, as connected with the history and the glory of our Navy. My friend from Illinois, [Mr. LOGAN,] with his usual modesty and graciousness of manner, in the most positive and emphatic terms asserted that we had no grade of commodore before 1862. He said Decatur, and Perry, and Truxton, and Barrow, and Rodgers, and a whole host of glorious heroes were never commodores at all, that they were merely captains. He said that the law of 1862 created that grade. The Senator is usually correct in his facts; he is one of the committee who reported this bill, and I thought possibly I might be mistaken. I had not the means at hand then to show him the fact, but this morning I went into the Library and I procured a book on this subject in which the various acts of Congress are explained, and I shall presently show the Senator from Illinois that the title of commodore is as old as the Republic itself. It was a Revolutionary title, it was connected with the war of 1812, and I will show that it was created in 1776. I read the act of Congress November 15, 1776. Here are the recitals:

That the rank of the naval officers be, to the rank of officers in the land service, as follows:

Admiral as a general;
Vice-admiral as a lieutenant-general;
Rear-admiral as a major-general;
Commodore as a brigadier-general;
Captain of a ship of forty guns and upward, as a colonel;
Captain of a ship of twenty to forty guns as a lieutenant-colonel;
Captain of a ship of ten to twenty guns as a major;
Lieutenant in the Navy as a captain.

That is the law of 1776; yet the Senator says that the rank never existed; here is a law older than he or myself.

I want to show that from not only every bill or act of Congress or resolution of thanks to commodores for distinguished services, but from acts of Congress granting prize-money to commodores and their crews. In the act of 1798, authorizing the creation of a certain number of vessels, it recited:

And be it further enacted, That the number and grade of the officers to be appointed for the service of the said vessel shall be fixed by the President of the United States.

The President fixed the grade and fixed the command. The law gave him the right. He did do so, and he fixed the rank of commodore. He never fixed the rank of Admiral, Vice-Admiral, or rear-admiral. Although he had the power to do it he did not exercise it. I want to show by various acts. Here is the act approved February 4, 1819:

That the sum of \$2,500 be hereby appropriated, out of any money in the Treasury not otherwise appropriated; which sum shall be distributed by the Secretary of the Navy as prize-money among the representatives of Commodore Edward Preble, deceased.

Do you say that the Congress of the United States in 1819 did not know that Commodore Preble was a commodore?

And Captain Charles Stewart, the officers and crew of the brig of war Syren, or to the representatives of such as may be dead, on account of their proportion of the sum of \$5,000, the appraised value of the brig Transfer, captured by the said brig Syren, for a breach of the blockade of the port of Tripoli, in the year 1804, during the war carried on by the United States against that power, the said brig Transfer having been taken into the service of the United States by Commodore Edward Preble, commander of the blockading squadron, which brig was regularly condemned as a good prize by sentence of a court of admiralty.

Again, March 2, 1839:

The sum of \$153.33 to be paid to Jesse E. Dow, for his time and expenses in bearing dispatches from Commodore Elliott, commanding the United States naval squadron in the Mediterranean, and from Mr. Kavanagh, our chargé d'affaires in Portugal, to the Navy and State Departments of the United States.

I could go on and read you a dozen. Will the Senator say that the Congress of the United States, that the history of the country, lie; that the statute laws lie? I am amazed at the Senator. Look at the act of 1862 to which he referred. He had just as well say that the act of 1862 created the grade of captain and lieutenant as to say that it created the grade of commodore. The law purported to reorganize the Navy, to distribute the commodores and all the officers, giving their relative rank and the command to which they shall be entitled, and among other things it recites that a commodore shall command a first-rate vessel, a captain a second rate, and a lieutenant a third rate, and so on down. That is what the law recites. It does not purport to create grades. It recognizes an existing fact, as all the laws do in relation to the Navy or Army either. These old grades are traditional; they have been handed down to us from our English ancestry. You may go on and find resolutions of thanks, forty of them, swords presented by the national Government and by the State governments to commodores.

Again, I have a little book here called "Rules and Regulations

and Instructions for the Naval Service of the United States, prepared by the board of Navy commissioners of the United States, with the consent of the Secretary of the Navy, in obedience to an act of Congress passed 17th of February, 1815, entitled "An act to alter and amend the several acts for establishing a Navy Department by adding thereto a board of commissioners." This is what they say in 1818, recollect. This board was acting under authority of law by special act of Congress. When it comes to enumerate the ranks and commands of the various officers it says:

1. The commission officers of the Navy of the United States are divided into the following ranks and denominations:
 - "Commodores, commanding squadrons;
 - "Captains, commanding frigates and vessels of twenty guns;
 - "Masters commandant, commanding sloops;
 - "Lieutenants."
2. Commodores are to wear their broad pendants at all times on board the ship they command.

Here again as to honors to be paid to commodores:

1. Commodores when acting on separate service by order of the Secretary of the Navy, and not otherwise, shall receive the salute of thirteen guns.

Military honors and ceremonies:

1. A commodore shall be received by a lieutenant's guard, the salute of officers, and two rifles.

What does all that mean? Does all that mean that we had no commodores until 1862? My friend from Illinois has entirely mistaken the history of the country; he has entirely misunderstood the history of his country when he says, as he did the other day, that we never had a commodore before 1862, that Decatur was never a commodore. I want to read the list of commodores here in the Navy Register:

A list of officers who have served as members of the board of navy commissioners since the passage of the act of February 7, 1815, creating that board:

Commodore John Rodgers, Commodore Isaac Hull, Commodore David Porter, Commodore Stephen Decatur, Commodore Isaac Chauncey, Commodore Charles Morris, Commodore William Bainbridge, Commodore Jacob Jones, Commodore Lewis Warrington, Commodore Thomas Tingly, Commodore D. T. Patterson, Commodore Charles Stewart, Commodore A. S. Wadsworth, Commodore J. B. Nicholson, Commodore William M. Crane, Commodore David Connor.

Do you say there were no commodores then? Oh, Mr. President, will you strike those grand old commanders, who were called commodores, recognized in resolutions proposed by Congress, by special acts, by Navy regulation, and by history—will you strike them from the naval nomenclature of our country? They are the proudest titles in our Navy. Every star that glitters in the proud diadem of our naval glory was placed there by one of those grand old men. The commodores have given to the Navy *éclat*. Will you strike them from the Navy list? If you do it you destroy the glory and the poetry of your Navy. Those grand old men have carried the broad pennant of commodore and the Stars and Stripes, with "free trade and sailors' rights" at the head, on every sea of the earth.

If you have too many officers in the Navy strike off from the top; let the office of admiral cease to exist, and then stop the supply at the little factory at Annapolis at the other end; but do not do so with the commodores. I will never consent to it on earth. I will never consent to see the title of commodore, which is dear to the hearts of every lover of his country, stricken from the Navy Register.

Mr. LOGAN. Will the Senator allow me to take the books he used?

Mr. WILLIAMS. Yes, sir.

Mr. LOGAN. I did not expect to be drawn into a discussion on this subject, but I am very glad the Senator has produced the evidence he has presented, for I will try to show that it is not evidence that would be received in any court in the world, so far as rank is concerned, and I will show that the word "commodore," when used, was under the act adopted by the Continental Congress.

I said in my statement the other day that the rank of commodore never existed in the United States until 1862. I say so now, and I say the Senator cannot produce the statute creating the rank. You may produce statutes of the character read, speaking of certain individuals and giving them a certain title, the same as we might pass an act this morning saying that General John Jones is entitled to so much, as descriptive of the person, because he is commonly called "General;" but when you investigate to find out whether he held the rank by law, that is a different proposition. That is exactly the error the Senator from Kentucky falls into in reference to this matter.

The word "commodore" is found in our statutes as a description of a person, but never as the rank of a person. The Senator from Florida [Mr. JONES] laughs. If he will show me a statute, a single statute, from the time that the Navy was organized, from the time that the Navy went into the hands of the President, which fixed the rank of commodore as a rank, not as a title, then I will agree that I am mistaken.

Mr. JONES, of Florida. Where is the statute creating the rank of captain previous to 1862?

Mr. WILLIAMS. There is not one.

Mr. LOGAN. I will show what I state to be the fact, and I will read, for the benefit of the Senator from Florida, from the statute of 1794, when our Navy was reorganized, "An act to provide a naval armament," sections 1 and 2:

SECTION 1. Be it therefore enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the

United States be authorized to provide, by purchase or otherwise, equip, and employ four ships to carry forty-four guns each, and two ships to carry thirty-six guns each.

SEC. 2. And be it further enacted, That there shall be employed on board each of the said ships of forty-four guns, one captain, four lieutenants, one lieutenant of marines, one chaplain, one surgeon, and two surgeon's mates; and in each of the ships of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate, who shall be appointed and commissioned in like manner as other officers of the United States are.

Mr. WILLIAMS. If the Senator will allow me just a moment, that does not create the grade of captain; it merely recognizes it as an existing one, just as in the other acts the grade of commodore is recognized.

Mr. LOGAN. Wait, and the Senator will see:

Who shall be appointed and commissioned in like manner as other officers of the United States are.

That is exactly where the grade is created. Commissioned like other officers of the United States. There is the law, and there is the creation of the grade.

Speaking about Commodore Perry being a commodore, I will take Cooper's History of the United States Navy. There is Commodore Perry; there is his portrait, and under it "Commodore Oliver H. Perry, U. S. Navy." What is the history of his engagement, and what does it say? He is called in history commodore; he was called all the time by that title, as in the English navy, but what does this history say after calling him commodore? Let me read:

It had been expected that the Queen Charlotte, the second of the English vessels in regard to force, would be at the head of their line, and the Niagara had been destined to lead in and to lie against her, Captain Perry having reserved for himself a commander's privilege of engaging the principal vessel of the opposing squadron.

He is "Commodore" Perry in history, but when you speak of his rank he is "Captain" Perry. I will show the Senate, further than that, whether I am sustained in what I say.

Mr. WILLIAMS. I suppose he was captain before he was a commodore.

Mr. LOGAN. He never was a commodore. The Senator cannot find it in any law. I will show him that in the reorganization of the Navy from the beginning of our Government—and when I speak of "our Government" I speak of the United States, and that is what I mentioned before; I am not speaking of the ranks under the Continental Congress, which were all abolished after the Congress of the United States assembled and a reorganization of the Navy took place.

What I base my opinion on is the law; not on what may be found in some history, but on the acts of Congress. Following the act of 1794, following the act of 1801, the act that I read, I will read the act of 1806, for the reorganization of the Navy. What does it say?

That the President of the United States be, and he is hereby, authorized to keep in actual service—

This is a reduction of vessels—

in time of peace so many of the frigates and other public armed vessels of the United States as in his judgment the nature of the service may require, and to cause the residue thereof to be laid up in ordinary in convenient ports.

SEC. 3. And be it further enacted, That the public armed vessels of the United States in actual service in time of peace shall be officered and manned as the President of the United States shall direct.

That is the law the Senator was speaking of when he spoke of it being put in the power of the President. Let us see if there is not something else that he does not find in the Navy Register which is prepared for a purpose. Mark you:

Provided, That the officers shall not exceed the following numbers and grades—

That is what I was speaking of, grade, rank, not title in any man, which is like the title of a judge without the man ever having been a judge, the title known to the people; I am talking of the rank that carries with it position and pay and grade. That is the law of 1806; the Senator said the grade of captain was fixed in 1862.

That is to say, thirteen captains, nine masters commandant, seventy-two lieutenants, and one hundred and fifty midshipmen—

This was our Navy organization in 1806—

but the said officers shall receive no more than half their monthly pay during the time when they shall not be under orders for actual services.

Where the ships were laid up and were not officered then the officers received but half pay. They were allowed the same as the law provides now where ships are laid up, that is, without services.

And provided further, That the whole number of able seamen, ordinary seamen, and boys shall not exceed 925; but the President may appoint for the vessels in actual service so many surgeons, surgeon's mates, sailing masters, chaplains, pursers, boatswains, gunners, sailmakers, and carpenters as may in his opinion be necessary and proper.

The very same that we had up to 1862, captains, lieutenants, boatswains, pursers, chaplains, and officers of that grade and kind. Then let us follow the law.

Mr. BUTLER. What is the date of that?

Mr. LOGAN. Eighteen hundred and six.

Mr. BUTLER. Does not the Senator think that recognizes the rank of commodore as having existed before that time?

Mr. LOGAN. No, sir; it does not.

Mr. BUTLER. Does not the Senator think so?

Mr. LOGAN. No, sir; it does not recognize any such rank then in the organization of the Navy.

Mr. BUTLER. It was a reduction of the Navy.

Mr. LOGAN. No, sir; an organization of the Navy providing for these men.

Let us go further. I defy any Senator on this floor to show me any statute from the organization of the United States of America fixing the grade of admiral, rear-admiral, vice-admiral, or commodore, until 1862.

Mr. BUTLER. They existed according to the authority cited by the Senator from Kentucky from the organization of the Government.

Mr. WILLIAMS. I say that the statute of 1862 does not create the grades at all; it recognizes them merely. I have it in my hand.

Mr. LOGAN. I know all about it. I will get through, and then the Senator can say what he pleases.

Mr. JONES, of Florida. Will the Senator from Illinois permit me to ask him one question, because this is an important subject? I ask him if previous to 1861 the ships of the United States belonging to the Navy did not float the broad pennant of a commodore that was recognized by the naval authorities of the world?

Mr. LOGAN. That is a very different proposition; no matter what they floated. They might have floated the pennant of an admiral; that did not make an admiral.

Mr. WILLIAMS. The law required it. I showed the Senator the law.

Mr. LOGAN. The Senator showed me a great deal of law. I have not seen that. Allow me to go a little further. Follow it up to 1837, you will find the statute of 1837 provides that—

All "masters commandant" in the Navy shall be taken to be and shall be called "commanders"—

There is where the grade of commander comes—
and all "sailing masters" shall be taken to be and shall be called "masters."

That is in 1837. Now, let us go a little further. I read the act of 1842 now:

Till otherwise ordered by Congress, the officers of the Navy shall not be increased beyond the number in the respective grades that were in the service on the 1st day of January, 1842, nor shall there be any further appointment of midshipmen until the number in the service be reduced to the number that were in service on the 1st day of January, 1841.

There is a law precisely like the one we propose now in reference to stopping promotion. In 1841 there was put upon the statute-books the same character of act for the purpose of decreasing the Navy that we propose now in reference to promotions.

If you turn back to the act of 1779 you find a provision that all vessels in the service of the United States mounting twenty guns and upward shall be commanded by captains. This is as far back as 1799:

All vessels in the service of the United States mounting twenty guns and upward, be commanded by captains—those not exceeding eighteen guns (except galleys, which are to be commanded as heretofore provided by law) by masters or lieutenants, according to the size of the vessel, to be regulated by the President of the United States.

By the act of January, 1857, captains were put in command of squadrons, and what were they called? What is the command of a commodore? It is the command of a squadron; and the law of 1857 provides that captains in command of squadrons shall be called—what? Shall be "denominated flag officers." Flag officer or fleet captain was the name given to those who commanded a higher command than one vessel, and no such rank as the Senator speaks of was given to any one.

Mr. WILLIAMS. I ask the Senator if he can put his hand on the statute abolishing the rank of commodore?

Mr. LOGAN. Of course I cannot, because the rank did not exist as a rank. If you put your hand on a statute creating the rank, then I will discuss the other proposition.

Mr. BUTLER. The Senator from Kentucky pointed it out clearly, it seems to me.

Mr. LOGAN. He pointed it out in a register. He cannot point out a statute creating any such rank.

Mr. WILLIAMS. I gave the law defining the comparative rank between the Navy and the Army.

Mr. LOGAN. Show it to me. Let me see it. I should like to refer to it in the statutes. It is not a statute that the Senator was reading from.

Mr. WILLIAMS. It is a statute.

Mr. LOGAN. Very well, refer to it, and we shall find it by the statutes.

Mr. WILLIAMS. There it is. Among other things you will find the relative rank between officers of the Navy and officers of the Army, just exactly as it is in our present law of 1862, because that is just a copy of the old law.

Mr. LOGAN. The Senator was reading from an act of the Continental Congress.

Mr. WILLIAMS. In 1776, after the Declaration of Independence.

Mr. LOGAN. In 1775, an act of the Continental Congress. We are not discussing what the Continental Congress did. I know they had the rank under the Continental Congress, and they had the rank of admiral and various others. They went beyond even the British navy at that time. I have discussed the question as to what rank existed under the laws of the United States. I have never disputed the proposition that they had the rank of commodore under the Continental Congress; nobody doubts it; but I say that in the laws of the United States since the Constitution was formed no such grade

or rank can be produced by anybody. Now it seems the Senator was referring to an act of the Continental Congress.

Mr. WILLIAMS. I gave the date of it.

Mr. LOGAN. Of course, in 1775; and there was a commission appointed and here are the resolutions; nobody disputes that; but in all our statutes, commencing with the first one that Congress ever passed under the Constitution of the United States, the various grades are specifically defined, and "captain" is the highest. Why is it that since I cited this several days ago no Senator has been able to find an act on the statute-books of the United States fixing the grade of commodore prior to the act of 1862?

Mr. JONES, of Florida. On that point is it not possible that the title of commodore could have preceded the rank?

Mr. LOGAN. Could have done what?

Mr. JONES, of Florida. The title of commodore applied to senior captains of fleets might have preceded the rank of commodore. The two things are not necessarily the same.

Mr. LOGAN. I do not understand the Senator. I may be dull of comprehension. Does he say the rank of commodore?

Mr. JONES, of Florida. I mean the title.

Mr. LOGAN. Oh, the title! The title of commodore?

Mr. JONES, of Florida. In the British service they have no brevet title. I say the title may have preceded the statutory rank of which the Senator speaks.

Mr. LOGAN. Doubtless there was the title of commodore as applied by the people, for ages almost, but I am talking about the rank as distinguished from the title. There is a great difference, as I illustrated. A man may be called a judge who was never a judge, or a general who was never a general, but when you come to examine the question of rank it is a different proposition from the title of a man.

Mr. HOAR. It is like the title of "esquire."

Mr. LOGAN. Certainly, like the title of "squire," as the Senator from Massachusetts says, which applies to lawyers. You will find in the law-books everywhere a title of that kind; but that is not rank. You call one of the notaries-public here in Washington City a judge. That does not make him a judge. But I ask the Senators who want to dispute this question with me in reference to the history of the statutes of this country to produce the law. I have produced the law showing the rank of captain that was given our Navy, and I defy them to show me one single statute that ever fixed the pay of a commodore in the United States Navy until 1862. The pay of a captain is fixed; the pay of a lieutenant is fixed; the pay of a commander is fixed; the pay of a master, of a midshipman, of a sail-maker is fixed, and everything of that kind; but you cannot show me where the pay of a commodore is fixed anywhere.

Mr. BUTLER. I should like to call the attention of the Senator to one act somewhat later in date than that which the Senator presented.

Mr. LOGAN. What is it?

Mr. BUTLER. In the rules and regulations and instructions for the naval service of the United States prepared by a board of Navy commissions of the United States, with the consent of the Secretary of the Navy, in obedience to an act of Congress in 1815, among other things I find rank and command:

The commission officers of the Navy of the United States are divided into the following ranks and denominations:
Commodores, commanding squadrons.

How could that be if there was no such rank as that? The Senator said it was a mere honorary title, a mere compliment, a mere myth.

Mr. LOGAN. What does the Senator read from?

Mr. BUTLER. I read from the rules and regulations for the government of the Navy.

Mr. LOGAN. Will the Senator turn to the statute and show it to me?

Mr. BUTLER. I have turned to the statute.

Mr. LOGAN. Where is it?

Mr. BUTLER. The statute of 1815.

Mr. LOGAN. What is the date of it?

Mr. BUTLER. Eighteen hundred and fifteen.

Mr. LOGAN. Turn to it and read it.

Mr. BUTLER. I understand that these rules and regulations were made in pursuance of that act.

Mr. HOAR. May I ask the Senator from South Carolina a question, for this is a very interesting historical matter? Suppose after that regulation in 1815 a captain commanding a single ship had had three or four others annexed to his command and had been in command of the four, he then would have become under naval courtesy and usage a commodore, and since that time has been called commodore, and has been addressed by the Secretary of the Navy as commodore; but suppose those three ships had been detached again, and he had gone his way with his own ship, would he not have been a captain afterward and not a commodore?

Mr. BUTLER. I do not know any such thing.

Mr. HOAR. That, if I make it clear, tests the question whether this was a lawful rank or only a title by courtesy.

Mr. BUTLER. I cannot understand that the board of officers could have made a title by courtesy.

Mr. HALE. I do not believe there is any real question of fact be-

tween the Senators on this subject. There never was any real rank or grade of commodore. There was no pay of that grade attached to any such title.

Mr. BUTLER. Then there is an historic falsehood stated in these regulations.

Mr. HALE. Nobody questions that the word "commodore" is found in the regulations.

Mr. BUTLER. An historic falsehood?

Mr. LOGAN. If Senators get themselves into a difficulty about history and get into a discussion and try to bear down an historic fact that depends for verification upon our statutes, I ask is it the proper way to come in here and insist on some old worn-out book, that does not belong to the statutes or laws, to try to bear down the fact that the statutes show upon their face? Let the Senator hunt up the law and show it. There is no such law in existence, and I defy him to produce it.

Mr. BUTLER. The Senator will not admit the law. He says we come in with some musty old book.

Mr. LOGAN. That is not one of the statutes of the United States.

Mr. BUTLER. Will the Senator deny the authority of that book?

Mr. LOGAN. I do deny that book as any authority to say that the rank of commodore existed. If it did exist the law would show it.

Mr. BUTLER. Then it is perfectly useless to discuss the question with a Senator who denies the validity or authority of a book like this. It is not necessary to discuss it further.

Mr. HALE. Does the Senator from South Carolina really believe that any rank or grade of commodore existed prior to 1862?

Mr. BUTLER. I am so perfectly satisfied of it that I have not one particle of doubt about it that the rank of commodore in the United States Navy did exist, and the act of 1815 is cited to prove it, and the rules and regulations for the Navy made in pursuance of that act are cited. Yet the Senator from Illinois says that is not authority, it is an old musty book. That is very much like a lawyer in court—

Mr. LOGAN. I have the floor, and the Senator need not undertake, and he has done it more than once, to try to discuss a question by browbeating in reference to evidence. I say to the Senator that there is no statute in existence which creates the rank of commodore before 1862.

Mr. BUTLER. The Senator may say what he pleases; that does not make it so.

Mr. LOGAN. I know it does not make it so, but if the Senator is a lawyer, and he is, he can certainly find the law for it upon the statutes. If it exists anywhere he can find it. I say it does not exist. I produce the statute here, which shows the rank of captains as the highest rank, and I produce the law running from 1794 to 1806, and I can show it to the present date. There has been no law on the subject passed recently.

I do not want to take up the time of the Senate in discussing this proposition with anybody, but the Senator spoke of the rank of commodore. I ask him why is it that there is no statute relating to the organization of the Navy from the beginning of the Government under our Constitution up to 1862 which creates the rank of commodore, when the ranks are created of all the other officers? The rank of rear-admiral was created in 1862; everybody admits that it did not exist before.

Mr. JONES, of Florida. I conceive that the rank of commodore may have existed independent of the statutory grade to which the Senator refers.

Mr. LOGAN. The title?

Mr. JONES, of Florida. No; the rank.

Mr. BUTLER. The Senator from Illinois is asking us to prove a negative.

Mr. LOGAN. No; I am not asking you to prove a negative. I am asking you to prove an affirmative. If the grade of commodore existed, it is an affirmative fact that must be proved by the statute, because no rank can exist in the Army or Navy except by statutory law. You cannot make a rank except by law. That is the only way rank is created. You say the rank existed. Show the law. There is no such law. I have run the statutes through from 1794, when the organization of the Navy commenced, to the present time. It is the easiest thing in the world to find it, if there is such a law, and I say you cannot find it; that no such thing was ever provided for prior to 1862.

Mr. BUTLER. The act of 1775, under the Continental Congress, very clearly established the rank of commodore.

Mr. LOGAN. Nobody disputes that.

Mr. BUTLER. It may have been continued; the naval establishment may have been continued.

Mr. LOGAN. I beg the Senator's pardon, it was not continued.

Mr. BUTLER. Will the Senator show that to have been the fact?

Mr. LOGAN. The Constitution of the United States provides that all officers of the Army and Navy shall be appointed by the President. The Senator will see that when the Government was formed these officers had to be appointed under the Constitution and by statutory law under the Constitution, which statutes provided for the organization. The officers were appointed and confirmed by the Senate and the grades were made and fixed at that time.

Mr. JONES, of Florida. The old articles of war created in 1776

continued to govern the Government of the United States until the year 1806 without any action being taken at all.

Mr. LOGAN. Until when?

Mr. JONES, of Florida. Until 1806.

Mr. LOGAN. The articles of war are a very different thing. The articles of war are articles by which men are governed and are punished; they are made for the regulation of the Army, and so of the Navy.

Mr. JONES, of Florida. Must they not emanate from the law-making power.

Mr. LOGAN. Very well; they may be created by Congress and afterward continued, but Congress did not continue these officers. The creation of articles of war is very different from the creation of an Army or Navy. It is the articles that govern the Army after it is made; the articles are not the Army; the articles are not the Navy; they are the law regulating and governing them in deportment and otherwise; they are not the law creating them; and the Senator ought to know it, I presume. I do not want to go through all these laws. I have hunted up this question from the beginning.

Mr. BUTLER. The Senator asked me to cite some authority. I will cite him to the act of 1815, while we are on the subject of commodores:

An act to alter and amend the several acts for establishing a Navy Department by adding thereto a board of commissioners.

That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint three officers of the Navy, whose rank shall not be below a post-captain, who shall constitute a board of commissioners for the Navy of the United States, and shall have power to adopt such rules and regulations for the government of their meetings as they may judge expedient; and the board so constituted shall be attached to the office of the Secretary of the Navy, and under his superintendence shall discharge all the ministerial duties of said office relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States; and the said board shall appoint their own secretary, who shall receive in compensation for his services a sum not exceeding \$2,000 per annum, who shall keep a fair record of their proceedings, subject at all times to the inspection of the President of the United States and the Secretary of the Navy.

SEC. 2. And be it further enacted, That the said board of commissioners, by and with the consent of the Secretary of the Navy, be, and are hereby, authorized to prepare such rules and regulations as shall be necessary for securing a uniformity in the several classes of vessels and their equipments, and for repairing and refitting them, and for securing responsibility in the subordinate officers and agents; which regulations, when approved by the President of the United States, shall be respected and obeyed until ordered and revoked by the same authority; and the said rules and regulations, thus prepared and approved, shall be laid before Congress at their next session. It shall also be the duty of said board, upon the requisition of the Secretary of the Navy, to furnish all the estimates of expenditure which the several branches of the service may require, and such other information and statements as he may deem necessary.

SEC. 3. And be it further enacted, That the officer of the said board holding the oldest commission shall preside, and each commissioner shall be entitled to receive in compensation for his services \$3,500 per annum, in lieu of wages, rations, and other emoluments as naval officers; and all letters and packets to and from the said commissioners which relate to their official duties shall be free from postage.

That act was approved February 7, 1815. In pursuance of the authority conferred by that act of Congress this board of naval commissioners did provide certain rules and regulations for the government of the Navy, and among those rules and regulations they designated and, as I believe, created the rank of commodore, and it is recognized.

Mr. LOGAN. I will answer the Senator, and if I do not answer that completely then I will agree that I am mistaken. What authority was that? It was authority given to three commissioners. Who were they? What was the highest rank? Captain.

Mr. BUTLER. Post-captain.

Mr. LOGAN. Exactly; it was authority given to three officers of the highest rank, that of captain, to make the regulations. Why did not they put commodores on the commission to regulate the Navy? Because they did not have any commodores.

Mr. BUTLER. The Senator just assumes that.

Mr. LOGAN. I do not assume any such thing, but naturally they would take officers of high command to make rules and regulations for the Navy.

Mr. BUTLER. Not necessarily.

Mr. LOGAN. The Senator knows that is the rule, but they were kept off. The Senator says the commission made the commodores; that Congress could allow a commission to make commodores. The names must be sent to the Senate to be confirmed by the Senate.

Mr. BUTLER. I say nothing of the kind.

Mr. LOGAN. Then how did it occur?

Mr. BUTLER. I say in making those rules and regulations they distinctly recognized the rank of commodore, and they certainly would not have stultified themselves by putting a rank in the rules and regulations for the government of the Navy that did not exist. That is what I say.

Mr. LOGAN. The Senator misapprehends the question entirely, if I am not mistaken. Then they recognized the title, not the rank.

Mr. BUTLER. But it says distinctly "rank and command."

Mr. LOGAN. That is not the law. That is a regulation made by the Navy Department; it is not a statute.

Mr. BUTLER. The Senator says it is not the law; it is "rules and regulations" made in pursuance of the statute having all the force and effect of a law, and I should like the Senator to deny that.

Mr. LOGAN. I shall not try to convince the Senator because it is

of no use; but now to the rest of the Senators who are willing to listen I should like to read from the Library of Universal Knowledge, volume 4, page 185, where it is stated that—

Commodore in the United States Navy, first recognized by law in 1862, but long before used by the people as an honorary title. The rank is above captain and below rear-admiral.

Just as I have said, it was a title given, but not a rank until 1862.

Mr. JONES, of Florida. Did I not say a while ago that the title might have preceded the rank and the grade, but the Senator denied the whole proposition.

Mr. LOGAN. When we want to discuss things let us get at the facts. Let me read.

Mr. WILLIAMS. What is the Senator reading from?

Mr. LOGAN. I am reading from the American Cyclopaedia, which is pretty good authority.

Mr. WILLIAMS. But not as good an authority as an act of Congress.

Mr. LOGAN. The Senator cannot find an act of Congress. He has some old Navy Register there by which he thinks he can prove something. I read, as I said, from the American Cyclopaedia, volume 5:

COMMODORE: A naval officer who usually commands a squadron of ships upon particular service, his own ship being distinguished by a broad pennant worn at the main. In the Navy of the United States, by an act of Congress of July 16, 1862, a commodore ranks between a rear-admiral and a captain; the grade corresponds with that of a brigadier-general in the Army. Previous to that act commodore was only a title of courtesy in the American Navy, captain having been the highest actual rank till 1857, when a law of Congress created the title of flag officer for the commander of a squadron.

Just as I said in the law I read here this morning.

Mr. BUTLER. Where do you get that?

Mr. LOGAN. It is from the American Cyclopaedia.

Mr. BUTLER. That is not better than an act of Congress.

Mr. LOGAN. It is not better than an act of Congress, of course, but when no authority is here in an act of Congress it is pretty good.

Mr. BUTLER. I wish to call the Senator's attention, as he was criticising the act of 1815—

Mr. LOGAN. I was not criticising the act at all.

Mr. BUTLER. He was criticising my construction of it.

Mr. LOGAN. Yes, sir; I was.

Mr. BUTLER. That act provides that the president of the board shall not be below a post-captain. It seems to me that by a very natural implication there must have been some rank above post-captain.

Mr. LOGAN. Oh, no; that showed it was the highest rank, because they could not take lower than that.

Mr. BUTLER. It says the president of the board shall not be below post-captain, therefore there must have been one above him.

Mr. LOGAN. Oh, no. I shall not discuss with the Senator any further.

Mr. VAN WYCK. May I ask the Senator from South Carolina what regulations he referred to as being constituted by commission, in which they recognized not only the title but the rank of commodore, and whether those regulations were approved by the Navy Department?

Mr. BUTLER. Certainly they were. Not only does it recognize the rank in terms, but it provides a set of rules applicable to commodores.

Mr. LOGAN. Does it provide for their selection?

Mr. BUTLER. That is provided somewhere else.

Mr. VAN WYCK. I should like to know whether it is not a fair presumption at this late day that the Navy Department knew the title and rank of the officers under its control?

Mr. BUTLER. I think so. Otherwise they stultify themselves by adopting rules and regulations applying to a rank that never existed.

Mr. LOGAN. They never recognized such a rank.

Mr. BUTLER. Let the Senator refer to the rules and regulations, and not make his statement *ipse dixit*.

Mr. LOGAN. I have replied by the law, not by any Navy rules and regulations.

Mr. HALE. Mr. President, I think this side of the question has been pretty well exhausted. Before getting a vote, which I am very desirous of reaching, I want to say a few words on what seems to me the main question, not what used to be, but what is needed now. First, and foremost there was, I take it from the discussion in the House, where this provision comes from that is now sought to be struck out, no desire to strike offensively at any rank because of that special rank. The object of the bill is to reduce superfluous grades, and the House of Representatives struck out the lieutenants in the lower grades, which provision has been adopted by the Senate Committee on Appropriations, and at commodores in the upper grades.

Why was it that the rank or grade of commodore was taken and struck out in preference to any other? It was not largely because it did not use to belong to the American Navy, although that was undoubtedly one reason, but it was because in looking over the needs of the Navy present and prospective, there is the least actual need of commodore. You do not find that rank in other navies. Here is the British Register, the last one, giving the grade and number of every officer; first admirals of the fleet, with their names, date of commission, and incidents in their careers; next admirals, a little

larger list; next vice-admirals and rear-admirals; and then captains. There is nothing between the rear-admiral and the captain in the British navy or in any navy of the world except in one or two of the smaller ones.

Mr. JONES, of Florida. I understand it is a brevet rank in the British navy.

Mr. HALE. It is not down even as a brevet rank. Here is a list of all the captains and all the rear-admirals, and there is nothing between; there is not even a brevet rank. Sometimes a captain of the highest rank as captain and longest service gets to be popularly designated as "commodore," as it used to be, but there is nothing beside that. To-day there are on the active list of the American Navy twenty-five commodores, and there are twenty-one retired commodores. What are they doing? The rear-admirals are ten in number, and half of them are commanding fleets. No commodore commands a fleet; neither will a commodore command a ship because there are captains enough, and a good deal more than enough for them. So you do not find either a commodore commanding a squadron, or a fleet, or commanding a ship in a squadron or fleet; but where do you find the commodore? Do you find him in a place where you can the most easily take him and be rid of him, not by driving him hurriedly from the service, but by simply providing in an indulgent fashion that when his service expires and he goes on the retired list his place shall not be filled. What place? The place that he is filling now; not at sea commanding a squadron, not at sea commanding a ship, but where? Of the twenty-five commodores that we have to-day, there is one only at sea anywhere; nineteen are on shore duty and five are waiting orders and sick. In the list that I read the other day are eleven or twelve commodores here in Washington on service.

Does the Senate believe that there is any need of perpetuating a rank that gives us twenty-five commodores on the active list and twenty-one commodores on the retired list with only one anywhere at sea and with eleven or twelve here in Washington, and the list is increasing all the time? Here is the register for 1864, in the middle of the war, when it was at its height, and there were then only eighteen commodores, and in 1865 when the war ended there were only nineteen; but since that time the number has been increasing so that to-day, as I have said, we have got twenty-five commodores on the active list and twenty-one on the retired list—forty-six commodores actually in the American Navy; and I have described their duties.

Some Senators, and I think anybody who has examined the subject, believe that if the Navy is top-heavy and you want to reduce a part of it in the upper grades and a part in the lower grades, in the upper grades there is no place where you can with such wholesome results reduce the number by its not being continued hereafter as in the place of commodore. No man is disturbed. Every one of these men who have served continues to serve until the time comes when he goes upon the retired list. There he remains until he dies, receiving the benefactions of the Government in continued large pay.

But when it is said that for the benefit of junior officers this rank, which is so bestowed as I have described upon the duty which has been nearest to the superfluous, must be kept up at this increased expense—for it amounts to about \$200,000 a year, active and retired—then certainly any Senator taking that ground must be in favor of taking no steps toward the reducing of the overplus of officers in the American Navy. Therefore if we do anything, if we are in any way to grapple with this subject and try to reform the Navy and try to reduce its expenses and keep it down where it should be, here is the place without any offense.

Mr. MILLER, of California. I wish to ask the Senator a question. He makes an argument to show that there are too many commodores in the Navy. In that he may be correct; but does his argument prove that we ought not to have any because we have got too many? Does that prove that we ought to have none at all, but that we ought to abolish the rank and grade of commodore, and especially so when it disarranges our whole naval system, and stops not only the promotion of the next rank, but of all succeeding ranks, in fact down to the lowest?

Mr. HALE. That is a fair question, but the answer to it is that the Senator, by his motion to strike out the whole clause, raises simply the question whether we shall have all that we have now or have none. He has not moved to reduce the grade of commodores to ten. It is only a question between having all that we have now and having the rank hereafter abolished, and that is the issue between us.

Mr. MILLER, of California. I am choosing the lesser of two evils. I proposed to submit this question as to how many we ought to have to a commission competent to decide that question on taking into consideration all the facts and circumstances of the case; but one of the representatives of the committee made a point of order and the commission amendment was ruled out. Now, I say that the Senator has failed to show, and I do not think he can show, that the rank ought to be abolished. The only thing, then, to do is to retain it as it is until Congress is prepared to act upon it intelligently with a full understanding of the effect of it, which it does not have now.

Mr. HALE. If I have shown anything it is precisely that it is needless, that we can best dispense with it. Setting aside the commodores who are not doing any active duty, there is not any *quasi* duty that is performed to-day by commodores that cannot be performed either by the rear-admirals or by the superfluous captains who are

not needed at sea, for we have got fifty captains and we have only twenty-eight vessels at sea.

Mr. MILLER, of California. The Senator takes up the list of the Navy and shows the particular employment of the commodores during a certain period, and from that he adduces the argument that because only one in nineteen is on sea duty we have no need of commodores.

Mr. HALE. I do not select any time; I select naturally the condition now because the amendment applies now, and the change applies now, and we live now, and we are considering things now; and therefore I took the present time; but I will take any time for years past and the commodores have been situated just as they are now, the rear-admirals have been commanding squadrons, and the captains and lieutenants have been commanding the ships; and as I was saying, when the Senator interrupted me, there are more than enough surplus captains to do all the duties that any commodore is doing on shore now. If this grade was to-day struck absolutely from the service and not known or not found, there would not be, I venture to say, a single embarrassment to the service. Of course it takes out one grade for promotion; there is no doubt about that; but that is the very thing I desire. We have too many grades.

Mr. MILLER, of California. I should like to interrupt the Senator again with his permission.

Mr. HALE. Certainly.

Mr. MILLER, of California. There must have been some reason for the act of 1862 which created this grade.

Mr. HALE. We were then in war.

Mr. MILLER, of California. Can the Senator say we may not enter into war again? Can he give us a perfect guarantee of peace for the next five or ten years?

Mr. HALE. I can say to the Senator that the best answer to that is that it was not provided for till 1862. With all the threat that there had been of war there was never any restoration or creating of this grade until after we had been in the war over a year.

Mr. JONES, of Florida. May I ask the Senator how many commodores were created in 1862 in the act and put on active service and on the retired list?

Mr. HALE. I do not remember. I can look at the act and see. I know at the end of the war there were only nineteen.

Mr. JONES, of Florida. How many have we now on the active list?

Mr. HALE. Twenty-five.

Mr. JONES, of Florida. How many on the retired list?

Mr. HALE. Twenty-one. Forty-six in all.

Mr. JONES, of Florida. I think the act of 1862 created thirty-five in all; eighteen on the active list, and seventeen on the retired list.

Mr. HALE. That shows that we have to-day eleven more than a war footing.

Mr. HAWLEY. Let me ask the Senator whether that number, twenty-five, includes those who are nominally commodores by reason of being bureau officers?

Mr. HALE. Everything.

Mr. HAWLEY. That is a perfectly nominal and temporary rank, which gives them additional pay while they are in charge of bureaus of the Navy Department; that is all. They are not really commodores.

Mr. HALE. No; twenty-five are the actual commodores.

Mr. HAWLEY. Without counting bureau officers?

Mr. HALE. One or two of them are assigned to that duty. It is, however, not as constructive commodores; there are twenty-five actual commodores, and if they should be in the Navy Department or wherever they should be they would be commodores upon the active list.

Mr. President, the fact is that it is a difficult thing and it is not a welcome task—and I have found that—to attempt to improve or reform any one of these old establishments, and particularly an establishment that has been so long crystallized in force here in Washington. The moment that any attempt is made to curtail, even in the interest of friendliness to one of these old establishments, every Senator is besieged by every friend in the establishment to stand by and not let this ancient *régime* be struck down.

Everybody is invoked to stand by whatever the establishment is, and all the glories of the past are summoned up and every step in the direction of curtailing it is met with difficulties; and, Mr. President, if to-day the American Navy was twice as big as it is in every rank, the same trouble would be found if anybody set himself to the work of trying to reduce it, the same arguments would be used. If you leave it to the establishment itself it will never be reduced, and Senators like the Senator from South Carolina have their sympathies appealed to, and will be invoked by every name and memory that is precious, and will stand up against every step in the direction of reduction and reform. It has always been so; it always will be so. The time will never come when any abuse, no matter what it is, that has become concentrated and has its roots here in Washington can be attacked by anybody, no matter who it is, without finding the way beset with difficulties, increasing with every step that he takes.

Mr. BUTLER. I think the Senator is mistaken about that. He is certainly so far as I am concerned. In regard to reform in the Navy, any attempt in that direction meets my approbation, but I am

perfectly conscientious when I say to him that I think his committee in this bill have taken the wrong steps. I am perfectly sincere in that objection. I do not object to a reduction of the surplus number of officers, if it can be done without detriment to the service; but I do object in this short-handed way to coming in at the eleventh hour of the session and striking at the *personnel* of the Navy without proper investigation.

As was properly said by the Senator from California, the effect of it, in my judgment, will be to deprive the naval service of the United States of some of the most accomplished officers in it. There are many foreign services that would be delighted to have very many of the officers of the United States Navy, and no doubt pay them well to come and take service under them. We shall lose, in my judgment, under this bill the very best officers in the American Navy, and it is against that that I want to guard.

Mr. HALE. I do not see how we lose an officer.

Mr. BUTLER. We cut off promotion.

Mr. HALE. No commodore is struck out, no retired officer is struck out, no captain is struck out. We do not strike a man out of the service, we only provide that as a vacancy occurs, under the dispensations of nature and Providence, it shall not be filled by somebody else. We drive nobody out of the Navy, and the day will never come—

Mr. MILLER, of California. You stop promotion.

Mr. HALE. That is it. Now, I defy any man, no matter how overgrown a military establishment has become, that can ever reduce it except by stopping promotion. That is the way it has always been done. Here is an act passed in the year 1871, which is section 1376 of the Revised Statutes, which provides that—

The active list of the pay corps of the Navy shall consist of thirteen pay directors, thirteen pay inspectors, fifty paymasters, thirty passed assistant paymasters, and twenty assistant paymasters.

Section 1377 provides:

Until the number of passed assistant paymasters shall have been reduced below thirty, there shall be no promotion to that grade, nor any appointment to the grade of assistant paymaster.

You never can stop it any other way unless you take the ruthless way that nobody wants of declaring at once that you will abolish a grade outright. There is no other way given under heaven or among men to do it except to stop promotion, and when a Senator gets up and alleges that is a grievance in this bill, it shows that he never will be ready, and the Senator from South Carolina never will be ready. Here we have it year after year and no committee has reported this, no committee has indicated any desire to do it; and when we select the easiest method, the fairest method, the method that bears the most easily in the direction of reform, then we are told that while Senators do not object to reduction and reform, they do not like this way, and they do not like this time; and if it had been proposed at any other time and in any other way the establishment itself and the friends that it makes would never have been ready.

I hope I do not need to repeat that I have no desire to impair the efficiency of the American Navy. I want a good, round, full, vigorous establishment. I want the young men in it to feel that in a proper way promotion is open to them, and that they can afford to remain there in sufficient numbers, and not an overplus of numbers, because, depend upon it, Senators, that if any of these establishments is allowed to go on unchecked and become overfull and there grows up in the establishment not only a disposition but a habit of either non-duty or only quasi-duty, you thereby degrade and destroy the efficiency of that establishment. Whenever it comes about in any establishment that easy duty is the thing to be desired instead of stern and active duty, you have struck at the bottom of the efficiency of that service. In the British navy to-day every ambitious officer is anxious for active or sea duty. If there is anything for which he or his friends spend time in imploration at the higher authority seats, it is active and sea duty in order to get along, in order to be promoted; but in the American Navy this thing has come about, that if an officer has three years' service at sea he will tell you that he is entitled then to three years' shore duty. So has this thing gone on that too much of the life and energy of the service has been sapped, and to-day there is too much attention paid to the getting of shore duty. All the returns show it.

In our Navy as it is to-day there are 934 officers on sea duty, and against those 934 officers there are 946 on shore duty and 256 on waiting orders, so that the great bulk of the officers in the American Navy to-day, instead of being at sea upon ships and representing the flag on all the waters of the globe, are found in the easy places upon shore and half of them drawing pay almost as much as the active pay.

I say it is not a good thing for the establishment that this has come about. It is full of fine, noble, manly officers, who, if they were treated justly and rightly and fairly and not given over-indulgence, but were given just, fair duty, would make our Navy, if we ever have any trouble, as good as or better than any navy in the world; but the establishment is not improved by the present condition, by the manner of duty, by the large pay that is given to easy duty in the Navy.

Mr. HAWLEY. Will the Senator allow me to ask him a question concerning a fact that he has just alleged?

Mr. HALE. Certainly.

Mr. HAWLEY. I cannot ascertain that there were 1,800 officers in the Navy. The Senator has just said there were 900 on sea duty. There are only 600. There are 1,095 in all, counting midshipmen, masters, and ensigns. Where does he get his other 900?

Mr. HALE. My statement covers line and staff; everything, all naval officers.

Mr. HAWLEY. Retired?

Mr. HALE. No; not retired. Take all, line and staff, and everything, you make the 1,800 very easily.

Mr. MILLER, of California. You made it 1,900.

Mr. HALE. Very well.

Mr. BUTLER. I had not intended to enter into this discussion, and I desire now again to assure my friend from Maine that in any effort to correct abuses in the Navy, if any exist, he shall have my hearty co-operation; but I do not believe this movement is in the right direction, and I believe furthermore that the officers of the Navy who are being attacked by this bill are being made the scapegoat for somebody else's faults. That is my judgment, and I will read now with the permission of the Senate an extract from a very admirable article written by Lieutenant-Commander Gorringer in the May number of the North American Review. It seems to me he put this question in about as fair light as anything I have seen. He says:

Whoever reads the official reports that are issued from the Department, and the comments of naval officers, as well as laymen, on the Navy, must be impressed with the unanimity with which it is condemned as inefficient and useless for the purpose for which it exists—war.

The responsibility for this condition of affairs must be fixed definitely somewhere. If we compare the annual appropriations for the maintenance of our Navy since 1865 with the amounts expended on foreign navies, it will appear that Congress has most liberally provided the means to maintain an efficient naval force. Take as an example the naval budgets of different countries for the five years, 1875-1879 inclusive. There we find that England, France, and Russia have expended more than we have, and all others much less. Italy has expended on her navy less than one-half the amounts appropriated by Congress for the United States Navy.

The average annual expenditure of Italy for the five years was \$8,214,578, that of the United States was \$19,157,234. We ought therefore to have a naval force at least equal to that of Italy. Every pound of iron and every piece of machinery that enters into the construction of an Italian vessel of war was purchased out of that country, while the materials that go to create an American man-of-war are all made in America. We have every advantage over Italy, except in the cost of labor, and in this we are not at a great disadvantage, for in the United States labor-saving machines tend to equalize the cost of results as compared with other countries. If our naval administration had been efficient we should to-day possess an effective naval force double that of Italy. Instead of this, we really have none worthy the name, while Italy ranks third among the naval powers in effective fighting vessels. A comparison with the Austrian expenditures and the Austrian navy will be still more damaging to our system of naval administration. The expenditures of Austria have been one-fourth those of the United States; yet she has created and maintained an effective fighting force of fourteen heavily armored vessels, most of them of equal efficiency at sea or in harbors, armed with the most powerful rifled guns and capable of offensive or defensive operations. Besides these iron-clads Austria has maintained a fleet of unarmored vessels of superior efficiency to ours.

There must be something radically wrong in our system of naval administration that it cannot, with four times the expenditure, maintain a navy as efficient as that of Austria. The first duty of Congress is, therefore, to provide a more efficient naval administration; one, also, less costly and less cumbersome. Under the present system the hull, the engines, the guns, and the sail-power to comprise a man-of-war are designed independently of each other, in the different bureaus, the officers of which generally entertain antagonistic views on every question that arises. The system requires eight distinct and independent organizations in each navy-yard, nominally under one commandant, but really receiving orders from their respective chiefs in Washington. Its absurdity and extravagance may be judged from the fact that each organization has its own workshops for each branch of mechanical operations, its separate executive staff of clerks, draughtsmen, and designers, besides its own foremen, watchmen, messengers, mechanics, and laborers. If the object in establishing a bureau system for naval administration had been the multiplication of offices, the division of responsibility, and the obstruction of work, it may be regarded as a success without parallel.

Now, Mr. President, I say to the Senator from Maine that, in my judgment, Commander Gorringer has exactly pointed out the difficulty in reference to the naval establishment of the United States, and the mistake of the Committee on Appropriations that they have not attempted in this bill to correct the evils which he points out, but strike at the *personnel* of the Navy. The Senator from Maine appears to complain because commodores are put in soft places. Why, Mr. President, I see every day almost in the Senate Chamber politicians who have been broken down, political hacks, whose only recommendation to public favor has been their capacity to make commerce out of votes, to log-roll in conventions, provided with soft places by this body. The Senator complains that because certain of the old naval officers of the United States have soft places therefore they must be stricken at and degraded, for that is what this amounts to—and when the Senator says that nobody is legislated out of the Navy—

Mr. HALE. Will the Senator point out where a single old officer, and where the designation to make him a commodore or rear-admiral, is touched by this bill?

Mr. BUTLER. Why, Mr. President, promotion is taken away from him.

Mr. HALE. Not from the commodore.

Mr. BUTLER. It is taken away from the captain.

Mr. HALE. But the captain is not an old officer.

Mr. BUTLER. But he will be an old officer before he is promoted under this bill.

Mr. HALE. The Senator is now speaking of those old officers

whom he is talking of having the soft places. I do not object to an old officer having an easy, comfortable time; I think he ought to have it. The trouble I find is that too much disposition and too much attention is given toward getting this place. There is not enough of the feeling in favor of active, ardent, earnest service that in time leads to these softer places.

Mr. BUTLER. I believe the cause of that is due entirely to the fact that we have had a most inefficient administration of the naval force of this country, and I believe if the Senator would devote the same energy to the correction of these evils and abuses that he has to the correction of the *personnel* of the Navy, we should have employment for every officer now in the Navy, we should have more ships, and they would be sent out on different duty; as Commander Gorringer says, put them in the exploration of the large rivers in Africa or South America, put them to exploring—

Mr. MILLER, of California. There ought to be now forty naval officers in hydrographic work on the Pacific coast. There are 12,000 miles of Pacific coast which have not been surveyed at all.

Mr. BUTLER. There is duty for forty at once.

Mr. HALE. The Government is extremely liberal in all these appropriations. Neither of the Senators will ever see the day when there will be any larger proportion of officers; and talking about building up a navy to the officers, if we had to-day forty good ships afloat—and it would be every one that we need—we do not need a Great Britain navy—if we had to-day forty ships afloat, all equipped, fine, complete, modern-constructed ships, manned to the uttermost with every appliance and every man and every officer that anybody could require, we should then have an overplus of 25 percent. of rear-admirals. The Senator would consider that the way to build a navy up, and we shall have ten years of building it, and then there will be an overplus of officers. Nobody expects us to have three hundred vessels in commission, as Great Britain has. Nobody will ever live to see that day, and I do not want to see it.

Mr. BUTLER. It has been stated by the Senator from Illinois, and I believe by the Senator from Kansas, that nothing can be done by any committee of Congress, notably by the Committee on Naval Affairs of the Senate, toward making a reform in the Navy. I see in a report of the House of Representatives (No. 653) made by Mr. B. W. HARRIS, from the Committee on Naval Affairs of the House, a recommendation of the proposed advisory board and of the construction of a number of vessels which they say will cost in round numbers from twenty-five to twenty-nine million dollars.

Mr. DAVIS, of West Virginia. I ask my friend from South Carolina if he is willing to vote that?

Mr. BUTLER. I am willing to vote \$10,000,000 a year, as is recommended by the committee of the House of Representatives of which Mr. HARRIS is chairman, if it can be demonstrated that you have a naval administration fit to have those vessels built. I will then vote it promptly.

Mr. DAVIS, of West Virginia. Would you vote it to-day? Here is a bill that makes an appropriation of \$10,000,000 for constructing vessels, I think. Would you vote that?

Mr. BUTLER. No, sir; I would not.

Mr. JONES, of Florida. That is under exceptional circumstances.

Mr. BUTLER. I would not put it on an appropriation bill, but I say to the Senator that if he will bring in a bill appropriating \$10,000,000 in pursuance of the recommendation of this advisory board I will vote for it to-day.

Mr. HALE. For how many years would the Senator vote \$10,000,000 a year?

Mr. BUTLER. Just so long as may be necessary to get a good Navy.

Mr. HALE. Suppose we voted \$10,000,000 a year for five years—of course Senators will see that cannot be done—how many new ships would that give?

Mr. BUTLER. About sixty-eight, I think, is the recommendation.

Mr. HALE. That would take \$30,000,000.

Mr. BUTLER. I say \$30,000,000. I will give the Senator the exact number of ships recommended by this report to be constructed:

SUMMARY OF THE NUMBER, CLASS, TYPE, AND COST OF THE VESSELS THAT THE BOARD RECOMMEND NOW BE BUILT.

Two first rate steel, double-decked, unarmored cruisers, having a displacement of about 5,873 tons, an average sea speed of fifteen knots, and a battery of four 8-inch and twenty-one 6-inch guns. Cost, \$3,560,000.

Six first rate steel, double-decked, unarmored cruisers, having a displacement of about 4,650 tons, an average sea speed of fourteen knots, and a battery of four 8-inch and fifteen 6-inch guns. Cost, \$8,532,000.

Ten second rate steel, single-decked, unarmored cruisers, having a displacement of about 3,043 tons, an average sea speed of thirteen knots, and a battery of twelve 6-inch guns. Cost, \$9,300,000.

Twenty fourth-rate wooden cruisers, having a displacement of about 793 tons, an average sea speed of ten knots, and a battery of one 6-inch and two 60-pounders. Cost, \$4,360,000.

Five steel rams of about 2,000 tons displacement, and an average sea speed of thirteen knots. Cost, \$2,500,000.

Five torpedo gunboats of about 450 tons displacement, a maximum sea speed of not less than thirteen knots, and one heavy-powered rifled gun. Cost, \$725,000.

Ten cruising torpedo-boats, about 100 feet long, and having a maximum speed of not less than twenty-one knots per hour. Cost, \$380,000.

Ten harbor torpedo-boats, about seventy feet long, and having a maximum speed of not less than seventeen knots per hour. Cost, \$250,000.

Total cost of vessels recommended now to be built, \$29,607,000.

Mr. HALE. Now, aside from the small torpedo-boats and things

which add nothing to the actual force of the cruising navy, if the Senator had the money, which he never will get, you would not get a cruising fleet to employ the officers of the Navy upon of over forty or forty-five vessels.

Mr. BUTLER. That remains for the future to determine. I say that when a proposition of that kind comes recommended by a committee of either branch of Congress upon proper investigation, under proper guards, then I will vote for it without the slightest hesitation; and I believe if the number of vessels provided for in that report were built it would give employment to all the surplus officers now in the United States Navy, except perhaps some of the staff.

Mr. HALE. What kind of a storm does the Senator from South Carolina think would have been raised in this Chamber and in the other House if that proposition had come in to appropriate \$10,000,000 this year in money to build ships for the American Navy?

Mr. BUTLER. I do not think any storm would have been raised.

Mr. HALE. Does the Senator think it could have been got through?

Mr. BUTLER. I think so.

Mr. HALE. Perhaps we shall try it next winter.

Mr. BUTLER. I will pledge myself to the Senator now that if he brings in a report like that, recommended by such officers as Commodore Rodgers and others who were on that board, I will give my vote for it, if I am here; and if the Senator is not going to do it simply because he anticipates a storm, he will never do it.

Mr. HALE. The Senator knows that that part of the bill which deals with the construction, the increase, of the American Navy is taken this year from the recommendations of that board and embodied in this bill.

Mr. BUTLER. That part which refers to the building of cruisers. That is all.

Mr. HALE. That part which deals with the building up of the Navy is taken from those reports that he refers to.

Mr. BUTLER. Precisely as to the two vessels; but the committee have very studiously ignored every other recommendation of the board.

Mr. ALLISON. I understand the Senator from South Carolina to be objecting now because the Committee on Appropriations have not gone far enough in their recommendation.

Mr. BUTLER. No.

Mr. ALLISON. We provide for two cruisers, and he wants more.

Mr. BUTLER. The Senator misunderstood me. I did not say I would vote for \$10,000,000 on an appropriation bill.

Mr. ALLISON. The Senator is stating that the committee falls far short of its duty because it only recommends two cruisers.

Mr. BUTLER. I was not referring to the committee of the Senate, and I have no right to refer to the committee of the House. I have no fault to find with the Committee on Appropriations, but I think they would have done a great deal better to have struck out all the legislation in this bill.

Mr. ALLISON. But I understood the Senator a moment ago to suggest that the Committee on Appropriations had failed in not taking up the recommendations of that report and embodying them in this bill; thus, among other things, getting rid of the bureau system in our Navy. If I recollect aright, the Senator from South Carolina yesterday raised the point of order on the little minutiae that we proposed in the way of amendments to the changes proposed by the House. We want to be cautious and careful, and now the Senator complains that we do not go far enough.

Mr. BUTLER. I am not complaining of the committee of the Senate, but I say if they were going into the reorganization of the Navy at all, I do not think it was proper on an appropriation bill; they had better attempt it in the direction indicated in this report. I have no fault to find with the Committee on Appropriations in the dribblets and small diminutive reformatory the chairman has indicated as striking at the real improvement of the Navy. I confess it is so small that I did not see it.

But that is neither here nor there, Mr. President. In my judgment this whole legislation is wrong; first, because it is on a general appropriation bill, and, second, because it does not correct the real evil of which we have a right to complain.

No naval officers have approached me about this matter. I do not think a single one has done so. Much has been said about naval officers in the Senate Chamber. My friend from Kansas has spoken of them as aristocrats; the Senator from Illinois has spoken of them as aristocrats. I do not know that there is any aristocracy in this country but the aristocracy of merit, and I do not know that it is any crime for a man to be a gentleman. I do not think that it ought to be a crime. If these officers conduct themselves like gentlemen they are certainly entitled to that consideration which their services to the country command.

Mr. HALE. Let us have a vote, Mr. President.

Mr. HAWLEY. Mr. President, I am not quite ready for a vote, although I appreciate the unwillingness of the Senate to hear much longer debate. The motion before the Senate is not confined in its general bearings to the mere question whether we shall have a commodore or not. It is made with a purpose. It aims to strike out certain lines upon page 7, and to be followed by other motions striking out all the general legislation for the reorganization of the *personnel* of the Navy.

There are many good things in the bill; there are many good at-

tempts in this printed bill at modifying the objectionable legislation of the House; but we were told that if we undertook to meddle with this legislation reorganizing the *personnel* we should inflame somebody, we should treat the House discourteously. We were warned not to create this inflammation. That is unjust to the House in the first place. The House does not expect us to slavishly agree with it. We are here for the purpose of disagreeing. That is an argument not addressed to the merits of the case; it is addressed distinctly to our fears. You can say nothing else about it. We are warned to be afraid to make a direct issue with the co-ordinate legislative body upon this question. It advises us to abandon studying and weighing this legislation, this sudden, imperfect, and harsh proposition that is sent to us, even, it may be, at the sacrifice of our own deliberate opinion of the unwisdom of that legislation. If the appeal means anything it means that. It is not alone a reflection upon the House, it is in derogation of the rights and dignity of the Senate. It is not an argument addressed to the merits of the case, and not an argument that ought to be made.

There is another suggestion in the course of the debate that ought not to be made. The direct intimation was that there were Senators opposed to this bill because they are interested in local navy-yards; and yet when we came to the clause restricting possibly, contingently restricting, the number of navy-yards, not a single Senator objected to that. No senator objects to the creation of an advisory board; no Senator objects to the useful legislation providing for selling off the old junk and useless vessels and turning the money into the Treasury.

A great many arguments and indeed most of the arguments made by the Appropriations Committee are not addressed to the direct merits of the case. I care very little about the special paragraph now under consideration except that it is a part of the objectionable general legislation.

I referred, when I spoke before, to the fact that the country has been asking something else of us, and something of altogether greater importance. The President last December sent a very earnest appeal to Congress for the creation of a navy, not for the destruction of what we had of a navy. He said:

I cannot too strongly urge upon you my conviction that every consideration of national safety, economy, and honor imperatively demands a thorough rehabilitation of our Navy.

With a full appreciation of the fact that compliance with the suggestions of the head of that Department and of the advisory board must involve a large expenditure of the public moneys, I earnestly recommend such appropriations as will accomplish an end which seems to me so desirable.

Nothing can be more inconsistent with true public economy than withholding the means necessary to accomplish the objects intrusted by the Constitution to the National Legislature.

So he proceeds to say that nothing is more important than the establishment of a navy, and the Secretary of the Navy commenced his annual report last December with a similar, and more earnest, and even almost indignant appeal on the condition of the Navy. He said:

The condition of the Navy imperatively demands the prompt and earnest attention of Congress. Unless some action be had in its behalf it must soon dwindle into insignificance. From such a state it would be difficult to revive it into efficiency without dangerous delay and enormous expense. Emergencies may at any moment arise which would render its aid indispensable to the protection of the lives and property of our citizens abroad and at home, and even to our existence as a nation.

We have been unable to make such an appropriate display of our naval power abroad as will cause us to be respected. The exhibition of our weakness in this important arm of defense is calculated to detract from our occupying in the eyes of foreign nations that rank to which we know ourselves to be justly entitled. It is a source of mortification to our officers and fellow-countrymen generally, that our vessels of war should stand in such mean contrast alongside of those of other and inferior powers.

And the Congressional committees have followed in the same strain, making an able report upon an able report of an advisory board urging us to build a navy; and we were prepared to begin to build a navy. The Senator from South Carolina represents, I believe, the great majority of the Senate and House, as he does the majority of the people of this country, when he says he is willing even to vote \$10,000,000 this year to begin to build a navy. But what do we get instead of that? Instead of any serious action in that direction—for I deny that there is any serious attempt even in this bill to create a navy; there are two ships of a good kind provided for—we are met with a wholly unexpected and tremendous attack upon the *personnel* of the Navy, striking out one hundred and twenty-five officers, striking out wholly three grades, knocking out eighty lieutenants from the two hundred and eighty, and blocking the path of all the young life and vigor of the Navy in the lower grades. It will paralyze the Navy for five, ten, or fifteen years to pass this bill as it came from the House.

Our committee did somewhat improve it; and there I come to another calamity that betides the poor Navy. By a construction (which I cannot differ from) of the Chair the twenty-ninth rule is held to render it impossible for us to improve or meddle with the legislation of the House, except merely to strike it out. The amendments of the Committee on Appropriations have been stricken out here on the point of order, and we are not allowed to put in a word or change a phrase in that obnoxious legislation by the construction of the rule; by the unwise, unstatesmanlike, unjust manner of legislation that prevails somewhere we are led down to an appropriation bill with general

legislation, and the Senate finds itself bound hand and foot and gagged and unable to go one step in that direction even in modification of the House's legislation.

Now, sir, I wish this vote to carry striking out this paragraph, because it is all that is left to us. All that is left is to say "no" to the legislation of the House. We cannot improve it. The Committee on Appropriations itself said "no" to that legislation; they thought it was unworthy of our favor without serious amendment; yet its amendments have been ruled out. Then there is nothing left to the Senate but to say "no" against this paragraph and all the subsequent paragraphs of that character.

Undoubtedly the right, the sensible, and the wise thing to do for this Congress is that suggested by the Senator from California, because we do not object to any reduction of the *personnel* of the Navy; we object to doing it in this manner, and much has been said about that particular phrase, "this manner." Yes, sir, I object to this manner of doing it. It is unexpected, harsh, and unjust. The commodores can be stricken out, the lieutenants can be reduced, the grade of master can be stricken out, a better gradation can be made, and a slow and a gradual reduction that will give these young men promotion in name and to some extent in compensation, but it can only be done decently and wisely by some board composed in part of veteran naval officers beyond the reach of temptation, backed up by a good and sensible report setting forth the manner in full and the effect of the proposed changes.

Mr. JONES, of Florida. Mr. President, I did not intend to make any contribution to the learning brought forth by the Senator from Illinois a while ago with regard to the grade of commodore in the Navy; but I wish to say a few words to set myself right upon it. I attempted to explain to the Senator that I saw a great distinction between the title and the rank of commodore and the legal statutory grade of commodore. While the one has existed from the foundation of the Government to the present day, the other has not. The rank and title of commodore has existed from the foundation of the Government to the present hour independent of statute, while the legal grade was not created until 1862.

Here is what a naval authority, Hamersly's Naval Encyclopedia, says—the Senator read from some other encyclopedia, but this is a naval encyclopedia:

Commodore: This rank, of no remote date in the British service, and only now a brevet rank, so to speak, for a captain in command of a squadron or a division of a fleet, is not noticed in the dictionaries of the seventeenth century. It is supposed to be derived from the Spanish "*comendador*," one having command over others or a company.

Until 1861 captains in the United States Navy commanding or having commanded squadrons were recognized as commodores, though never commissioned as such, and wore a broad pennant distinctive of that rank. In 1862 it was established by law as a fixed rank; and in July of that year eighteen were commissioned on the active and seventeen on the retired list.

Mr. LOGAN. That is just what I said.

Mr. JONES, of Florida. I understood the Senator differently. I understood the Senator to confound the rank and title of commodore with the legal grade.

Mr. LOGAN. Not at all.

Mr. JONES, of Florida. I admit that the legal grade never was created until 1862.

Mr. LOGAN. I say that the grade, which is called the rank, which carries pay, was never created and never existed till 1862; that the title existed as an honorary title, but not as a grade or rank. That is what I said.

Mr. JONES, of Florida. Now, as this amendment proposes to destroy the legal grade of commodore, upon the belief that it is necessary to reduce the number of officers of the Navy, I am against it on the merits, because even admitting all that has been stated by the Senator from Illinois and the Senator from Maine as to the heaviness of the officers of the Navy, I see no necessity for destroying the existing ranks in the Navy in order to reduce the number of officers. It is not necessary, in my opinion, to destroy entirely, as this bill proposes to do, the grade of commodore in order to reduce the number of officers. We have now, as has been shown, twenty-five commodores on the active list of the Navy. They may be too many; but why should the entire grade be destroyed in order to reduce the number of officers?

I think, as I said the other day, that there is nothing which gives life and heart and activity to the Navy more than the hope of promotion; and when you undertake to take away from a man as a captain the expectation that swells his breast of some day being able to be a commodore you destroy to a great extent the efficiency of that man's services. It was upon this principle that this law was passed. It has no other meaning, and every reason which induced its passage in 1862 is applicable now.

Why do you propose to retain the grade of admiral and rear-admiral, and to give the power of promotion to the President?

Mr. LOGAN. We do not propose to touch the grade of admiral or vice-admiral. That was stricken out on a point of order yesterday.

Mr. JONES, of Florida. Rear-admiral is left. Why is that retained? I find it in the bill. If there is nothing in the principle that promotion encourages efficiency, why not strike this out, and all get down on a dead captain's level? It has been stated that there is too much aristocracy in the Navy. I concur with a good deal that was said a while ago in regard to the inefficiency of the

Navy by the Senator from Maine, but I do not blame the officers for it. There is a regulation to-day in existence which requires every navy-yard to be commanded by a commodore, and I am one of the Senators alluded to by the Senator from Maine the other day who happens to have a navy-yard at his own door.

Mr. LOGAN. Who makes the rules of the Department? A board of naval officers.

Mr. JONES, of Florida. I was only speaking of the way in which this rule is disregarded, that while it is a rule of the Department that a commodore shall command a navy-yard, whenever a commodore is ordered down my way every influence possible is brought to bear upon the executive government to get him out of that service, although the point is only within thirty hours of the seat of Government. I do not blame the officers; I blame the administration of the Navy Department. As I said to an officer some time ago when speaking on this subject, how would England have retained her possessions on the coast of Africa, the Cape of Good Hope, the West India Islands, if when an unpleasant duty had to be performed she had to go to her officers and, in the language of Pinafore, "If you please, perform this duty?"

There has been a great deal of that here. The navy-yard in my State now is commanded by a captain, notwithstanding the number of commodores in the service without duty, because it is a little hot down there. The quarters are good enough for a prince. The rule requires a commodore, but the commodores would rather be in the shade.

I do not propose to abolish the rank because of that. I know that in former days that service was sought after by the first men in the Navy; but demoralization has crept into it, and although there was a vast amount of public property to be defended there some time ago by the Marine Corps, even when it came to getting a marine officer to go, the Secretary of the Navy had almost to beg one to go there and command the corps of men in that service. I say all this is not to be attributed to the existence of certain ranks in the service, but the defect is in the practical administration of the Navy Department. When a man is ordered to a place of duty he ought to be required to go.

The yard to which I refer is a public work located there, not for the defense of my State but placed there at the suggestion of the wisest men who ever sat in the councils of this country for the defense of the great commerce of the Mississippi Valley; but it is a little hot for the officers. So is the island of Cuba hot, but the Spanish Government has never thought of giving up that as a naval station and of requiring their first officers to command there because it is a little hot, and they have the yellow fever nearly the whole year around. We rarely have it down my way.

But I do not complain because of the ranks in the service. I think they ought to be maintained, and if it is necessary to reduce the number of officers I would do so without destroying the existing ranks as now established by law; for I sincerely believe that there is a very large number of meritorious officers in the list of captains in the service to-day who have earned by the best possible service to the country the promotion which is held out to them by existing law, and I shall not vote to take that right away.

There are numbers of able and competent captains in the active service to-day, and it is said that there is no pretense that any right is destroyed. Well, Mr. President, after you have gone on twenty years under this system of promotion by seniority and promoted captain after captain to the rank of commodore, and they are now upon the list of commodores, and then their associates in war and in honorable service are all at once cut off from that right, I ask if that is justice to the men that remain? Does it not create inequality? If you propose to do this thing, why not give it an effect away off in the future, when it will not strike down existing hopes and expectations as rudely as this bill does? Many men are now on the list of commodores who have been the associates of captains in the service that have not performed as meritorious service as many of the captains; still this bill comes in and says that hereafter no captain in the Navy, no matter what his character, his hopes or expectations, shall ever be a commodore. I cannot vote for that.

Mr. HALE. Now, Mr. President, let us have a vote. It is getting late.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California, [Mr. MILLER.]

Mr. BUTLER. I call for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. McDILL, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.] If he were here, I should vote "nay."

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, he would vote "yea" and I should vote "nay."

Mr. PLATT, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.] If he were present, I should vote "yea" and he would vote "nay."

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.] Not knowing how he would vote on this question I withhold my vote.

The roll-call was concluded.

Mr. FERRY, (after having voted in the negative.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I understood he would vote "yea," and I should vote "nay" if he were present. I withdraw my vote.

Mr. CAMERON, of Wisconsin, (after having voted in the negative.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.] I understand he would vote "yea," and I withdraw my vote. I should have voted "nay."

The result was announced—yeas 27, nays 22; as follows:

YEAS—27.

| | | | |
|-----------------|-------------------|-----------------|-----------|
| Anthony, | Grover, | Lapham, | Van Wyck, |
| Bayard, | Harrison, | Mahone, | Vest, |
| Blair, | Hawley, | Maxey, | Voorhees, |
| Butler, | Ingalls, | Miller of Cal., | Walker, |
| Call, | Jonas, | Morrill, | Williams, |
| Cameron of Pa., | Jones of Florida, | Saunders, | Windom. |
| Farley, | Jones of Nevada, | Sherman, | |

NAYS—22.

| | | | |
|-----------|------------------|-------------------|---------|
| Aldrich, | Conger, | Hill of Colorado, | Morgan, |
| Allison, | Davis of W. Va., | Hoar, | Plumb, |
| Brown, | Dawes, | Jackson, | Pugh, |
| Chilcott, | Frye, | Kellogg, | Sawyer. |
| Cockrell, | Hale, | Logan, | |
| Coke, | Harris, | McMillan, | |

ABSENT—27.

| | | | |
|--------------------|------------------|------------------|------------|
| Beck, | Garland, | Lamar, | Ransom, |
| Camden, | George, | McDill, | Rollins, |
| Cameron of Wis., | Gorman, | McPherson, | Saulsbury, |
| Davis of Illinois, | Groome, | Miller of N. Y., | Sawell, |
| Edmunds, | Hampton, | Mitchell, | Slater, |
| Fair, | Hill of Georgia, | Pendleton, | Vance. |
| Ferry, | Johnston, | Platt, | |

So the amendment was agreed to.

Mr. HAWLEY. I desire to move another amendment not pertaining now to reorganization but to *personnel*. I move to strike out the remainder of the matter upon the same page, (7,) the proviso which begins with the word "and," on line 152, and goes on to the word "pay," on line 162.

The PRESIDENT *pro tempore*. The words proposed to be stricken out will be read.

The Acting Secretary read as follows:

And provided further, That whenever on an inquiry had pursuant to law concerning the fitness of an officer of the Navy for promotion it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness or from any cause arising from his own misconduct or want of capacity, not caused by or in consequence of the performance of his duty, he shall not be placed on the retired list of the Navy, and he shall be discharged with not more than one year's pay.

Mr. HAWLEY. I move to strike out that clause, because I am not satisfied with the expression "an inquiry had pursuant to law." The clause directs the dishonorable discharge of an officer with not more than a year's pay. If he ought to be discharged at all dishonorably I should say it should be without any pay. If he is found unfit to perform his duties "by reason of drunkenness, or from any cause arising from his own misconduct," I find no fault with that part of it; but this is the doubtful portion: "Whenever on an inquiry had pursuant to law concerning the fitness of an officer of the Navy for promotion." Previously to that, in the part stricken out by the late vote of the Senate, there was a proviso that no officer should be promoted "unless his mental, moral, and professional fitness shall have been established according to the provisions of sections 1496 and 1497 of the Revised Statutes."

That is an inquiry of a board, not a court-martial. Then comes in the part I propose to strike out, "that whenever on an inquiry had pursuant to law." I suppose pursuant to these two sections named, which is not a court-martial, it is found that he is unfit for duty "by reason of drunkenness, or from any cause arising from his own misconduct," he shall be dishonorably discharged. That is to say, it provides for the dishonorable discharge of an officer, a terrible punishment, without the judgment of a court-martial. But a board sitting as these boards do, with a sort of *ex parte* hearing, not a regular trial, finds that an officer is disqualified by reason of his own conduct. That may be a sufficient bar against his promotion, because they cannot promote him "unless his mental, moral, and professional fitness shall have been established." But I do say, and I appeal to the lawyers to sustain me—for I am only nominally such—that you have no right to put this terrible disgrace upon a man upon the report of a board that simply assembles to consider promotion. Therefore I move to strike it out. An officer should not go out of service except on a judgment of a court-martial.

Mr. HALE. I am looking to see whether any movement in any direction would not be resisted. I see plainly there is no resistance to this. At present, as it stands, any naval officer, by any act of misconduct on his own part or by getting drunk, can go before a board and be put on the retired list. I do not believe that is right. I believe where a board find that a man from drunkenness or his own misconduct is not fit to be promoted, that instead of his being rewarded by going on the retired list he ought to be discharged, and we give him a year's pay; but if it is better to keep him in because nobody should go out, and you are assailing the American Navy if you want to get a drunken man off, let us keep him and vote this out as the Senator proposes.

Mr. HAWLEY. No, sir. I only ask for such a hearing as a man would get if he stole your handkerchief. I do not ask for anything more, but give him a fair trial. I do not want any such man in the Navy, as the Senator knows; but I object against his being turned out and forever dishonored on an *ex parte* hearing by one of the ordinary boards that come together to examine for promotion.

Mr. ANTHONY. A court of inquiry is not necessarily an *ex parte* tribunal. A court of inquiry is constituted in the same way as a court-martial. This proposition, which I was very glad to see in the last Congress, after full debate, and again in this Congress, without any debate. The retired list of the Navy should not be made an inebriate asylum.

Mr. HOAR. I should like to ask the Senator before he goes further to pause a little on the statement which he at first made. I do not know much about this subject, but, as I understand it, a court-martial has its very strict and legal regulations, and among them is a regulation that its sentence must be approved by the President of the United States.

Mr. ANTHONY. So with a court of inquiry.

Mr. HOAR. Allow me to state my understanding. Is that true of a board of inquiry for mere promotion? I do not find it so laid down in the general statutes where the question of the fitness of a party for promotion is to be determined that he has any right even to the presence of a judge-advocate who, although he represents the Government in a certain sense, sees that fair play is done, that he has any right to cross-examine a witness, and still less that he has a right to the presence of counsel of his own, or that he has any right whatever to the supervision of the President of the United States.

Mr. ANTHONY. He has all those rights.

Mr. HOAR. Where are they found?

Mr. ANTHONY. I do not know where they are found. I know what is the practice. There was an officer here who was before us for promotion. I ought not to state what has taken place in executive session, but I know that an officer who was examined for promotion had his own counsel. I refer to a case considered here at this session of Congress.

Mr. HOAR. Was that a right or a favor?

Mr. ANTHONY. I do not know—

Mr. JONES, of Florida. Will the Senator from Rhode Island permit me to interrupt him on that point?

Mr. ANTHONY. Certainly.

Mr. JONES, of Florida. He was permitted to have his own counsel because the Government employed counsel against him; and it was an exceptional case.

Mr. ANTHONY. No, sir; the Government employed a judge-advocate. The candidate employed counsel, and then the court gave the Government counsel.

Mr. JONES, of Florida. The Secretary of the Navy obtained an assignment from the Department of Justice of a person skilled in the law to prosecute that case. I do not care what you call him, whether a judge-advocate or a prosecuting attorney; that was the fact. Then of course the other party on every principle of reason was entitled to counsel for the defense. But the Senator well knows that in a great number of instances in which questions of qualification for promotion are tried the board has proceeded *ex parte*, and that complaints from time to time have come to the Naval Committee that the officers whose rights and interests were affected by the judgment of the board had not been permitted to put in an appearance before them. The other day when I called the attention of the Senator from Maine to this very provision, so unjust, and so dangerous in view of the practice and course of proceeding of these boards, I had in my mind the complaints that I have heard from time to time, as a member of the Naval Committee, as to the course of members of these boards even in excluding officers from their presence and going on and passing upon the question of promotion independent of their personal appearance at all. And if that is to be the rule, then they may dismiss a man from the public service under these provisions and destroy his hopes forever without giving him a hearing.

Mr. ANTHONY. My friend from Florida is mistaken in his recollection. A judge-advocate, as he knows very well, is counsel neither for the Government nor for the candidate, but is *amicus curiæ*. The candidate in this case employed counsel, was permitted to employ counsel, and then the court of inquiry asked the Secretary of the Navy to request the assignment of counsel for the Government; and he employed very astute and able counsel and cross-examined the witnesses.

Mr. JONES, of Florida. I never want to have any such impartiality exhibited as was exhibited by that judge-advocate, because I never read a speech of a prosecuting officer so strong and firm against the defendant as that speech was, and I cannot see that he represented but one side.

Mr. ANTHONY. In this very case the proceedings of the court of inquiry were disapproved by the President, and the case was sent back to a new court and the new court of inquiry reversed the first, and the officer was confirmed and promoted.

Mr. JONES, of Florida. But I will say, with the permission of the Senator from Rhode Island, that there are no established rules or principles to guide or control these boards. While the principles that regulate a court-martial are well established and a man knows

exactly what he has to depend upon when he goes before one, he can make no calculation whatever in respect to the other.

Mr. ANTHONY. Established by statute.

Mr. JONES, of Florida. Established by well understood principles of law.

Mr. ANTHONY. And so of a court of inquiry.

Mr. JONES, of Florida. We have an unwritten military code which governs the proceedings of courts-martial that this special board created only to inquire into qualifications for promotion never feels itself bound by.

Mr. HAWLEY. There is no necessity of discussing courts of inquiry, for none such are contemplated in this section, not even the poor court of inquiry that is proposed in the proviso of the House:

That whenever on an inquiry had pursuant to law concerning the fitness of an officer of the Navy for promotion, &c.

Mr. ANTHONY. That requires a board of inquiry.

Mr. HAWLEY. No, sir; begging the Senator's pardon. What sort of inquiry is that? I read from page 259 of the Revised Statutes:

SEC. 1496. No line officer below the grade of commodore, and no officer not of the line, shall be promoted to a higher grade on the active list of the Navy until his mental, moral, and professional fitness to perform all his duties at sea have been established to the satisfaction of a board of examining officers appointed by the President.

SEC. 1497. In time of peace no person shall be promoted from the list of commodores to the grade of rear-admiral, on the active list, until his mental, moral, and professional fitness to perform all his duties at sea has been established as provided in the preceding section.

Merely a board of examining officers as to these three qualifications with regard to promotion. Now, the court of inquiry is quite a different affair, provided for on page 284 of the Revised Statutes:

ART. 56. A court of inquiry shall consist of not more than three commissioned officers as members, and of a judge-advocate, or person officiating as such.

Mind you they can give no judgment. They are not intended for that, but for inquiry.

ART. 57. Courts of inquiry shall have power to summon witnesses, administer oaths, and punish contempts, in the same manner as courts-martial; but they shall only state facts, and shall not give their opinion, unless expressly required so to do in the order for convening.

ART. 58. The judge-advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality." After which the president shall administer to the judge-advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing."

ART. 59. The party whose conduct shall be the subject of inquiry, or his attorney, shall have the right to cross-examine all the witnesses.

ART. 60. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge-advocate, and shall, in all cases not capital, not extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony cannot be obtained.

The report of a board of inquiry cannot even be used before a court-martial unless you can show that oral testimony cannot be obtained. So that a board assembled merely to examine in the ordinary way for promotion is directed by this proviso to give the most tremendous judgment that can be given against an officer. When there is no provision in the world for his being before that examining board, he has necessarily no legal right to be there and examine witnesses.

Mr. LOGAN. I should like to call the Senator's attention to a provision that now exists in the statute in reference to retirement of naval officers. Section 1454 provides:

When said board finds—

Speaking of the board referred to by the Senator from Connecticut, which is a board provided for by law to examine naval officers for retirement or for promotion.

When said board finds that an officer is incapacitated for active service and that his incapacity is not the result of any incident of the service, such officer shall, if said decision is approved by the President, be retired from active service on furlough pay, or wholly retired from service with one year's pay, as the President may determine.

That is the law as it stands to-day.

Mr. HAWLEY. Mere "incapacity;" no judgment for dishonorable conduct there.

Mr. LOGAN. But he may be entirely put out of the service by this board, if the President approves its finding, with one year's pay; and now we only add to that that if the cause is from his intemperance or other act of his own then he shall be retired with one year's pay. The only difference between the existing law and this proviso is that he is to be examined by the same board the law now provides in reference to incapacity, and we declare that if that incapacity is produced by his own misconduct, intemperance, &c., he shall be discharged.

Mr. HOAR. But I do not believe the Senator from Illinois or the Senator from Maine will object to such an amendment as will meet the objection. Is not the difference this: on retirement for incapacity the charges are made; the man is brought to encounter the charge of his general capacity or not, and the decision of the board in that case, although it does not charge him with anything immoral, still must be approved by the President; and not only that but the President's discretion is invoked as to retiring the officer. Now, in the provision here the man comes before a board in ordinary course to see whether he is fit for promotion; there are no charges

whatever against him; but in the course of that inquiry, without any charges, without letting him know even what the charges are, unless in their discretion they choose—

Mr. ANTHONY. He has the right to appear before the board.

Mr. HOAR. He has the right to appear before the board, but that is a very different thing. They may adjudge him guilty of the misconduct stated, and then, without reserving any power to the President in that case to approve the finding, he shall absolutely be dismissed.

Mr. ANTHONY. The President is consulted.

Mr. HOAR. I do not so understand it. I understand, therefore, that you have taken a provision which allows a man to be dismissed from the service because he is unable to perform his duty, without any charge of misconduct, in which the law carefully implies that the man shall know the charge, and carefully provides for a revision by the President, which is, of course, under the advice of the Secretary of the Navy, but the determination still by the President as to the form of dismissal, and you transfer that to the case of guilt, stripping him of the right to be charged with guilt and stripping him of the right of appeal to the President. Perhaps I misunderstand it.

Mr. LOGAN. I merely wish to get the law as it stands fairly before the Senate. If the Senator will examine section 1447 of the Revised Statutes, which refers to the examination by the board of surgeons, and will follow these down, he will find the law as it now stands provides when this examination is made by the board of surgeons, if it appears that the incapacity of the officer is not incident to the service, that is to say, that he has not been incapacitated by reason of his service; but if it originated from acts other than the performance of his duty, then, on the approval of the President, he may be wholly retired—that is, dismissed from the service with one year's pay.

The only difference between this section in the bill and that particular section of the statutes, which refers to the same board precisely, the board of surgeons examining for promotion, is that we put in the word "drunkenness," and leave out the words "as the President may direct." If the words "as the President may direct" were added to this section, the only difference between it and section 1454 of the Revised Statutes would be that the word "drunkenness" is inserted in this bill. This is made to cover exactly the cases where men are guilty of drunkenness for years and are retired by boards and placed on the retired list and draw their pay. It is to provide that that class of men shall not infect the naval service, but shall be retired absolutely on one year's pay.

Now, I want to call the attention of the Senator from Connecticut to another paragraph. He speaks about courts-martial. He is on the Military Committee, and is a military man. He will find in section 1252 of the Revised Statutes this provision in reference to the Army. Speaking of a board, not a court-martial, but a mere board of examination, that section provides:

When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of any incident of service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine. The names of officers wholly retired from the service shall be omitted from the Army Register.

That is almost exactly the same provision for retiring officers from the Army—not dismissing them by a court-martial, but dismissing them by a board and the approval of the President—as that which exists in the Navy. As I said, if you add here the words "as the President may determine," this section will be substantially the section of the naval law as it now exists, except that the word "drunkenness" is inserted in this bill.

Mr. HOAR. I do not think that would improve it very much.

Mr. LOGAN. I have nothing to do with that, but the Senator is talking about courts-martial. I say men can be dismissed from the Army and Navy without a court-martial, and the law has so stood for years. There is no necessity to have a court-martial to dismiss a man for drunkenness if he goes before a board that examines a man for retirement. They can decide that he shall be wholly retired; that is, dismissed from the service, and he is dismissed by approval of the President.

So when you argue that a man ought to be tried by court-martial you had better amend the law you have now, because by the present law he can be dismissed from either service without a court-martial.

Mr. HALE. I move to insert the words "shall by order of the President be discharged."

Mr. HOAR. "Provided the finding be approved by the President."

Mr. ANTHONY. There is no harm in that; but it is entire surplusage.

Mr. LOGAN. It would have to be done anyhow by the statute.

Mr. ANTHONY. But there is no objection to putting it in. While I wish to weed out the intemperate men from the Navy, I do not wish to drive out any sober man on the charge of intemperance; but the officers who have been put on the retired list for intemperance, instead of being dismissed from the service dishonorably, as they ought to have been, have rendered that list almost, as I said before, an inebriate asylum. And the evil does not stop there. Of the officers put on the retired list for drunkenness more than 80 per cent. have been put, with the assent of the Senate, back on the active list, and there they remain for a year or two, and get a promotion and retire in a higher grade than the one in which they were retired by the court of inquiry.

Mr. ROLLINS. We are all very anxious to reform the Navy. We have more officers in the Navy than we want, and it seems to me that this is a very good way to dispense with some of them. We want to get rid of the poorest if we relieve the Navy of any; and if so, why not rid ourselves of the intemperate men, the men who are court-martialed for drunkenness? Why not have those men go out of the Navy, and keep in the Navy the sober men, and not have legislation by Congress restoring men to the Navy who have been dismissed for intemperance?

Mr. FRYE. There may be a difference as to the meaning of "intemperance."

Mr. ROLLINS. We shall have to go to Maine to settle that.

Mr. HAWLEY. The principle of what I am aiming at is found in section 1456 of the Revised Statutes, which reads:

No officer of the Navy shall be placed on the retired list because of misconduct; but he shall be brought to trial by court-martial for such misconduct.

My point is just this: that if an officer is to have the greatest dishonor placed upon him that can be placed upon him, he ought to be heard before it is done. Therefore I move to strike out the clause.

Mr. ROLLINS. I do not know how the Senator from Connecticut got the floor from me, but he did it in some way. I had not yielded. I agree with the Senator from Connecticut that no man should be dismissed from the Navy without having a fair trial; he should have a fair chance to be heard; but in these times when there seems to be an absolute necessity for reducing the personnel of the Navy, for relieving ourselves of some portion of the organization, I simply desire to suggest that we should rid ourselves of the worst portion of it, of the least deserving; that is all. Therefore I am opposed to this amendment.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut.

Mr. ANTHONY. The Senator from Massachusetts has an amendment to the clause before the question is taken on striking out. Everybody wants to drive out the drunkards and not have any sober men driven out on a false charge of drunkenness.

Mr. ROLLINS. The trouble heretofore has been that when people were dismissed they found a way of getting back, and if they were put on the retired list they got back on the active list. I have now in my mind the case of an officer in the Navy who applied for a promotion of some one hundred numbers at this very session of Congress, who, when he was called before the board for examination, was so intoxicated that he was not able to appear. What I desire is to rid the Navy of just such men as that.

Mr. ANTHONY. I think that man was retired as a commander, and now he wants to be put over the captains and commodores and be made a rear-admiral.

Mr. ROLLINS. It was a modest request to be put over the heads of one hundred and twenty-five officers of the Navy, and I wonder the Senate did not do it.

Mr. PLUMB. I should like to ask the Senator from New Hampshire if that man gets promotion through the action of the Naval Committee?

Mr. ANTHONY. No, sir. The Naval Committee have reported against them, but the Senate have voted the Naval Committee down. I think the next petition of that kind had better be referred to the Committee on Appropriations. [Laughter.]

Mr. ROLLINS. If the Senator from Kansas will consult the records of the Committee on Naval Affairs at this session and find how many cases of that kind have gone through that committee favorably and been acted on here, if he finds one he will discover something that will astonish me.

Mr. HOAR. If this section be left as it now stands, if I correctly understand it, the Senate will be applied to in ninety-five one-hundredths of all the cases to interfere by special legislation on the ground that the officer was not aware of the nature of the charge. I move to amend by adding after the word "misconduct," in line 158, the words "having been informed of the charges against him," and then after the word "and," in line 161, to insert "if the finding of the court be approved by the President;" so that it will read:

If it shall appear that such officer is unfit to perform the duties of the place to which it is proposed to promote him, by reason of drunkenness or from any cause arising from his own misconduct, having been informed of the charges against him, he shall not be placed on the retired list of the Navy, and if the finding of the board be approved by the President he shall be discharged with not more than one year's pay.

Mr. ANTHONY. That is all right.

Mr. HAWLEY. That will do.

Mr. ANTHONY. All that is comprised in the three words "pursuant to law," but there is no objection to enacting it specifically.

Mr. HOAR. I do not so understand it. The words "pursuant to law" relate to the inquiry concerning his fitness for promotion. He goes before the board and says, "I am fit for promotion." Then if there is a charge that he is unfit by his own misconduct—

Mr. HALE. Everybody admits the amendment if we can get a vote on it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

The amendment was agreed to.

Mr. HAWLEY. Now I withdraw my motion to strike out.

Mr. MILLER, of California. I move to amend by striking out all

after the word "dollars," in line 167, down to and including the word "rank," in the one hundred and seventy-fifth line.

Mr. HALE. I raise the point of order there.

Mr. MILLER, of California. What is the point of order?

Mr. HALE. That is a clause that the Committee on Appropriations moved to strike out; the Senate negatived that and adopted the clause with an amendment, so that it has already acted on it.

The PRESIDENT *pro tempore*. The following clause has been agreed to:

That the active list of lieutenants in the Navy shall hereafter consist of two hundred and twenty-five, and until the number of lieutenants now on the active list of the Navy shall be reduced below the number of two hundred no promotion shall be made to fill vacancies occurring in said grade.

Mr. HALE. That has been agreed to with an amendment positively negativing the action of the Committee on Appropriations.

Mr. MILLER, of California. What was the amendment?

Mr. HALE. Changing the number from two hundred to two hundred and twenty-five.

Mr. MILLER, of California. Does the record show that, Mr. President?

The PRESIDENT *pro tempore*. Yes, sir; the Secretary says so.

Mr. MILLER, of California. Does that preclude my motion now?

The PRESIDENT *pro tempore*. The Senator can raise the point in the Senate.

Mr. MILLER, of California. If it is out of order now, I will reserve the motion until the bill comes into the Senate.

Mr. ROLLINS. I desire to submit an amendment. On page 6, after the word "dollars," in lines 129 and 130, I propose to insert:

That all officers of the Navy now on or who hereafter may be placed on the retired list shall be entitled to receive annual pay only at the rate prescribed by law for retired officers of the grade in which such officers were or may be retired.

The object of this amendment is to cure the evil brought about by special acts of Congress; and inasmuch as public attention has been drawn to this, I want as far as we can to cure that evil. I will not occupy the time of the Senate, but will simply call attention to the condition of the Navy retired list as shown by this statement:

NAVAL RETIRED LIST.

| | |
|---|----------------|
| 46 rear-admirals | \$202,125 |
| 20 commodores | 67,650 |
| 11 captains | 22,700 |
| 10 commanders | 19,100 |
| 16 lieutenant-commanders | 20,750 |
| 9 lieutenants | 14,850 |
| 11 masters | 13,950 |
| 6 ensigns | 4,400 |
| 1 midshipman | 300 |
| 130 total line | 374,825 |
| 22 medical directors | 70,725 |
| 2 medical inspectors | 4,600 |
| 2 surgeons | 4,200 |
| 4 passed assistant surgeons | 6,050 |
| 5 assistant surgeons | 6,650 |
| 35 total medical corps | 92,225 |
| 10 pay directors | 34,350 |
| 2 pay inspectors | 5,500 |
| 4 paymasters | 8,525 |
| 2 passed assistant paymasters | 3,150 |
| 1 assistant paymaster | 1,425 |
| 19 total pay corps | 52,900 |
| 10 chief engineers | 27,300 |
| 21 passed assistant engineers | 20,700 |
| 25 assistant engineers | 31,205 |
| 56 total engineers | 88,285 |
| 8 chaplains | 16,800 |
| 7 professors of mathematics | 16,350 |
| 1 constructor | 3,750 |
| 3 civil engineers | 7,500 |
| 19 total | 44,400 |
| 12 boatswains | 15,100 |
| 8 gunners | 10,800 |
| 11 carpenters | 14,850 |
| 8 sail-makers | 10,800 |
| 39 total warrant officers | 51,500 |
| 298 grand total | 704,185 |
| Pay of retired officers of the Army | 761,550 |
| Navy | 704,185 |
| Difference | 57,365 |

Mr. HALE. This is a good amendment; I hope the Senate will adopt it.

Mr. ANTHONY. The amendment is proper enough, but it does not prevent Congress from passing special legislation.

Mr. ROLLINS. We can look out for that. The Naval Committee will take care of that.

Mr. ANTHONY. It is the law now.

Mr. LOGAN. Oh, no.

Mr. ANTHONY. Certainly; the law says there shall be no in-

crease of pay of a retired officer by reason of his promotion on the retired list.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire, [Mr. ROLLINS.]

Mr. JONES, of Florida. Let us understand this thing. If this is a work of supererogation let us understand it. I would ask the Senator from New Hampshire, who is so familiar with all existing laws relative to the Navy, to refer, if he can, to that law now which authorizes an officer who retired, I will say with the grade of commodore, to receive the pay of a rear-admiral, or any law on the statute-book under which an officer of the Navy retired with an inferior rank can receive the pay of a higher rank. I want to see the statute that authorizes it, and if this is a thing that is done without authority of law I want to know it.

Mr. ROLLINS. It is not done without authority of law. I took up the other day in the Senate the case of Rear-Admiral Sands on the retired list to illustrate the effect of special legislation upon retirement. I went through carefully myself and placed in the RECORD the laws, the time when the acts were passed, and all relating thereto or all that was necessary to understand the reasons why Captain Sands, who was retired as a captain, should to-day be a rear-admiral on the retired list, and instead of receiving \$1,738 a year, which he did receive when retired, he now receives \$4,500 a year.

This amendment, if adopted, will simply provide that every man who is now upon the retired list shall receive hereafter just the pay of the grade which he had when he was retired.

Mr. JONES, of Florida. The Senator proposes to cut down the retired pay of these officers.

Several SENATORS. No, no.

Mr. JONES, of Florida. Is that it?

Mr. HALE. I would not undertake to agree to anything of that kind.

Mr. ROLLINS. I want the Senate to understand how this thing has been brought about.

Mr. JONES, of Florida. I say here that there is no general law on the statute-book to-day—I make the assertion broadly—which authorizes the Treasury Department to pay an officer who has been retired according to the pay belonging to a higher grade when he is retired at a lower one, and if this thing has been done it has been done under special legislation applicable to special cases.

Mr. ROLLINS. Certainly. I have stated more than once that this is the result of several special acts of Congress ingeniously dovetailed together, so that they take a man from the rank of captain and make him a rear-admiral and give him, instead of \$1,738 a year, \$4,500 a year. That is the sort of legislation I desire to rip up by the roots.

Mr. JONES, of Florida. Let me understand your purpose.

Mr. ROLLINS. That is my purpose.

Mr. JONES, of Florida. That is what I said it was a while ago, and I knew it; but when it was undertaken to repeal a general law which it was said authorized this increase of pay, it was found that there was no law for it; and if anything is done in this case it will be to destroy the retired pay given to those gentlemen. I do not know the special circumstances of their cases. Years have passed by since those laws were passed; they enjoy those rights under existing special enactments, and if it is your purpose to take their rights away, why not say so, and let Senators understand it.

Mr. ROLLINS. I will tell you what the practical effect of the amendment is.

Mr. BUTLER. Let it be read.

Mr. ROLLINS. Very well.

The ACTING SECRETARY. The amendment is to insert, after the word "dollars," in line 130:

That all officers of the Navy now on, or who hereafter may be placed on, the retired list shall be entitled to receive annual pay only at the rate prescribed by law for retired officers of the grade in which such officers were or may be retired.

Mr. ANTHONY. That is not right.

Mr. JONES, of Florida. It applies to officers now on the retired list, and is intended to relate to them.

Mr. HAWLEY. I raise the point of order against it.

Mr. ROLLINS. Let us see what the practical effect is. Take the first man on your retired list. He was retired as a captain on \$1,738 a year.

Mr. ANTHONY. I do not want to interrupt my friend, but I reserve the point of order on the amendment.

Several SENATORS. Make it now.

Mr. ROLLINS. I am on the floor.

Mr. HAWLEY. I make the point of order now.

Mr. ROLLINS. I am on the floor.

Mr. CAMERON, of Wisconsin. I rise to a question of order.

Mr. ROLLINS. Raise your question and see whether you can take me off the floor.

Mr. CAMERON, of Wisconsin. The point of order is that the amendment offered by the Senator from New Hampshire is not in order under Rule 29.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. ROLLINS. I should like to say a word about the point of order.

Mr. CAMERON, of Wisconsin. I object to anything being said

about the point of order, because the rules require that points of order shall be decided without debate.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. HALE. The Senator from New Hampshire is cut short in his untimely crusade for reform.

Mr. ROLLINS. Will the Presiding Officer decide the point of order?

The PRESIDENT *pro tempore*. The Chair has decided that the point of order is well taken.

Mr. ROLLINS. I appeal from the decision of the Chair.

Mr. CAMERON, of Wisconsin. I move to lay the appeal on the table.

Mr. COCKRELL. But the Senator from New Hampshire has the floor.

Mr. ROLLINS. I think a poor man like me ought not to be taken advantage of in this way.

Mr. HALE. I am interested in seeing what a good time the Senator from New Hampshire will have in reforming anything.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. ROLLINS. I appeal from the decision of the Chair, out of no disrespect to the Chair; but the Senate of the United States always votes anything in order that it desires to put on a bill; and therefore I shall conclude, if a majority of the Senate vote that this is not in order, that they are opposed to this very much needed reform with reference to the retired list. That is my theory. Now, let us see how much injustice this will do to Admiral Sands. He received when he was retired as a captain \$1,738 per annum. To-day he receives \$4,500 by reason of these special acts, that seemingly are in direct violation of law. If he receives three-fourths of the sea pay which he would be entitled to to-day as a retired captain, he would receive three-fourths of \$4,500, or \$3,375 a year.

Here he has been going on, year after year, receiving pay which he was perhaps legally entitled to by reason of these special acts, but when you take into consideration the way in which they were obtained by amendments upon appropriation bills, by special acts at various sessions of Congress, understood by but few, I say that it is not doing him any injustice, and I say that it is a reform which is very much needed. Since the retired list has been brought to the attention of the Senate and of the country, and the wickednesses of it have been pointed out, I say that for the Senate to hesitate now is unwise. I hope therefore a majority of the Senate will vote that this amendment is in order and that this evil may be cured.

Mr. JONES, of Florida. If anything could convince me of the unwisdom of this legislation on appropriation bills, the position of the Senator who has just taken his seat would be sufficient. He proposes now at this late day of the session, by an amendment of this kind, following the example of the Appropriations Committee, to strike down the rights of these gentlemen that have been built up. They have rights here. They are honorable officers of the United States Navy. Those laws were not passed without some reason for them, and surely they ought not to be repealed in this way without an opportunity of a hearing being given to the parties whom they so greatly affect. I was not in Congress when Admiral Sands was retired. All I know of him is that he is an honorable and distinguished man, and there must have been equities in his case or it would not have been done. But I was at a loss to understand a while ago the position of the Senator, and there was so much said about the retired list that I really thought I was ignorant of the law relating to retirement, because I knew of no law which authorized any additional pay to be given to an officer when retired on one rank in accordance with law. There is certainly no general law, and these are all executed cases; they are not executory.

Mr. DAVIS, of West Virginia. Will my friend tell me if there was no law for it how he accounts for it in the case of two hundred men?

Mr. JONES, of Florida. They do not stand on any general law.

Mr. DAVIS, of West Virginia. How do they get money in addition to what they received when retired under the general law?

Mr. JONES, of Florida. Gentlemen come in here with a lot of cases which prove nothing. The statutes are not produced, but they publish a lot of tables.

Mr. DAVIS, of West Virginia. Here are the originals.

Mr. JONES, of Florida. I have seen enough of the tables to know that they cannot be relied upon.

Mr. DAVIS, of West Virginia. They are signed by the Secretary of the Navy.

Mr. JONES, of Florida. Before I would take away the rights of a dog I would have an inquiry into the circumstances under which these additional allowances were made, and would not with a sweeping amendment like this, twenty or thirty years after these acts were passed, go to work and repeal them in this way. If it was a general law controlling this subject it would be another thing, but these laws have been executed, and they are expiring to a certain extent.

Mr. HALE. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOAR. I move to lay the appeal on the table.

Mr. LOGAN. I do not want to make a speech, but to put a statement on record, if the Senator will allow me.

Mr. HOAR. Very well.

Mr. LOGAN. In answer to the remarks of the Senator from Florida about the great wrongs that are being done the Navy, or going to be done, I want to call his attention to a record which stands undisputed. After the war was over a great many persons in the Army were retired by special act as brigadier-generals and some as major-generals, when they never held such rank.

There were some thirty or forty of them. I introduced a bill similar in terms to the amendment proposed by the Senator from New Hampshire to this bill, and it passed the Senate almost unanimously, went to the House, was passed by the House, and became a law. Under it those gentlemen who were on retired pay which they were never entitled to were reduced and stand reduced on the record to-day. If the provision here is unjust to officers of the Navy, why was that not unjust to officers of the Army? They came here and lobbied through bills and got rank they never had in the Army and got the pay of that rank; and we reduced them, and they stand reduced to-day. The same thing ought to be done in the Navy.

Mr. JONES, of Florida. Not without examination.

Mr. HOAR. I move to lay the appeal on the table.

Mr. ROLLINS called for the yeas and nays; and they were ordered.

Mr. ANTHONY. No Senator can vote against this. Whatever may be his views upon the amendment, it is certainly out of order.

Mr. BECK. I voted for this amendment in committee; I would vote for it again; but—

The PRESIDENT *pro tempore*. The question is not debatable. The motion is to lay the appeal on the table.

Mr. BECK. I have no question that the ruling of the Chair was right; and even to accomplish a purpose that I favor I cannot vote that it was wrong.

Mr. DAVIS, of West Virginia. I agree with the Senator from Kentucky.

Mr. HOAR. I raise another point of order. I ask the Chair to enforce the rule.

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. DAVIS, of West Virginia. I understand that, but I must vote to sustain the Chair, like the Senator from Kentucky.

The Principal Legislative Clerk proceeded to call the roll.

Mr. DAWES, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.] I should vote "yea," if he were here.

Mr. BUTLER, (when Mr. HAMPTON's name was called.) My colleague [Mr. HAMPTON] is paired with the Senator from Colorado, [Mr. CHILCOTT.]

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, I should vote "yea."

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

The roll-call was concluded.

Mr. FERRY. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] Were he here, I should vote "yea."

Mr. HALE. The Senator from Iowa [Mr. ALLISON] is paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The result was announced—yeas 29, nays 15; as follows:

YEAS—29.

| | | | |
|------------------|-------------------|-------------------|-----------|
| Aldrich, | Conger, | Ingalls, | Morrill, |
| Anthony, | Davis of W. Va., | Jones of Florida, | Sawyer, |
| Beck, | Farley, | Jones of Nevada, | Sherman, |
| Blair, | Hale, | Kellogg, | Voorhees, |
| Butler, | Harrison, | Logan, | Windom. |
| Call, | Hawley, | McMillan, | |
| Cameron of Pa., | Hill of Colorado, | Mahone, | |
| Cameron of Wis., | Hoar, | | |

NAYS—15.

| | | | |
|-----------|----------|-----------------|----------|
| Brown, | George, | Miller of Cal., | Rollins, |
| Cockrell, | Jackson, | Morgan, | Vest, |
| Coke, | Jonas, | Plumb, | Walker. |
| Frye, | Maxey, | Pugh, | |

ABSENT—32.

| | | | |
|--------------------|------------------|------------------|------------|
| Allison, | Ferry, | Johnston, | Ransom, |
| Bayard, | Garland, | Lamar, | Saulsbury, |
| Caaden, | Gorman, | Lapham, | Saunders, |
| Chilcott, | Groome, | McPherson, | Sewell, |
| Davis of Illinois, | Grover, | Miller of N. Y., | Slater, |
| Dawes, | Hampton, | Mitchell, | Vance, |
| Edmunds, | Harris, | Pendleton, | Van Wyck, |
| Fair, | Hill of Georgia, | Platt, | Williams. |

So the appeal was laid on the table.

Mr. JONES, of Florida. Mr. President—

Mr. HALE. I ask the Senator from Florida to let me make a request. I ask unanimous consent that the five-minute rule be applied to other amendments. I am very desirous, and I think everybody will sympathize with me, to get the bill through to-night. I do not know of any amendment that will be offered which will give rise to debate. Certainly that will help us to get through, and I make that request.

Mr. JONES, of Florida. I do not think it is possible to get through the bill to-night.

Mr. HALE. I shall ask the Senate to stay here.

Mr. JONES, of Florida. I move that the Senate adjourn.

Mr. KELLOGG. I ask the Senator from Florida to move that the Senate go into executive session.

Mr. HALE. Here we have been four days on this bill, and it is very essential that we should pass it to-night. I am willing to stay and work as hard on it as anybody else to get through.

Mr. DAVIS, of West Virginia. We want to consider the sundry civil bill on Monday.

Mr. HALE. We want to have the sundry civil bill considered the first thing on Monday morning, and if this bill goes over until Monday morning, with the right of adding amendments and debate and discussion, it will take the whole day Monday. If we sit here another hour to-day we can finish it under the five-minute rule.

Mr. JONES, of Florida. There are a great many important matters in the bill that have not been debated. For one, I am unwilling to accede to the five-minute rule on this bill.

Mr. HALE. I think everybody will agree to apply the rule.

Mr. JONES, of Florida. If the Senator from Maine can finish the bill to-night I am willing to "sit it out," but I feel confident it cannot be done.

Mr. HALE. Let us see if all Senators will agree to the proposition to apply the five-minute rule to other amendments.

The PRESIDENT *pro tempore*. Is there unanimous consent that upon all other amendments the five-minute rule be applied?

Mr. JONES, of Florida. I object.

Mr. HALE. All agree except the Senator from Florida.

Mr. JONES, of Florida. No; they do not. Several besides me object to the application of the rule.

Mr. BUTLER. Mr. President—

Mr. JONES, of Florida, (at five o'clock and three minutes p. m.) My motion to adjourn was in order.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Florida that the Senate adjourn.

The motion was not agreed to.

Mr. BUTLER. I desire to offer the amendment to section 2 of which I gave notice. I move to strike out all after the word "and," in line 13 of that section, down to the word "Treasury," inclusive, in line 18, and to insert:

The Secretary of the Navy shall report the same to Congress at its next session.

Mr. HALE. Under the action of the Senate in regard to the amendment offered by the Senator from Kentucky [Mr. BECK] I do not wish to take up any time upon that, and I do not.

Mr. BUTLER. Then I think it will pass the Senate.

Mr. DAVIS, of West Virginia. Let the amendment be read.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to strike out after the word "and," in line 13 of section 2, down to and including the word "Treasury," in line 18, as follows:

All such stores and supplies as shall be found by boards of appraisers to be unserviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury.

And to insert:

The Secretary of the Navy shall report the same to Congress at its next session.

Mr. LOGAN. What is the idea of that?

Mr. HALE. It is only to provide for reporting, instead of selling.

Mr. DAVIS, of West Virginia. To report what there is.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina.

Mr. PLUMB. I ask for a division.

Mr. BUTLER. Let us have the yeas and nays.

Mr. HALE. I hope the time will not be taken up by calling the yeas and nays.

Mr. BUTLER. I will try a division first.

Mr. LOGAN. I want to ask a question, for the amendment goes a good way if Senators will notice it for a moment. It covers stores and supplies; it covers supplies for the Navy; it covers the provisions. The amendment would prevent spoiled provisions or anything like that from being sold until reported here at the next session. Such things would be in a good condition then!

Mr. COCKRELL. It applies to stores and supplies.

Mr. LOGAN. Stores and supplies for the Navy.

Mr. BUTLER. It does not interfere at all in the way indicated by the Senator from Illinois.

Mr. LOGAN. All right.

Mr. BUTLER. The Secretary of the Navy or other officers of the Navy can still go on under existing law.

Mr. HALE. I do on account of the delay what I thought I would not do. I make the point of order against the amendment, that it changes existing law.

Mr. BUTLER. I am very much surprised at that after it was the distinct announcement by the Senator from Maine that he would not make the point of order.

Mr. HALE. I did not intend to make the point of order, but there is so much delay that I feel compelled to do so.

Mr. BUTLER. That is certainly a violation of the solemn agreement made.

Mr. HALE. By no means.

Mr. BUTLER. I beg the Senator's pardon.

Mr. HALE. I decline to permit the Senator to make any such statement.

Mr. BUTLER. I do not mean to be disrespectful to the Senator from Maine; but I say it is a practical violation of the solemn agreement made at the time, for I called attention to it, and the Senator said he would not make a point of order.

Mr. HALE. To this amendment?

Mr. BUTLER. To any amendment. I gave notice of this amendment.

Mr. COCKRELL. That agreement was not made. I protested against it and reserved the right to make a point of order myself.

Mr. HALE. I said when the Senator offered this amendment that under the action of the Senate on the amendment of the Senator from Kentucky I would not make any resistance, and now, if we can vote upon the amendment without discussion, (the Senate understands it well enough,) I am willing to vote rather than have delay, after the Senate has declined to adjourn.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to; there being on a division—ayes 20, noes 19.

Mr. VANCE. On page 3, line 57, after the word "men," I move to insert:

But these provisions shall not apply to cadets now in the Naval Academy.

Mr. HALE. I have an amendment here that I will offer that I think the Senator will accept. It is a committee amendment that I tried to offer a little while ago, but had to send for the papers. I propose to insert:

Nor deprive of such appointment any graduate who may complete the six years' course during the year 1882.

That not only applies to graduates already but there are some whose complete final graduation will not take place until after that. This was drawn by the Secretary of the Navy to cover the point of the Senator from North Carolina, and to cover all graduations this year.

Mr. VANCE. There are a number of cadets there now who will not graduate for four years, and what is asked of them? They entered the Navy under the supposition that they would graduate like other graduates and be entitled to some promotion in the naval service. I think the operation of law should only be against those who enter the Academy after the passage of the law. I offer the amendment which I indicated.

Mr. HALE. I make the point of order that it changes the law.

Mr. COCKRELL. I make the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. DAVIS, of West Virginia. Now, does the Senator from Maine wish to offer his amendment?

Mr. VANCE. Let me understand this thing. Does the Chair hold that my amendment is a change of law?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. VANCE. It is an amendment to the text of the bill as it came from the House.

The PRESIDENT *pro tempore*. It changes the law.

Mr. VANCE. It does not change the law; it is a change of a proposal to change the law.

Mr. COCKRELL. That is precisely what we decided against yesterday.

The PRESIDENT *pro tempore*. It is general legislation.

Mr. VANCE. Then I will move with permission, if the Senate thinks the amendment is not in order, to strike out the whole provision in reference to cadets in the Naval Academy.

The PRESIDENT *pro tempore*. From what point to what point?

Mr. VANCE. Beginning in line 29, after the word "provided," and running down to line 59. I move to strike out the whole of that clause.

The PRESIDENT *pro tempore*. The matter proposed to be stricken out will be read.

The Acting Secretary read as follows:

That hereafter there shall be no appointments of cadet-midshipmen or cadet-engineers at the Naval Academy, but in lieu thereof naval cadets shall be appointed from each Congressional district and at large, as now provided by law for cadet-midshipmen, and all the undergraduates of the Naval Academy shall hereafter be designated and called "naval cadets;" and from those who successfully complete the six years' course appointments shall hereafter be made as it is necessary to fill vacancies in the lower grades of the line and Engineer Corps of the Navy and of the Marine Corps; And provided further, That no greater number of appointments into these grades shall be made each year than shall equal the number of vacancies which has occurred in the same grades during the preceding year; such appointments to be made from the graduates of the year, at the conclusion of their six years' course, in the order of merit as determined by the academic board of the Naval Academy; the assignment to the various corps to be made by the Secretary of the Navy upon the recommendation of the academic board. But nothing herein contained shall reduce the number of appointments from such graduates below ten in each year. And if there be a surplus of graduates, those who do not receive such appointment shall be given a certificate of graduation, an honorable discharge, and one year's sea pay, as now provided by law for cadet-midshipmen; and so much of section 1521 of the Revised Statutes as is inconsistent herewith is hereby repealed.

Mr. HALE. Mr. President, only one word. This is that portion of the bill that deals with the constant supply that is being injected into the Navy, thereby making constantly an overplus. If the Senate chooses now to strike this out, to not only strike out all in rela-

tion to the upper grades but also this attempt that has been made to prevent the overplus of graduates, it has the right and the power to do that. That is what this does. I am not going to discuss it any further, only stating just what it is, so that every Senator may vote with his eyes open. I move to lay the amendment on the table.

Mr. BUTLER. If the Senator from Maine will pardon me one moment, I perhaps used language a while ago that I should not have done, and if what I said was offensive to the Senator, as a matter of course I regret it very much. I had no idea of making any reflection upon him. Now, I want to convince the Senator that I was right in saying what the agreement was and that he was wrong.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair would state to the Senator from South Carolina that the motion of the Senator from Maine to lay the amendment on the table is not debatable.

Mr. BUTLER. I will then ask the Senator to suspend it one moment while I read from the RECORD.

Mr. HALE. Very well.

The PRESIDING OFFICER. The motion is temporarily withdrawn.

Mr. BUTLER. Yesterday the following debate occurred on this floor:

Mr. BUTLER. I should like to get a little information. What course has been adopted on this bill? Is it proposed to go through with the bill and act upon the committee amendments first before any amendment is suggested on the floor of the Senate?

Mr. HALE. That order was adopted the other day when the bill was first called up.

Mr. BUTLER. I have several amendments that I desire to offer.

Mr. HALE. I wish to say here, notwithstanding the ruling of the Chair, that, so far as I am concerned, I do not propose to insist upon technical points. Realizing that the bill contains legislation, and that any matter that is pertinent to the Navy and to its organization and service ought to be considered, when we get through with the amendments of the committee, and any proposition is made, I shall not insist on enforcing the ruling of the Chair. I shall be glad if, in the same spirit, all Senators will withhold objections to the committee amendments. As we go along, one by one let us consider them, discuss them, and modify them, if we will, or strike them out. I shall be very glad if, in the same spirit that I announce my course of action, Senators on the other side shall fail to make points of order, and in that way we shall have everything considered.

Mr. ROLLINS. We might reach an amicable arrangement on that point if the Senators on the floor were allowed to offer their amendments to the bill as we progress. Then we can see how far liberty is extended to members of the Senate. I want to secure for each member of the Senate and for each committee of the Senate the same rights and privileges which are extended to the Committee on Appropriations, and that is all. If that can be extended to us I am satisfied.

Mr. HALE. But let me ask the Senator—

The PRESIDENT *pro tempore*. Let the Chair make a suggestion. If the arrangement suggested is not carried out in good faith, the Senator from New Hampshire can in the Senate assert any right that he has.

Mr. HALE. Undoubtedly. What fairer proposition could be made than mine, that we proceed in accordance with the order adopted the other day to take up the committee amendments? When we come to those amendments, any amendments that are offered to those amendments I shall not object to even if they do involve new legislation, provided they are pertinent, and then when we get through any general proposition that any Senator has to strike out half a dozen pages in the bill, like that of the Senator from California, I shall not object to, and we shall have a vote upon that.

Mr. BUTLER. That is exactly the point on which I wanted to get information. I propose to strike out all that portion of the bill which is general legislation.

Mr. HALE. I shall make no point of order on that. I do not care what points of order there are of any kind as to being germane or as to being new legislation or as to changing law, I will not make any point of order. I do not want the bill run in that way.

That was the basis of the assertion which I made. Perhaps I stated it too harshly, but for that I have made the *amende* to the Senator.

Mr. HALE. I wish to say that yesterday afternoon when we were proceeding, with an understanding which was not of course a binding agreement, but an understanding that ought to be just as binding with gentlemen, I thought and stated at the time that the Senator himself infringed certainly upon my understanding of the agreement when he persistently interposed his point of order to the provision of the Senate Committee on Appropriations upon an amendment that was admittedly very much better than the House provision, and stated that his object was to strike out everything. I consider that that was going beyond what anybody had considered or talked of, and I had no thought that any such point was to be made. I did not consider after that, and when the Senator had insisted upon that, he supposed that anybody was held not to make points of order.

Mr. BUTLER. I should like to ask the Senator if I gave him any assurance that I would not make a point of order? That cannot, when I avail myself of a right which I clearly have, absolve him of his promise. I gave no assurance that I would not make a point of order.

Mr. COCKRELL. I renew the motion to lay the amendment on the table.

Mr. HOAR. I ask the Senator to withdraw the motion. I wish to say something on the merits of the proposition; it is a very important matter indeed.

The PRESIDING OFFICER. Does the Senator from Missouri withdraw the motion to lay the amendment on the table?

Mr. COCKRELL. I withdraw it. The Senator from Maine has the bill in charge, and he may renew it.

Mr. HALE. I ask unanimous consent that the five-minute rule be applied.

The PRESIDING OFFICER. Is there objection to the adoption of the five-minute rule?

Mr. VANCE. There is.

Mr. HALE. Then I move to lay the amendment on the table.

Mr. HOAR. I ask the Senator from Maine having charge of the bill to permit me to state what is the main subject before us.

The PRESIDING OFFICER. Does the Senator from Maine withdraw his request for the adoption of the five-minute rule?

Mr. HALE. I will withdraw it for the Senator's inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. HOAR. I do not know a great deal about this bill, but I do know that this provision will be a source of very serious disappointment to a great many very worthy young men. The text of the bill which it is now proposed to strike out destroys altogether the existing system of cadet-engineers and compels persons who are to be employed in the Navy in the management of engines, in the construction of engines, who are to understand all in regard to steam-machinery, to be taken from the cadets at large.

There has been, as I understand it, a policy in existence in the management of the naval school for some years past, under a law passed about eight or nine years ago, under which boys who did not pass the usual competitive examination, or did not obtain the usual recommendation of a member of Congress in any way as suited to the general duties of an officer, the charge of a ship, who did not expect to become admirals or commodores or famous, eminent officers, still having a special inventive genius, were permitted to go and receive an education as cadet-engineers and were employed afterward in the special charge of the machinery, the engine, upon the ship.

I have known in my own neighborhood, which is a community of mechanics, boys who manifested in early life great mechanical and inventive genius, who were eager to avail themselves of this opportunity, and who undoubtedly would be extremely useful men to the Government. They never would have thought of becoming ordinary officers in the Navy any more than they would have thought of going to West Point.

The bill as it stands utterly strikes out and destroys that policy on which we have been acting. If that is passed it is proper to say so, but it seems to me to determine that question by laying on the table a motion to strike out the text of the bill is not reasonable. Unless there is some good reason stated by the honorable Senator from Maine, I hope the motion will not prevail.

I trust the amendment of the Senator from North Carolina will prevail, for I am sure the naval war is to be very largely hereafter a war of invention, of mechanical skill. Our policy—and that is the policy of the committee—is to have a small navy in time of peace; but we expect, if we have to encounter England, or encounter France, or Italy, or Spain, to draw largely on the source which is afforded by the inventive genius of our mechanics and artisans.

It was a deliberately adopted policy of Congress to have this special school for cadet-engineers, to give them a special training, to put them in the special place where they could be made useful in the service of the Government. Gentlemen who have studied this subject more than I have may assign very good reasons for the total and sudden destruction of that policy, but it ought not to be destroyed without good reason.

Mr. HALE. Let me call the Senator's attention to what he may have overlooked. The committee believed, and that was the theory on which the House proceeded, that hereafter all naval cadets should embrace in their education not only the duties appertaining to line officers but of engineer officers. The engineer officer has become an important component part of the management and guidance of the ship; in fact so much so that hereafter the man who commands a ship or is an executive officer of a ship or is an officer upon it ought to have not only the general knowledge now gained by line officers but he ought to know the engineer officer's part besides.

The object of this is that the course shall embrace all, and the bright boys that the Senator refers to from Massachusetts and elsewhere, who go in now will not only get the benefit of the engineer course but of all the other course besides. The committee has no doubt, and I have no doubt personally, that it is entirely competent under a judicious course for the engineer-cadet, when he is graduated, to be competent not only to command the ship in action, not only to command her with reference to sailing and her other movements, but to know all about the engineering part, and there ought to be hereafter no division—not to have an engineer crew and what are called the line of officers. In a few years all this will cease because the naval officers will have to know both sides. That is what we are seeking to do.

Mr. HOAR. It seems to me you might as well undertake to say that the surgeons should be taken from the naval officers at large as to say that the mechanics should. It is a special genius, a special gift, a special taste, a special skill, which is manifested in early life.

Mr. HALE. How is that regulated? The boys go in there by appointment; there is no special gift to the cadet, but a privilege as a cadet.

Mr. HOAR. I know they do; but boys who go there as cadet-engineers are boys who have manifested remarkable mechanical skill.

Mr. HALE. If those boys want to go to Annapolis and want to be appointed for that very reason, we get the benefit of their special skill; the more of them the better.

Mr. HOAR. There may be many of them very unfit for the ordi-

nary accomplishments and duties of a seaman and officer. The boy who goes to sea and becomes a brave, a venturesome, dashing sailor, whether an accomplished gentleman or not, is one kind of a boy. A boy who goes into a machine shop and is capable of inventing new machinery, improving projectiles, and repairing an engine that is out of order is an altogether different kind of a boy, and the capacity is shown in early youth.

I have quite a number of applications to recommend boys for cadet-engineers, and they are boys as I said who never would think of being, never would desire to be, naval officers. They never would expect to go where they were liable to be assigned to command a ship, and they never want to be.

As I said, it seems to me that this is one of the most important matters that can come up with reference to our existing naval policy. I defer very much to the judgment of the Senator from Maine in all these things, and I manifested that by changing my mind on hearing one of his speeches in regard to a good deal of the policy of the bill.

Mr. HALE. I wish to say that I doubt if I have any judgment on naval matters, for there is nothing whatever that is attempted that has not met with this persistent resistance. We are trying to remedy the lower grade which gentlemen in discussion said they wanted to remedy, but not the upper one; but the moment we approach it we are met with the same resistance. I do not say that it is not right.

Mr. VANCE. If the Senator will allow me, I should like to say that I have met with some considerable resistance in trying to modify the bill.

Mr. PLUMB. I want to say a word, if my friend from North Carolina yields.

Mr. VANCE. Certainly. I will talk after everybody else is done.

Mr. PLUMB. The general purpose, as I understand it, of this provision has been to consolidate all the elements of education at the academy, and make every officer educated at the expense of the Government many-sided, giving him all the qualifications, all the facilities that can be afforded by education, and not to have a man who is an engineer and not a naval officer proper, not a man who is a naval officer proper and not an engineer, but to have a man who embraces within himself as a part of his education all the qualifications necessary to command a ship and to control its machinery.

The view which I expressed the other day in regard to the functions to be performed in case of war and the sudden enlargement of the Navy I will repeat now to this extent, that I believe every graduate of the Naval Academy ought to come out of that institution thoroughly informed in regard to all the machinery of the Navy. He ought to be qualified not only to do duty on board ship as a captain or a commander but as a controller and manager of its machinery. He ought to be qualified to instruct.

Mr. MAXEY. Will the Senator from Kansas permit me to suggest a point?

Mr. PLUMB. Yes, sir.

Mr. MAXEY. I regard one of the greatest merits of the course at West Point to be that every cadet there is taught every branch of the service, civil engineering, military engineering, artillery, cavalry, infantry, ordnance, it makes no difference what it is; he is qualified for any branch of it; and this principle applies to the same extent here.

Mr. PLUMB. I think so. The suggestion of the Senator from Texas is entirely pertinent to this discussion. We ought to educate our engineers, our cadet-midshipmen; we ought to educate every person whom we bring into the academy at Annapolis in every branch of the naval service. Every one who goes out of it ought to be qualified to take any position in the Navy, to give instruction to those people who may come under him and not to be educated in a single branch of the service. In that respect I think the provision of the bill as it came to us from the House is most wise.

There is some sort of assumption in the amendment of the Senator from North Carolina that there is some right, some privilege on the part of those persons who have gone to the academy now to be promoted according to the condition of things when they entered the Navy. I want to say that I regard that as the most invidious, the most offensive proposition which could be made. We take young men from the walks of civil life, we educate them at the expense of the Government, and while it is true that at the time they went in there may have been a certain hope or a certain expectation of promotion, it is now sought to be asserted that that hope or that expectation cannot be diminished, it cannot be changed by legislation without interfering with their rights.

Mr. VANCE. Will the Senator from Kansas allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. PLUMB. I do.

Mr. VANCE. I ask the Senator if this principle was not fully recognized in 1878 when similar legislation was applied to the Military Academy at West Point?

Mr. PLUMB. I do not know what may have been done heretofore. I admit that the tendency of all our legislation has been in favor of classes. I admit that it has been in favor of naval officers as such as against the body of the people. I admit that it has been in favor of cadets at West Point as against the body of the people.

I admit that the general tendency of legislation has been, as I have said, to benefit classes as against the interests of the great body of the people. But I deny that there is any such right. I deny that it is a privilege. I deny that there ought to be any such expectation. We have a right to abolish the entire Navy. Would any one set up here that because there might be to-day an international peace conference which would render it impossible that for twenty years there should be a war, or that there ever should be a war, we have got to educate these men for the purpose of war and we have got to carry them into the Navy, and to keep up the Navy to answer their convenience and to meet the expectations which they had formed themselves at the time they entered the Naval Academy?

This is a government of law. The law fixes the rights of men, absolute and relative, in regard to such matters, and we may change the law at any time, and ought to change it whenever the public good requires it. To say that any cadet at Annapolis or at West Point by reason of his having entered there and having been kept there at the expense of the Government shall be entitled to go on through all the grades of promotion which existed at the time he went there, is a violation, as I think, of the rights of the Government in favor of that particular individual, because if he is entitled to be promoted to be a lieutenant he is entitled to be promoted to be a captain, and if a captain to a major, and if a major to a lieutenant-colonel, and if a lieutenant-colonel to a colonel, and so on; it does not end anywhere until he has exhausted the entire gamut of promotion. That, I say, is subversive of the rights of the legislative department of the country and of the powers and privileges of the Government.

I am willing myself on all proper occasions to vote to assert the very opposite principle, and to say that the men who have been educated at the expense of the Government have no right which may not equitably and fairly and properly be taken from them, in consideration of the public interest, at any moment of time. They may be taken out of the Army before they get through; they may be re-mitted to civil life whenever they do get through, and without in any sense impugning the good faith of the Government as applicable to its institutions. For that reason, as I said, I am opposed to it.

Mr. President, we may extend the rights of these persons, and the people of the United States may not say anything about it. We extended the curriculum, the course, from four to six years, and nobody said anything about that. We might extend it to forty years and nobody would say anything about it.

I regard it as one of the most vicious principles that can be asserted in legislation applicable to a person who is taken into the public service, which is practically all a civil service. There is no war. The Navy to-day is just as much a part of the civil establishment of the Government as the clerks of any bureau of the Treasury Department. There is no more speck of war on the horizon of the Atlantic than there is on the horizon of Washington, not a particle.

The clerk who goes in with an expectation that, under the rule existing when he went in, in due time he will become the head of a bureau or will be promoted from a salary of \$1,000 to \$1,200 is just as much warranted in saying that the legislation of Congress shall not cut him off, shall not deprive him of that promotion by shrinking the dimensions of the bureau in which he serves, as that the promotion which a naval cadet thought was before him shall be kept and preserved to him during all time. Let us see what it leads to. Once having established a certain ratio of employment, once having employed a certain number of men in different branches of the service, we cannot diminish it at all; we have got to keep it up. I think that is the most offensive thing that could possibly be said.

We have come to a point, and as I think the vote of the Senate will determine upon that, where the public interest requires that promotion in the Navy shall be stopped. A certain number of persons are in the Naval Academy. They have been taken there at the expense of the Government; they have been fed and clothed and educated at the expense of the Government; they have had a full *quid pro quo* for all they have done, and if they ever do anything further they will get a full *quid pro quo* for that. The Government does not ask anything of them. They have received an education which will stand them in good stead wherever they go. They can go into civil employment anywhere. The Government is ready to relinquish any demand on their services. It has got no claim on them on account of it, and they have got no claim on the Government on account of its having expended money for their education.

I say it is the wise thing, looking at it from a public-stand-point, to send those persons back into civil life. I have always believed, independent of the question of the *personnel* of the Army and Navy, that certain persons should be educated at public expense in the arts of war at Annapolis and West Point and should go back into civil employment, in order that when the emergency comes we may have persons educated in the tactics to be brought into active service to serve as instructors and informers of the forces we may have to arrange; but so far as any right is concerned, the right is on the part of the Government, justice is on the part of the Government. There is no claim on the part of any one of these young men for anything except what the Government has already given him, and no expectation which he might have formed, knowing what the law was, knowing that the law at any time might require a diminution of the Navy, knowing that the law might at any time require a diminution of the Army; and nothing we do here interferes in any respect in the slightest degree with his equitable right.

Mr. MORGAN. Mr. President, I am afraid if the bill is passed in the form it is now on this subject, and especially if it is liable to the interpretation that the Senator from Kansas desires to place upon it, that we shall disorganize and disarrange a very nicely and finely balanced system at Annapolis. I think if we educate every midshipman who goes into the school at Annapolis as an engineer we shall have to increase the plant there at least three or four fold. It is now provided for a certain number of cadet-engineers, with all the necessary appliances and machinery and with the necessary corps of instructors in steam-engineering, and if we should undertake to educate every man who goes there so as to make him an engineer of steam-engineering we should have to increase the plant very largely, and I think we should disorganize the system almost entirely.

As I understand it, a youth who goes now to Annapolis to enter the engineering department makes his application for that special department. It is done, of course, in accordance with his own taste and his supposed capacity for that kind of work. The curriculum is different in reference to the engineering department and the department of seamanship proper. When the schools arrive at certain points of instruction they divide; a certain portion of the cadets are taught seamanship, which includes navigation and everything of that kind, and the other portion are made familiar with everything relating to engines, &c. It would be a matter of impossibility, I think, just now, without great reformation and great change in the establishment at Annapolis, to combine those two schools in such a way as to compel every man to become an engineer and every engineer to become a seaman. I think it would be impracticable.

More than that, the suggestions made by the Senator from Massachusetts, [Mr. HOAR,] it seems to me, are very wise. They are very pertinent indeed. A certain description of talent seeks its instruction in one department of the service there, a certain other description in another department of the service.

I am afraid we are proceeding too hastily about this bill. I am quite willing and I am in favor, indeed, of propositions for retiring young gentlemen, after they have graduated, with a year's pay, or allowing them to take their diplomas and one year's pay and go into civil life. I think that is exactly right.

I have not any doubt that the engineer school at Annapolis is the equal, if it is not the superior of any in the world. Who ever will go there and examine the school and see its work will be astonished, I think, as well as greatly gratified by the proficiency which is shown by young men in that school. When a young man goes into the engineering department they first put him in a workshop with a jack-plane and a hatchet. They teach him how to frame all the different molds for casting the machinery of a ship, every part of it, everything that is done by casting, every part of an engine, it makes no difference what there is that belongs to a ship. A young man is put into the carpenter's shop and he is taught to make the pattern upon which that thing can be molded. He is next carried into the blacksmith shop, and into a brass foundry; so that he is made familiar with all the elementary work of these different lines of instruction. He goes to the anvil, and with his hammer and his tongs and his ordinary bellows he is required to make all manner of rods, to hammer iron into various shapes.

From these preliminary or elemental beginnings he is carried on until some, I will say thirty of the engineer corps, when they come to graduate in the graduating class, will each man take his pattern for a separate part of a steam-engine, a complete ship's engine, boilers and all, and each man will make that part of the engine, and he will polish it and adjust it, and it will never be fitted together at all until the cadets bring each his part together and put it into a compact form as a perfect piece of machinery. That is one of the requirements of the graduating year, and some of the most beautiful engines that have ever been constructed on the American continent have been made by the engineers in that school in this way.

A midshipman who has to go aloft and has to exercise the duties of his profession above decks cannot acquire that skill in combination with the other requirements of seamanship. There is too much. If you undertake to combine the two professions where they are distinct professions, there is too much for any ordinary man. You will break him down if you undertake to put it upon him.

It would be very much better, in my opinion, not to interfere with that established regulation, if the bill does interfere with it, as I infer it does from remarks made around me here.

I am entirely willing that the bill should provide that cadet-engineers as well as cadet-midshipmen should be permitted, or even be required, to go into civil life with a year's pay after they have graduated if they cannot go into the Navy. That is one of the most admirable schools of education that any nation of the earth boasts, and we certainly need men educated in these particulars more than in any other for the purpose of building up a navy.

Mr. VANCE. Mr. President, there are some provisions which I have moved to strike out that I would be very glad to retain, but under the ruling of the Chair it is impossible to change or amend anything, because it would come in conflict with existing law; that is to say, it would change a law as it is proposed it shall exist. Therefore I am compelled to make the motion to strike out the whole provision of the House bill relating to that subject.

In relation to the possibility, as argued by the Senator from Kansas, [Mr. PLUMB,] of taking a boy and in the course of four years making him a master in not only everything pertaining to the du-

ties of a sailor and to the business of warfare and gunnery, &c., but also making him a master in everything that pertains to the building and the working and the application of steam to engines, the attempt would result, it seems to me, in nine cases out of ten in making the boy a jack-of-all-trades and good for nothing. It is an absolute impossibility, and it would destroy, as was well argued by the Senator from Massachusetts, [Mr. HOAR,] the efficiency of the engineer department, if it did not destroy the whole department itself.

In this age and at the state to which science has attained in all these departments it is an utter impossibility to perfect a boy, however bright he may be, in so many things in the short space of four years, or in a long space either, as for that matter; and it would strike at the very root of what is supposed to be the essence of the perfection which modern times have made in all the arts and sciences, and that is the subdivision of labor. The mastery of all the subjects connected with steam and with steam-engines for the propulsion of vessels on water is sufficient itself to engage the brightest intellect; and when we come to combine that with a dozen other things requiring as much intellect and as much study, and abolish the division of labor which has thus been introduced into naval education, it seems to me it would be ruinous to the whole system.

Mr. VOORHEES. May I ask the Senator from North Carolina a single question? I have been a listener for the last half hour to this discussion, and I ask a question in the utmost good faith for information on my own part. I do not pretend to be posted on this bill as the members of the Naval Committee and the Appropriations Committee are, but if I understand the proposition now pending it is to educate young men who are not to serve in the Navy of the United States. I understand there has been loud complaint on the floor here that the Navy at the top is heavy and that the old men who have served a long while, and who would serve now if there was anything to do, are somewhat censurable for being idle; but at the same time the school is going on which crowds the ranks of the Navy with officers, and there is no diminution whatever in the educational department.

But the answer to it is that those who are educated now are not to be employed in the naval service, but a large proportion of them are to go into other channels of employment. I am liberal about the matter of education. I am not complaining that young men are being taught, but I know no power given to me as a member of Congress to vote to educate anybody at the expense of the Government except for employment in the Army or Navy. If there is any member of the Committee on Naval Affairs or of the Committee on Appropriations who can point out to me the power by which this educational process is to go on not for employment in the naval service, but to be remitted to the employments of civil life, I should be very glad to hear it. I will take it as a favor if anybody will point out how it is that the cadets at Annapolis shall be educated at the expense of the Government, not to be employed in the service of the Government. Until that is done I shall vote for nothing of this kind.

The PRESIDING OFFICER. The question is, Will the Senate agree to the amendment proposed by the Senator from North Carolina, [Mr. VANCE?]

Mr. VOORHEES. Will the Chair have the amendment reported?

The PRESIDING OFFICER. The Chief Clerk will report the amendment.

The amendment was read.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VANCE and Mr. VOORHEES asked for the yeas and nays, and they were ordered.

Mr. MORGAN. I suggest to the Senator from North Carolina that I think he can accomplish what he desires if he will consent to a modification of this amendment to this effect: strike out, in line 29, after the word "hereafter" all that follows down to the word "all," in line 33, and the word "hereafter," in line 34, so as to read:

That hereafter all the undergraduates at the Naval Academy shall be designated and called "naval cadets;" and from those who successfully complete the six years' course, &c.

Perfecting it in the succeeding lines as the committee has amended it. That would cause them all to be appointed as naval cadets and remove this friction which causes some jealousy between engineer cadets and naval cadets proper.

Mr. HOAR. That would abolish the cadet-engineers who now have a four years' course, would it not?

Mr. MORGAN. I do not think so; it would only extend the term.

Mr. HOAR. It would say that other appointments should be made from those who complete the six years' course, so that the cadet-engineers who have a four years' course would be left abolished.

Mr. MORGAN. If that would be the effect of it it would require some further amendment; but my proposition was merely to get rid of changing now the method of appointment; that is to say, to allow young men to apply and be appointed into the engineer corps, and not to be appointed to the regular corps of cadet-midshipmen as sailors and navigators.

If we retain that we can preserve the whole of the system as it now exists in all of its value and all its benefits, and we can still do that which the committee recommend, which I think should be done, provide for the retirement—for I call it retirement—for a discharge

at the end of the graduation of their course when they are not needed, furnishing them with a year's pay and with a certificate of graduation.

That would save all this trouble; but the amendment of the committee as it is, I think, is a dangerous one and ought to be very carefully looked after. If the Senator from North Carolina will accept that modification we can change the rest of the clause so as to meet the objection, which I think is a valid one, made by the Senator from Massachusetts, so as not to do any injustice to any class.

Mr. VANCE. I decline to accept the modification proposed.

Mr. HALE. Then let the roll be called.

The PRESIDING OFFICER. The roll will be called on agreeing to the amendment of the Senator from North Carolina.

The Principal Legislative Clerk proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] I should vote "nay."

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Colorado, [Mr. CHILCOTT.] If he were here, I should vote "yea."

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I should vote "nay" if he were here.

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.]

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL,] and not knowing how he would vote, I withhold my vote.

The roll-call was concluded.

Mr. PLATT. I am paired with the Senator from Oregon, [Mr. SLATER,] but I think on this vote he would vote as I should, and I vote "nay."

The result was announced—yeas 17, nays 24; as follows:

YEAS—17.

| | | | |
|----------|-------------------|-----------------|-----------|
| Anthony, | George, | McDill, | Walker, |
| Bayard, | Hawley, | Mahone, | Williams. |
| Bissh, | Hoar, | Miller of Cal., | |
| Call, | Jones of Florida, | Morgan, | |
| Farley, | Lapham, | Voorhees, | |

NAYS—24.

| | | | |
|--------------------|-------------------|------------|----------|
| Aldrich, | Harris, | Logan, | Plumb, |
| Cockrell, | Harrison, | McMillan, | Pugh, |
| Coke, | Hill of Colorado, | Maxey, | Rollins, |
| Conger, | Ingalls, | Morrill, | Sanders, |
| Davis of West Va., | Jackson, | Pendleton, | Sawyer, |
| Hale, | Jonas, | Platt, | Vest. |

ABSENT—35.

| | | | |
|--------------------|----------|------------------|------------|
| Allison, | Dawes, | Hampton, | Ransom, |
| Beck, | Edmunds, | Hill of Georgia, | Saulsbury, |
| Brown, | Fair, | Johnston, | Sewell, |
| Butler, | Ferry, | Jones of Nevada, | Sherman, |
| Camden, | Frye, | Kellogg, | Slater, |
| Cameron of Pa., | Garland, | Lamar, | Vance, |
| Cameron of Wis., | Gorman, | McPherson, | Van Wyck, |
| Chilcott, | Groome, | Miller of N. Y., | Windom. |
| Davis of Illinois, | Grover, | Mitchell, | |

So the amendment was rejected.

Mr. PLUMB. I move to strike out after the word "the," in line 571, down to the word "person," in line 573, in the following words:

Secretary of the Navy shall report the facts to Congress, with a statement of the amount which, in his opinion, should be paid to such person.

And to insert:

Contractor shall bind himself to discharge the Government from any liability therefor on account of such adoption and use.

Mr. VOORHEES. If the Senator from Kansas will permit me, with the permission also of the Senator from Maine, who has the bill in charge, I move that the Senate adjourn. It is now after six o'clock, and that amendment will give rise to a protracted debate.

Mr. HALE. I know how long the Senate has been here, and it is Saturday night, and this is a wearied body; but I wish the Senator would withhold for a few minutes and see if we do not develop the fact that there are no more amendments, and if so we may finish the bill. I understand that if there are amendments that give rise to debate and controversy the Senate undoubtedly will not stay here very long; but it may be that we can soon develop the fact that we are on the point of getting through.

Mr. VOORHEES. I suppose the amendment offered by the Senator from Kansas would give rise to debate, but I defer entirely to the Senator from Maine, who has the business management of the bill.

Mr. HALE. Let us hear what the amendment is?

Mr. VOORHEES. I can see that it will lead to debate.

Mr. PLUMB. I ask that my amendment be reported.

Mr. HALE. I do not know but that I may accept the amendment after hearing it read.

The Acting Secretary read Mr. PLUMB's amendment.

Mr. PLUMB. I will state what my amendment is. The bill seems to require that we shall make a contract for building the ship and have the Government settle afterward for the use of any patent that may be necessary in such building. I think that when we build a ship, whoever contracts to build it ought to bring to the Government a clean bill of health. If he makes use of any patent he ought to discharge the obligation of the patentee and not leave the Government to settle an indefinite obligation.

Mr. HALE. Why does not the Senator move to strike out the whole clause from line 567? That would strike out the whole provision in relation to patents.

Mr. PLUMB. If on the whole the Senator from Maine, who seems to be in accord with the motive I have in view, thinks that will accomplish it, I am willing to strike it all out. My object is only that when we make a contract we shall not be subjected to an indefinite settlement for the use of a patent.

Mr. HALE. I suggest to the Senator to modify the amendment and strike out all after the word "armament," in line 567, down to and including the word "person," in line 573.

Mr. PLUMB. I accept that suggestion.

Mr. INGALLS. That leaves the whole question open.

Mr. HAWLEY. It leaves the citizen to make an equitable claim on Congress.

Mr. PLUMB. I think on the whole the amendment as I offered it is preferable.

Mr. VOORHEES. I have not the slightest disposition to embarrass the speedy passage of this bill, but I am assured since I took the floor and moved to adjourn that there are half a dozen amendments to be presented and pressed upon the consideration of the Senate. Yet my motion to adjourn is subject to the approval or disapproval of the Senator from Maine, if he wants to go on; but I think he had better yield to the motion.

Mr. ANTHONY. We can lay the amendments on the table as fast as they are presented.

Mr. VOORHEES. That cannot be done. I am quite assured you cannot do that. There are nearly half a dozen amendments, certainly four or five, that will be pressed in good faith and discussed, and if Senators desire to stay here this hot evening at this unusual hour I shall not object. I leave it to the Senator from Maine who has charge of the bill.

Mr. HALE. Let us see if we can get a unanimous agreement that the final vote shall be taken on the bill at one o'clock on Monday.

Mr. BAYARD and others. Say five o'clock.

Mr. VOORHEES. I agree to that, so far as I am concerned. I have no amendment to propose.

Mr. BUTLER. I suggest four o'clock.

Mr. HALE. I do not want to use up the whole of Monday on this bill, because the sundry civil bill is to be considered Monday.

Mr. VOORHEES. I expect the Senator from Maine can get an agreement to take the vote at two o'clock on Monday.

Mr. HALE. I will say two o'clock.

Mr. DAVIS, of West Virginia. To vote finally upon all amendments without debate?

Mr. VOORHEES. I think that is right; I shall agree to that.

Mr. BAYARD. But amendments may be offered.

Mr. VOORHEES. There will be time enough.

Mr. HALE. I will ask for an understanding that at two o'clock on Monday the vote be taken.

The PRESIDING OFFICER. Will the Senator from Maine state exactly what he asks unanimous consent to?

Mr. HALE. I ask unanimous consent that at two o'clock on Monday the vote shall be taken without further debate upon any amendments then pending and upon the bill.

Mr. BAYARD. No, there must be the right to offer amendments after that time.

Mr. HALE. And all that may be offered. That is right.

Mr. BAYARD. Including all amendments that may be offered?

Mr. BUTLER. I suggest to modify that proposition so as to agree that at two o'clock the five-minute rule be enforced in the consideration of amendments.

Mr. HALE. I think everybody would consent that the five-minute rule should be enforced from the time we go into a consideration of the bill on Monday.

Mr. BUTLER. I think the Senator is mistaken about that. I suggest that after two o'clock the five-minute rule be enforced, and we vote at three.

Mr. VOORHEES. If I understand the proposition of the Senator from Maine, it is that at two o'clock on Monday the Senate will vote on the amendments then offered, and on the amendments afterward offered the five-minute rule shall prevail, voting upon them as they are offered after two o'clock.

Mr. HALE. No, my proposition is that at two o'clock the Senate shall proceed to vote on amendments pending and afterward offered, without further debate.

Mr. VOORHEES. I will agree to that.

Mr. HALE. To let the debate run up to that time.

Mr. BAYARD. I suggest to the Senator whether debate should not be limited to five minutes from the time the consideration of the bill begins on Monday.

Mr. HALE. That is what I want. I should like to have the five-minute rule apply on Monday morning.

Mr. BAYARD. It will be necessary to have that understanding before the agreement is made to take the vote at a fixed hour.

Mr. HALE. I ask that the rule be applied to Monday.

The PRESIDING OFFICER. Is there objection to the proposition that the five-minute rule shall be applied in the consideration of amendments from the time the bill shall be taken up on Monday until two o'clock, and that after two o'clock the vote shall be taken

on all amendments pending and offered, without debate? Is there objection?

Mr. BUTLER. I shall object unless the Senator will extend the time further, until three o'clock.

Mr. HALE. I will agree to three o'clock, although I think when the time comes the Senate will be very glad to vote at two o'clock.

The PRESIDING OFFICER. Is there objection to the agreement that at three o'clock on Monday the vote shall be taken without further debate, on amendments pending and amendments thereafter offered, and on the bill? The Chair hears no objection.

Mr. HALE. I shall move to take up the bill directly that the Journal is read on Monday.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and announces that the agreement is made as stated by the Chair.

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 5812) to establish post-routes, reported it with amendments.

Mr. GEORGE, from the Committee on Claims, to whom the subject was referred, submitted a report accompanied by a bill (S. No. 2169) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased.

The bill was read twice by its title, and the report was ordered to be printed.

AMENDMENTS TO BILLS.

Mr. BLAIR, from the Committee on Education and Labor, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PROPERTY OF LITTLE SISTERS OF THE POOR.

Mr. VANCE. On the Calendar there is a bill which has been passed by the Senate, and a motion was made to reconsider it. The author of that motion authorizes me to say that he will withdraw it. I hope that may be done so that the bill may go to the House. It is the bill (S. No. 1612) to provide for the closing of an alley in square 751, in the city of Washington, in the District of Columbia, and for the relief of the Little Sisters of the Poor. It came from the Committee on the District of Columbia.

The PRESIDING OFFICER. Is there unanimous consent that the motion to reconsider be withdrawn? The Chair hears no objection, and it is withdrawn.

Mr. MAXEY. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and fifteen minutes p. m.) the Senate adjourned.

SENATE.

MONDAY, July 31, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. HALE and by unanimous consent, the further reading was dispensed with.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of citizens of Ohio, praying for the passage of the bill giving to crippled soldiers a pension of \$40 per month; which was referred to the Committee on Pensions.

Mr. LOGAN presented a petition of Olney Post No. 92, Department of Illinois, Grand Army of the Republic, praying for the passage of the bill granting a pension of \$40 a month to soldiers who have lost a limb or suffered an equivalent disability thereto in the Army; which was referred to the Committee on Pensions.

COUNTERFEITING OF FOREIGN NOTES, ETC.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was recommitted the bill (S. No. 1000) to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments, to report it with sundry amendments. As the bill comes from the committee which considered the original bill, I ask simply that the bill be read as a new draft, and I ask for its present consideration.

Mr. COCKRELL. Let the bill be read for information.

Mr. HOAR. The Senator does not care about the reading of the original bill?

Mr. COCKRELL. No, as proposed to be amended.

Mr. HOAR. It is reported in a new draft.

The bill as proposed to be amended was read, as follows:

That every person who, within the United States or any Territory thereof, with intent to defraud, falsely makes, alters, forges, or counterfeits any bond, certificate, obligation, or other security, in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign government, issued or put forth under the authority of such foreign government, or any treasury note, bill, or promise to pay issued by such foreign government, and intended to circulate as money, either by law, order, or decree of such foreign government, and any person who causes or procures to be so falsely made, altered, forged, or counterfeited, or who knowingly aids or assists in making, altering, forging, or counterfeiting, any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay intended as aforesaid to circulate as money, shall, upon conviction thereof in any circuit or district court of the United States, be punished by a fine of not more than \$5,000, and imprisonment at hard labor not more than five years.

SEC. 2. That every person who knowingly, and with intent to defraud, utters, passes, or puts off, in payment or negotiation, within the United States or any Territory thereof, any such false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, or promise to pay, as mentioned in the first section of this act, whether the same was made, altered, forged, or counterfeited within the United States or not, shall, upon conviction as aforesaid, be punished by a fine of not more than \$3,000, and imprisoned at hard labor not more than three years.

SEC. 3. That every person who shall, with intent to defraud, falsely, within the United States or any Territory thereof, make, alter, forge, or counterfeit, or shall cause or procure to be so made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting, of any bank note or bill issued by a bank or other corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall, upon conviction in any circuit or district court of the United States, be punished by a fine not exceeding \$2,000, and by imprisonment at hard labor not more than two years.

SEC. 4. That every person who shall, within the United States or any Territory thereof, utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, as mentioned in the preceding section, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, altered, forged, and counterfeited within the United States or not, shall, upon conviction as aforesaid, be punished by a fine of not more than \$1,000, and by imprisonment at hard labor not more than one year.

SEC. 5. Every person who, within the United States or any Territory thereof, shall have in his possession any such false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note or bill issued by a bank or other corporation of any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or who shall knowingly deliver the same to any other person with such intent, shall, upon conviction as aforesaid, be punished by a fine of not more than \$1,000 and by imprisonment at hard labor not more than one year.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The question is on the amendments of the Committee on the Judiciary.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FEES AND PRACTICE IN EXTRADITION CASES.

Mr. HOAR. I am further instructed by the Committee on the Judiciary, to whom was referred the House amendment to the bill (S. No. 979) regulating fees and the practice in extradition cases, to recommend concurrence in the amendment, which is the addition of a section. I ask for its present consideration.

The PRESIDENT *pro tempore*. The amendment of the House of Representatives will be read.

The Acting Secretary read the amendment of the House of Representatives, which was to add the following additional sections to the bill:

SEC. 5. That in all cases where any depositions, warrants, or other papers or copies thereof shall be offered in evidence upon the hearing of any extradition case under title 66 of the Revised Statutes of the United States, such depositions, warrants, and other papers, or the copies thereof, shall be received and admitted as evidence on such hearing for all the purposes of such hearing, if they shall be properly and legally authenticated so as to entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party shall have escaped; and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any deposition, warrant, or other paper or copies thereof so offered are authenticated in the manner required by this act.

SEC. 6. The act approved June 19, 1876, entitled "An act to amend section 5271 of the Revised Statutes of the United States," and so much of said section 5271 of the Revised Statutes of the United States as is inconsistent with the provisions of this act are hereby repealed.

The amendment was concurred in.

REPORTS OF COMMITTEES.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the petition of John C. Robinson, of New York, concerning his title to a tract of land in Arizona, asked to be discharged from its further consideration, and that it be referred to the Committee on Private Land Claims; which was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. No. 1911) granting a pension to Theresa Crosby Watson, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

REVISED STATUTES FOR INTERIOR DEPARTMENT.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department, to report it without amendment, and I ask for its present consideration. It is identical with a resolution which was passed by the Senate. This comes to us from the House.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Secretary of State to deliver to the Secretary of the Interior, for the use of the Department of the Interior and its subordinate bureaus and offices, 100 copies of the second edition of the Revised Statutes of the United States.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FIRST COMPTROLLER'S DECISIONS.

Mr. ANTHONY. I am also instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department, to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It requires the Public Printer to print not more than one volume each year of the decisions and opinions of the First Comptroller of the Treasury Department, with such explanatory matter as he may furnish, and to furnish for the use of each Senator, Representative, and Delegate in Congress 10 copies thereof, to the Comptroller 2,000 copies, and for distribution in the manner provided in section 7 of the act of June 20, 1874, (18 Statutes at Large, page 113,) providing for the publication of the statutes, one-half the number therein mentioned.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE CONGRESSIONAL RECORD.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library, to report it with an amendment, and I ask for its present consideration.

By unanimous consent, the joint resolution was considered as in Committee of the Whole.

The amendment of the Committee on Printing was, at the end of the joint resolution to insert, "and the Public Printer is required to print 50 additional copies of the same to meet the requirements of this joint resolution;" so as to make the joint resolution read:

That the Public Printer be, and he is hereby, authorized and directed to forward, free of charge, to the State and Territorial libraries of each State and Territory having or that shall hereafter have and maintain a State and Territorial library, 1 bound copy of the CONGRESSIONAL RECORD of each session of Congress or special session of the Senate, beginning with the Forty-seventh Congress; and the Public Printer is required to print 50 additional copies of the same to meet the requirements of this joint resolution.

Mr. COCKRELL. How much will be the cost?

Mr. ANTHONY. It will cost \$350 a session, on the average.

Mr. COCKRELL. That is all right.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

EXTENSION OF MAIL SERVICE.

Mr. HILL, of Colorado. The bill (S. No. 1845) to authorize the Postmaster-General to extend the mail service in certain cases passed the House with amendments, and on being returned to the Senate was referred to the Committee on Post-Offices and Post-Roads. That committee have had the bill under consideration, and report it back recommending concurrence in the House amendments. I ask for its immediate consideration.

Mr. MORGAN. If our agreement made on Saturday is going to amount to anything, we had better stand by it, which was that the naval appropriation bill should be taken up immediately on the reading of the Journal.

Mr. HALE. I feel constrained, as that suggestion is made, by the understanding on Saturday night to ask that the naval appropriation bill be taken up now. That was part of the agreement.

The PRESIDENT *pro tempore*. The Senator from Maine says that by unanimous agreement on Saturday evening the naval appropriation bill was to be taken up immediately after the reading of the Journal to-day.

Mr. ANTHONY. It was unanimously agreed that the Senator from Maine might ask to take up the naval appropriation bill.

Mr. HALE. When the agreement was reached that the debate should proceed to-day under the five-minute rule, and at three o'clock a vote should be taken upon the amendments then pending and those afterward offered upon the bill without further debate, I stated that I would call the bill up on Monday morning directly after the reading of the Journal; and in accordance with the intimation I now ask that the bill be taken up.

Mr. FERRY. Was it the understanding that the morning business should be displaced by the appropriation bill? I have morning business to present.

Mr. HARRIS. I supposed there would be unanimous consent to proceed to the consideration of the appropriation bill; but I wanted to ask the unanimous consent of the Senator from Maine, the Senator from Alabama, and the Senate to consider a little bill of very great importance to a few persons, with the pledge that if it consume five minutes I will withdraw the request. I should be glad to have the consent of the Senate to consider that bill this morning.

The PRESIDENT *pro tempore*. The Senator from Colorado has just reported back an amendment of the House to a Senate bill in which he desires concurrence. The Senator from Michigan says he has morning business to present. The question is, Will the Senate dispense with further morning business?

Mr. MORGAN. I merely call attention to the fact, because this important naval appropriation is likely to be cut off pretty early, and to take any more time with morning business there will not be time enough for the discussion of the naval bill.

The PRESIDENT *pro tempore*. The Chair will inform the Senators that it will probably not take more than ten minutes to conclude the morning business.

Mr. HILL, of Colorado. This is the unanimous report of the Committee on Post-Offices and Post-Roads, and I ask merely that the Senate concur in the amendments of the House of Representatives.

Mr. HALE. I wished to put myself right in regard to the agreement made Saturday night after the intimation made.

Mr. HOAR. Did the Chair announce the conclusion of morning business?

The PRESIDENT *pro tempore*. He did not.

Mr. HOAR. Nothing else can be done till then except by unanimous consent.

The PRESIDENT *pro tempore*. Of course not.

Mr. HALE. I have made the request to take up the naval appropriation bill, and as soon as it is possible I shall move to do so.

The PRESIDENT *pro tempore*. The Senator from Colorado asks concurrence in the amendments of the House of Representatives. The amendments will be read.

The amendments of the House of Representatives were, in lines 5, 6, and 7, to strike out "that the consent of the contractor shall be previously obtained to such extension, and;" in line 7, to strike out "contract" and insert in lieu thereof "service;" in line 9, to strike out "it" and insert in lieu thereof "the contract;" and at the end of the bill add:

SEC. 2. Whenever a contractor for postal service fails to commence proper service under the contract, or having commenced service fails to continue in the proper performance thereof, the Postmaster-General may employ temporary service on the route at a rate of pay per annum not to exceed the amount of the bond required to accompany proposals for service on such route, as specified in the advertisement of the route, or at not exceeding *pro rata* of such bond; in cases where service shall have been ordered to be increased, reduced, curtailed, or changed subsequent to the execution of contract, the cost of such temporary service to be charged to the contractor, and to continue until the contractor commences or resumes the proper performance of service, or until the route can be relet as now provided by law and service commenced under the new award of contract; all acts or parts of acts inconsistent with the provisions of this act being hereby repealed.

Amend the title by adding "and for other purposes."

The amendments were concurred in.

BILLS INTRODUCED.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2170) for the relief of Captain H. D. Patton, late a quartermaster in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ANTHONY asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 99) allowing the widow of George P. Marsh, late minister to Italy, one-half year's salary; which was read twice by its title, and referred to the Committee on Foreign Relations.

ADDITIONAL PENSIONS.

Mr. FERRY submitted the following resolution; which was read:

Resolved, That the Committee on Pensions be directed to report on Senate bill No. 1358, to grant additional pensions to those who have lost an arm or a leg in the service of the United States.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. FERRY. Mr. President, on the 2d day of March it was my pleasure to introduce a bill for the relief of a class of disabled soldiers of the Union army. It grants them additional pensions so as to provide for a monthly pay of \$50 to each soldier of the first class; \$40 to each of the second class; and \$30 to each of the third and fourth classes. The bill is short and simple. It makes the first class to consist of the men who were so disabled that no relief can come to them by artificial means. The second class to consist of those who are able to wear artificial limbs; and the third and fourth classes of those who by paralysis or other disability from exposures during the war, have sustained the total loss of use of arm or leg. Men who have suffered mutilation in such forms as render it impossible for art to supply their loss are, far more than others, clearly incapacitated for any kind of ordinary labor. Many of them bearing about in their persons a burden of pain and distress which is

gradually but surely undermining their constitutions and must at no distant day end life itself. To these men the bill proposes to pay the sum of \$50 per month as long as they survive.

Men have suffered from wounds and amputation in such forms that while they are seriously disabled they are yet able to wear artificial limbs so improved as to permit the use of the natural functions in overcoming disability, while adding to the comfort and appearance of the sufferers. To such men the bill proposes to pay the sum of \$40 per month during life time.

There are men who, though not mutilated by amputation, have still lost the entire use of arm or leg as the consequence of exposure in the service of the country. To them this bill proposes to pay the sum of \$30 per month during life. The bill does not undertake to discriminate more in detail as to the severity of injury in each individual case, nor as to the ratio of pay which such particular scrutiny would demand, since for obvious reasons such legislative particularity would be impracticable. Neither does it specify the class and line of proofs necessary for the claimant to furnish, because these are matters of regulation belonging more properly to the Pension Office of the Government, to which all claimants under this bill, should it become law, would of necessity be referred for classification of their respective classes. As nearly as can be ascertained from existing records in the Departments the number of the first class could not probably exceed 1,300 men; of the second class it could not be more than 4,300; and of the third class not over 5,300. In this connection I submit the following letter from the Commissioner of Pensions, which covers this ground, giving the number of claims and the aggregate amount covered by the bill:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE.

Washington, D. C., July 14, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, requesting the number of pensioners referred to in Senate bill No. 1358 and the probable annual cost if such bill should become a law, and in reply to state as follows:

The bill proposes to increase certain pensioners on account of loss of limbs to the rates of \$30, \$40, and \$50 per month, determined by the surgical point of amputation.

The following are believed to be the proportions of the classes referred to and the annual value of the increase of pensions over their present value:

| FIRST CLASS. | |
|---|-------------|
| Number of amputations at and near shoulder..... | 750 |
| Number of amputations at and near hip..... | 550 |
| To be increased to \$50 per month..... | |
| SECOND CLASS. | |
| Number of amputations of humerus..... | 2,200 |
| Number of amputations of thigh..... | 2,100 |
| To be increased to \$40 per month..... | |
| THIRD CLASS. | |
| Number of amputations of forearm..... | 1,700 |
| Number of amputations of leg..... | 2,500 |
| To be increased to \$30 per month..... | |
| FOURTH CLASS. | |
| All who have lost the use of hand, foot, arm, or leg..... | 1,000 |
| To be increased to \$30 per month..... | |
| The annual increase in value would be as follows: | |
| First class at \$50 per month..... | \$405,000 |
| Second class at \$40 per month..... | 825,000 |
| Third class at \$30 per month..... | 604,000 |
| Fourth class at \$30 per month..... | 144,000 |
| Total increase..... | \$1,980,000 |

I am, sir, very respectfully,

W. W. DUDLEY,
Commissioner of Pensions.

Hon. T. W. FERRY, *United States Senate*.

Taking these figures as a basis the added burden which this bill would lay on the Treasury could not be regarded as extravagant or unwise. It has been the policy of the Government from its foundation to pension soldiers, their widows and children. It is but a fitting recognition of the services of those who have periled life and limb in the country's defense. The records of the Pension Office will show that after all our wars the nation's gratitude to its soldiers has been generously expressed. It may not be perhaps that in all cases or even in a majority of cases of the rank and file full justice has been done, for a moment's consideration assures how poorly the money value of a pension supplies the health and vigor of a mutilated condition; beside this, following an expensive war, the national Treasury is subject to extraordinary drafts which are likely to drain it, and the only feasible remedy for which is increased taxation of the people. It is the duty of the Government to see that all necessary burdens are equally distributed, and to study rigid economy as well as to cut off or defer all appropriations from the Treasury which can safely be done and meet current indispensable demands; otherwise the resources of the nation must seriously be taxed and its credit greatly impaired. More than once it has happened in our history when the paper of the nation has suffered damaging depreciation. Then no class of our citizens has felt the consequent stringency more keenly than the soldiers of the nation, while none have borne the loss and pressure with more uncomplaining and heroic fortitude.

The experience of the late war for the Union and of the subsequent eventful years of reconstruction and the resumption of specie payment have been in many respects unparalleled in the history of nations. The vast scale of operations involving measureless difficulties in every department of Government taxed its ability and integrity

to the fullest extent, so that, emerging from the effects of the war, much has necessarily remained undone which both justice and gratitude prompted from the outstart, but which necessity postponed. Prominent in this delay stands the imperative duty of justly providing for those who spared not flesh and blood to preserve and perpetuate an undivided Republic. It is with deep regret that earlier action on this bill has not been taken. Every generous mind must lament the necessity which in the first years of the war caused so many of our brave men to perish without even the simple return which this bill proposes, and every year since they have been dropping into the grave unrelieved by this recompense which has so long been withheld. The numbers for whom the bill provides have thus been rapidly diminishing year by year, while the burdens of infirmity and age are bearing heavier on those who still survive.

The time has at length come when an almost incredible prosperity enriches the country. From the wastes and desolations of war our people have developed a vigor and enterprise which exhibit to the nations of the earth a most marvelous spectacle of wealth. Abundance and success are smiling on every hand. The public Treasury is pléthoric with a current surplus of \$150,000,000, and we are now considering measures for reducing this enormous revenue by lessening the burdens of taxation upon the people. While this desirable decrease and relief claim our attention, what more favorable hour can we ask for providing for those who heroically sacrificed to preserve intact our munificent domain, the sovereignty of our flag, the unity of the nation, and the glory of a free people? Are not these men worthy of this boon which in this day of our prosperity and power we are amply able to bestow? Surely they have done their part to advance the American people to the highest point of financial credit in the estimation of the powers of the world, and to render more proud and illustrious the fame of the Republic. Aye, they paid their quota, not in silver and gold, but in the priceless currency of flesh and blood. From the smoking battle fields which have made the land historic they have returned maimed and maimed, battered and shattered, patiently, bravely suffering in silence the pains and penalties of that great encounter from which death alone can release them.

We cannot know the numberless conditions that serve to aggregate rather than diminish their sense of loss, decrepitude, and dependence. In the complex relations of society they may be thrown upon the protection of those who take but little care, or who have even less ability to look after them, or, crippled as they are, they may still be the only props on which those who are dependent on them can hope to lean for support. In either case the nation owes this debt of honor, to acknowledge which, in part at least, I ask and urge the Committee on Pensions to report at once and the Senate to pass without further delay this important bill. If we but remember the monthly pay the private soldier received, coupled with his more open exposure to the rigors and hardships of military life, contrasted with the better pay of commissioned officers, we find cogent reasons for the passage of the bill proposed, for it will be found that, while some officers may receive the benefit of this measure, the great majority of its beneficiaries will come from the rank and file.

Sir, it is said that States have neither sentiment nor soul. This may be true where rival powers either by diplomacy or arms are struggling for coveted ascendancy, but it ought never to be so when a great, free nation like our own is dealing with men who proved themselves in dire emergency of war the bone and sinew of national strength.

They are our fellow-citizens, who shouldered arms, faced the enemy, and were shattered in the shock of war for our defense.

They were sentimental and patriotic enough in time of country's peril to offer life upon the national altar; to march mid slaughter and death that the Union might be preserved and the sovereignty of the nation maintained. Shall we now in peace, reunited, free, powerful, and prosperous, as resultant from their heroic achievement and legacy, desert them and turn a deaf ear to their righteous deserts? Never, by my voice or vote. I have no sympathy or patience with that incredulous spirit which frowns on all professions of devotion to country and which gravely questions the sincerity of all motives save in the worship of mammon. Never was there a nobler nor more inspiring spectacle, or one which lifted to a grander height of human virtue, loyalty, and honor than that of our citizen soldiery parting from peaceful, happy ties and associations, and as by a common impulse girding on their might to seize rebellion by the throat and to wipe out from the archives of the nation the odious word secession. For the ardor of such a love of country, government, and people, sealed with blood, is it not the least we can do to set apart for them this monthly stipend, not so much as recompense, but as a fitting solace in their day of need?

It requires but little sentiment on our part in putting this measure upon its passage to say by its provisions to these, our maimed, crippled fellow-citizens, "You stood by the country when its peril was great; you were among the foremost to face the enemy in its defense; and now you shall not be forgotten, for out of the abundance of the nation you fought to save you shall receive this token of a people's grateful regard." If it be said that this is not a question of sentiment but one of plain practical fact, then even in this view what are the simple dictates of justice? Is it possible with any amount of

gold and silver to discharge the debt we owe the men without whose services and suffering the objects of the war could never have been attained? And should we year by year appropriate millions upon millions of the public money for various purposes and still pass over or neglect these shattered men? Place ourselves in their stead and imagine their thoughts and feelings when reading the proceedings of Congress for even a session and seeing how the public money is paid out. Can it be strange that they pause and ask with suffering body and aching heart, what is all this worth? Doubtless to country much; but to themselves how little with painful remnant left of their once hopeful and buoyant lives.

And, sir, it is a question for us to ask ourselves to-day, what is a government "of the people, by the people, and for the people" worth to any of us if it does not promote our rights and meet the just demands which worthy citizens have upon it? If equity, honor, and gratitude are to be disregarded in the fierce struggle of the strong and weak; if only they who have power are to reap benefits while the comparatively helpless and dependent are to be thrust aside, how can the patriotic sentiment among all classes of our fellow-citizens continue to burn or even be kept alive? Human nature is so constituted that while it is capable of lofty and virtuous aspirations there must be some just relation between them and the incentives which draw them forth. It is likewise impossible to foster hopeful patriotism in the hearts of men who see themselves neglected in a land of boasted privileges like ours, kept such through their very devotion to the Republic in her worst and palmiest days. They have been through perilous times, so disabled for the remnant race of life that it is no wonder that they justly complain that they are jostled aside and forgotten by others unmaimed and vigorous who so richly enjoy the fruits of peril and pain.

Kindred reflections no doubt often occupy the thoughts of many maimed and scarred citizens when noting the prosperity of the country they helped to save. Proud they may be and proud their children have right to be of the heroic part they played, but even such worthy pride cannot always allay the pains which sorely remind them of what they once were and what they have given for the life of country.

Let Senators scan the statistics of their own States and recall the pitiful story of suffering which so many brave men have borne, but which they do not care to parade in the presence of a generation already mostly strangers to the scars of war, a generation rarely mingling with their pleasures a thought of the cost at which such joys have been made possible. While these heroic men suffer in silence their painful reflections, it is for us here in our places to remember and help them now in their day of broken life. It is a duty which the whole country will enjoin, an act which we can no longer with good reason postpone, and a measure of relief which will prove most welcome to men who need it most.

In the duller days of a closing career, when we ourselves, withdrawn from these busy scenes, shall have occasion to look back upon the past and consider the deeds which have most power to gratify, may a vote given to pass this meritorious measure prove not the least among many that will convey real pleasure and genuine satisfaction.

Mr. President, I trust the Committee on Pensions will heed the resolution I have offered and soon favorably report the bill now before them.

Mr. HALE. I want to say that this matter, as I have been notified, would give rise to debate, and I must ask that it lie over until to-morrow morning, in order that we may go on with the naval appropriation bill.

Mr. PLATT. May I have unanimous consent to say about three words for the benefit of the committee? I want to say one thing. The Committee on Pensions, I think, is as hard worked as any committee in this body. Of the written reports which have been presented to the Senate at this session the Committee on Pensions have submitted considerably more than one-half of them. They have worked every moment that they could find to work when the sessions of the Senate did not actually require their attention.

I wish to say here now that the Committee on Pensions have not neglected this subject, but have given it earnest and careful consideration. It is a great subject, and I should be willing at any time, if the Senate was in condition to hear me, to show it in all its bearings. The committee have as yet been unable to come to any agreement upon this bill and kindred bills submitted to them. It has not been from want of earnest and careful consideration; and I assure the Senator from Michigan, as well as the whole Senate, that there is no desire to neglect this matter on the part of the Committee on Pensions. If the resolution is to be pressed to a passage, of course it will come in the nature of a reflection upon the action of the committee, and in that event I shall desire to be heard at length, and I think we can fully sustain our position in the matter.

Mr. FERRY. I ask, to save time, that the resolution be referred to the Committee on Pensions. I have not unnecessarily reflected upon the committee any more than to ask by the resolution, which expresses its own meaning, that the committee report upon the subject. I am asking that the resolution be referred to the Committee on Pensions for their early consideration. I have intended no reflection, but do desire early action on my bill.

Mr. PLATT. I have no objection to the reference.

The PRESIDENT *pro tempore*. The resolution will be referred.

Mr. GEORGE. I desire to offer an amendment to the resolution, and have it referred.

Mr. VOORHEES. Let the proposed amendment be read.

The amendment was read and referred to the Committee on Pensions, as follows:

Add to the resolution:

And also bill granting a pension of \$8 per month to each soldier who served in the Mexican war and was honorably discharged and who now has no other means of support than his manual labor, and also to the widows of such soldiers who are in similar indigent condition.

REGULATION OF IMMIGRATION.

Mr. HALE. Now I ask to take up the naval appropriation bill. The PRESIDENT *pro tempore*. Until the morning business is finished the naval bill cannot be taken up unless by unanimous consent. The motion cannot be put.

Mr. GORMAN. I ask for the following order:

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. No. 6677) to regulate immigration.

Mr. MILLER, of New York. Mr. President—

Mr. INGALLS. Who has offered the resolution for the return of a bill?

The PRESIDENT *pro tempore*. The Senator from Maryland, [Mr. GORMAN,] who should also make a motion to reconsider.

Mr. INGALLS. Why is that necessary?

Mr. MILLER, of New York. I object to the resolution.

Mr. GORMAN. I notice by the RECORD that the bill passed on Saturday in my absence from the Senate, and I desire to have the bill returned for the purpose of having it considered again.

Mr. INGALLS. That cannot be done unless another motion is coupled with it.

The PRESIDENT *pro tempore*. Of course not. A motion has to be made to request the return of the bill from the House of Representatives—

Mr. INGALLS. But can that be made without a motion to reconsider?

The PRESIDENT *pro tempore*. Of course not.

Mr. GORMAN. I make the motion to reconsider the vote by which the bill was passed.

The PRESIDENT *pro tempore*. Accompanied with that must be a motion to request the House to return the bill.

Mr. HALE. I ask that that lie over.

Mr. MILLER, of New York. Let me understand the condition of this matter. I object to it, and move to lay the motion to reconsider on the table.

Mr. INGALLS. I wish to make a parliamentary inquiry in connection with this matter, and that is whether the Senator from Maryland is entitled to make a motion to reconsider.

The PRESIDENT *pro tempore*. Rule 20 provides that—

When a question has once been decided by a vote of the Senate, whether that vote be determined by a majority or by two-thirds of the Senate, any Senator voting on that side which prevailed may enter a motion or move for a reconsideration thereof, at any time on the same day on which the vote was taken, or on either of the next two days of actual session thereafter; and all motions to reconsider shall be decided by a majority of the Senate.

Did the Senator from Maryland vote with the majority?

Mr. COCKRELL. There was no yea-and-nay vote taken on the bill.

Mr. INGALLS. But I understand the Senator from Maryland was not present.

The PRESIDENT *pro tempore*. Rule 20 further provides that—

When a bill, resolution, report, amendment, order, or message, upon which a vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider such vote shall be accompanied by a motion to request the House to return the same to the Senate; which last motion shall be acted upon immediately and determined without debate, and, when determined in the negative, shall be held to be a final disposition of the motion to reconsider.

Mr. HOAR. Is a motion to reconsider entered?

The PRESIDENT *pro tempore*. Yes; the Senator from Maryland enters a motion to reconsider. The question is, Will the Senate agree to request the House to return the bill?

Mr. INGALLS. The point is made, I understand, that the Senator from Maryland not having been present, he could not have voted with the side that prevailed. The Senator will understand, of course, that I meant no personal allusion in the matter; but it is interesting to know whether, the yeas and nays not having been called, a Senator who was not present may be regarded as having voted with the side that prevailed.

The PRESIDENT *pro tempore*. If the Senator was not here he could not have voted with the majority.

Mr. GORMAN. I say frankly to the Chair that I was not here. I was detained from the Senate by indisposition on Saturday.

Mr. JONAS. I will enter a motion to reconsider the vote by which the bill was passed.

The PRESIDENT *pro tempore*. Then the question recurs on the motion to request the House of Representatives to return the bill.

Mr. HALE. I ask that it lie over to-day.

The PRESIDENT *pro tempore*. But it must be decided at once so far as that motion is concerned, not the motion to reconsider, but the motion to request the return of the bill. The Chair read the rule. The second paragraph of Rule 20 provides that—

When a bill, resolution, report, amendment, order, or message, upon which a

vote has been taken, shall have gone out of the possession of the Senate and been communicated to the House of Representatives, the motion to reconsider such vote shall be accompanied by a motion to request the House to return the same to the Senate; which last motion shall be acted upon immediately, and determined without debate, and, when determined in the negative, shall be held to be a final disposition of the motion to reconsider.

Mr. HALE. Then let us vote.

Mr. McMILLAN. Let us understand what the nature of the bill is and the effect of the motion.

The PRESIDENT *pro tempore*. It is the bill to regulate immigration, which was passed on Saturday. There were two bills on that subject passed on Saturday.

Mr. GORMAN. I will say to the Chair that it is the bill (H. R. No. 6677) to regulate immigration, imposing a tax on every immigrant of fifty cents.

Mr. HAWLEY. Known as the "head-money bill." That is the best description of it.

The PRESIDENT *pro tempore*. It is known as the head-money bill. Will the Senate request the House to return the bill, a motion to reconsider having been made?

Mr. INGALLS. In order that we may vote intelligently on this subject, I should like to know what the bill is which it is proposed to reconsider and recall. Let it be read. Is it the bill which was called up by the Senator from Michigan [Mr. CONGER] and passed?

Mr. McMILLAN. No; it was called up by the Senator from New York, [Mr. MILLER.]

The PRESIDENT *pro tempore*. The Senator from New York [Mr. MILLER] had the bill in charge.

Mr. GORMAN. I will say in answer to the Senator from Kansas that the bill imposes a tax of fifty cents upon every immigrant arriving in the United States. The bill was passed, as I stated, during my absence, and I desire to have the bill returned to the Senate with a view of offering one or two amendments to it. I think it will operate very harshly upon some parts of the country, and almost exclusively in favor of the port of New York, as the bill now stands.

Mr. MILLER, of New York. The motion must be decided without debate. If debate is allowed on one side it must be debated on the other side. The bill passed the House, and if amended by the Senate at this stage, of course the bill is killed for the session.

Mr. HALE. I call for the regular order.

The PRESIDENT *pro tempore*. That is not in order until the morning business is concluded. This matter must be disposed of.

Mr. HALE. That is what I am calling for, if the Chair please. I call for the regular order, whatever it is.

The PRESIDENT *pro tempore*. The regular order is the consideration of this question.

Mr. HALE. That is what I call for.

The PRESIDENT *pro tempore*. But the Senator from Kansas called for the reading of the bill, and it was necessary to send to the Secretary's office to get a copy of it.

Mr. HALE. If that is the regular order; if that is not in the nature of debate—

The PRESIDENT *pro tempore*. It is simply to know what the bill is.

Mr. HALE. Then let us have the bill read.

Mr. MILLER, of New York. I do not care anything about the reading of the bill. We all understand the bill.

Mr. HALE. The request for the reading is withdrawn, I understand.

The PRESIDENT *pro tempore*. The question is, Will the Senate request the House to return the bill?

The question being put, there were on a division—ayes 15, noes 26.

The PRESIDENT *pro tempore*. The Senate refuses to request the House to return the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1120) for the relief of Eugene B. Allen.

The message also announced that the House insisted on its amendments to the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. D. C. HASKELL of Kansas, Mr. O. L. SPAULDING of Michigan, and Mr. J. K. JONES of Arkansas managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 660) for the relief of Samuel Chase Barney; and

A bill (H. R. No. 5222) to restore the Fort Benton Military reservation to the public domain, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 740) to establish ports of delivery at Kansas City and Saint Joseph, in the State of Missouri;

A joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in

the reckoning of longitude and in the regulation of time throughout the world;

A bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes;

A bill (H. R. No. 6677) to regulate immigration;

A joint resolution (H. R. No. 270) for the relief of Sarah J. S. Garnett, widow of Henry H. Garnett, late minister to Liberia;

A joint resolution (H. R. No. 274) to continue the provisions of a joint resolution entitled a "joint resolution to provide temporarily for the expenditures of the Government;" and

A joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross.

NAVAL APPROPRIATION BILL.

The PRESIDENT *pro tempore*. Is there further morning business? If not, the morning hour has closed.

Mr. HALE. I ask for the consideration of the naval bill.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and that bill is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

Mr. HALE. Now I ask that the amendment of the Senator from Kansas [Mr. PLUMB] which was pending at the time of Saturday's adjournment be read.

The PRESIDENT *pro tempore*. The Chair understands that this bill is to be considered until three o'clock, when the vote is to be taken without debate, and that the five-minute rule is to be applied. Does that mean once speaking or twice speaking?

Mr. HALE. Once speaking.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kansas [Mr. PLUMB] will be read.

The ACTING SECRETARY. In line 571, page 24, after the word "the," it is moved to strike out:

Secretary of the Navy shall report the facts to Congress with a statement of the amount which in his opinion should be paid to such person.

And to insert in lieu thereof:

Contractor shall bind himself to discharge the Government from all liability therefor on account of such adoption and use.

So as to read:

And if in such construction any such plan, model, design, or suggestion shall be adopted, for the use of which any citizen not an officer of the Navy would have a just claim for compensation, the contractor shall bind himself to discharge the Government from all liability therefor on account of such adoption and use.

Mr. HALE. I have no objection to that amendment. It only protects the Government still further.

The amendment was agreed to.

Mr. BUTLER. On line 35 of section 2, page 36, after the word "Register," I move to insert "and report the same to Congress," and strike out all after the word "Register" down to and inclusive of the word "used" on line 97, page 38. The practical effect of this will be that upon the condemnation of vessels the Secretary of the Navy shall report to Congress, instead of condemning and selling himself.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina, [Mr. BUTLER.]

Mr. HALE. The provisions of the bill as they stand now were very carefully prepared in the House of Representatives on full consultation with the Department and all the committees there, and nothing can be sold unless it is approved and directed by the competent board of naval officers provided for. I am clear in my mind that no abuse would arise under the provision as it stands, and I do not suppose that the Senator from South Carolina is really fearful that any abuse would arise. Still, if it is deemed advisable to postpone this matter in order that there may be a further report made to Congress, as there never has been one before, it will only delay it so much. I should hope that when that report is made everybody then, including the Senator from South Carolina, will see the necessity of selling this old stuff under proper safeguards so as to get it out of the way, disembarass the navy-yards, and have the money all turned into the Treasury. I do not deem it essential that it shall be sold now or till after the report to Congress. That is all I wish to say. The Senate may adopt this amendment or not, as it is not at all essential.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina.

Mr. BUTLER. I have stated substantially what the amendment is, not only this morning but on a previous occasion; I will now restate it briefly. On line 35 of section 2, page 36 of the bill, I move to insert, after the words "Navy Register," the words "and report the same to Congress," and then to strike out all from the word "and," in line 35, down to and including the word "used," at the end of the section on page 38. The practical effect of the amendment is to require the Secretary of the Navy to report such vessels as he may find unfit for use to Congress at its next session.

Mr. HALE. Let me say to the Senator that if I were at the head of this Department, I should prefer, so far as the old ships are concerned, after all the talk there has been about such transactions, to report them to Congress before I sold.

Mr. BUTLER. I agree to that entirely.

Mr. HALE. As to the stores and supplies, I do not think the delay will work as well, and I wish the Senator to exclude them from his amendment, but as to the ships I say that I should prefer, if I were running the Department, to report to Congress first.

Mr. BUTLER. It seems to me so. I agree entirely with the Senator from Maine.

Mr. HALE. Suppose the Senator makes his amendment apply only to ships.

Mr. BUTLER. I understand this amendment does apply only to ships.

Mr. HALE. No; it applies to stores and supplies.

Mr. BUTLER. No; the amendment adopted on Saturday applies to materials and supplies. That has been adopted. This applies simply to vessels.

The great difficulty in the past has been the want of information by Congress as to the number of vessels condemned and sold; and it seems to me to be a great deal better for the Secretary of the Navy, certainly a great deal better for Congress, to have this information, so that Congress shall direct what disposition shall be made.

Mr. HALE. I have no authority to accept the Senator's amendment and cannot accept it; but if it only includes the ships—and I think on examination it only does include ships—I think it is just as well that it should be adopted.

Mr. SHERMAN. Some Senators thought it required the presence in the navy-yards of old junk and old rotten provisions, &c., and their presence to be reported to Congress before they could be sold. I suppose the object is to require Congress to have a list of the vessels proposed to be sold. That is right.

Mr. BUTLER. That is all. It simply refers to the vessels.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from South Carolina, [Mr. BUTLER.]

The amendment was agreed to.

Mr. MAHONEY. I offer from the Committee on Naval Affairs the following amendment, to come in after the word "for," in line 397:

And that the Secretary of the Navy be, and he is hereby, authorized and directed to ascertain on what terms can be had such additional lands and water-front contiguous to the Norfolk navy-yard as are deemed necessary for the construction of a wet-dock, and such other works as are demanded for the sufficient capacity and efficiency of that yard; and that he report the result of such negotiations to the next session of Congress.

Mr. HALE. I have no objection to that. It is right.

The amendment was agreed to.

Mr. ALLISON. I would say to the Senator from Virginia that that amendment is found in the sundry civil bill. If he prefers to have it go on here, it can be struck off there. The Committee on Appropriations reported this exact language as an amendment to the sundry civil bill.

Mr. MAHONEY. I am aware of that fact.

Mr. BLAIR. On page 19 I move the amendment of which I gave notice the other day in the discussion of the point of order, to strike out commencing with the word "provided," in line 456, down to and including the word "material," in line 460.

I explained the reasons that actuated me in raising the point of order. As the clause now stands no ship can be repaired if the cost of repairing is 30 per cent. of the estimated cost of a new ship of the same size and like material. The result of this would be that scarcely any vessel that we now have, and which is available for sea purposes, will be likely to be repaired at all when she comes to require it, and necessarily our available vessels very soon will go out of use entirely. We shall then be left with no navy whatever, unless a new one is constructed. Doubtless we should build a new one; but a navy constructed according to the most recent principles and upon the most approved pattern of naval science as it now exists, would require to accompany it, as serviceable to it, the number of available wooden ships which we now possess; so that in no view whatever, it seems to me, ought we to restrict ourselves with reference to the repair of the vessels which we have, those of them, at all events, which in the judgment of an advisory board such as is called in in cases where the question of the repair of a ship is raised should be held to be necessary, without reference to legislation of the kind which it is proposed here to enact.

Should this amendment commend itself to the views of the Senate, and be adopted, it would be necessary to make a like amendment on the twenty-fifth page in reference to machinery.

Mr. HALE. I can state in a few words just the object of this provision in the bill, which I will read:

Provided, That no part of this sum—

That is, the money appropriated for construction and repair—

shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 30 per cent. of the estimated cost of a new ship of the same size and like material.

Remember, Mr. President, that this is a limitation of repairs not to 30 per cent. of what the old ship is worth, but 30 per cent. of the cost of a new ship of the same size and like material, and I believe that the allowance is ample.

The object of this clause is to put an end to the heretofore endless repairs that were put on old ships. The complaint is that we have got no navy, and yet we have appropriated hundreds of millions of dollars—\$300,000,000 in the last eight or nine years—and the reason

is that the money has mainly gone in repairs; we have built no ships of any account. Now, I believe, and believe firmly, that any ship in the Navy of wood to-day ought not to be allowed to run without repairs to that stage where you need to put upon her more than 30 per cent. of what a new ship would cost.

I have a list here of thirty-seven vessels in the United States Navy that within the last eleven years have had put on in repairs twenty-six million and odd dollars, nearly three-quarters of a million dollars apiece on the average; and I am bound to say that I do not want hereafter the appropriations that are made for the Navy to be expended upon these old ships beyond the limitation that is fixed in the bill. It is a good and wise limitation, and I earnestly hope that the Senate will not strike it out. Depend upon it that any one of these old ships that has 30 per cent. of what a new ship will cost put upon her will be repaired all that she ought to be; and if she is allowed to run beyond that, I would let her go and spend my money in building a new ship.

Mr. HOAR. In view of what the Senator from Maine says, I submit that as under our present practice Congress is in session eight or nine months every year, the Secretary can always get leave in special cases from Congress.

Mr. ROLLINS. The bill now requires that the repairs be 30 per cent.

Mr. HALE. I read the bill. It is 30 per cent. as it came from the House.

Mr. ROLLINS. The amendment of the Committee on Appropriations has been struck out.

Mr. HALE. The amendment inserting 25 per cent. in lieu of 30 per cent. was struck out on the point of order.

Mr. ROLLINS. If there is any proposition to reduce the 30 per cent., I desire to make some remarks on that point.

Mr. HALE. There is no proposition of that kind.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

Mr. BLAIR. One word further. I have repeated only a few of the considerations which induced me to make this motion, because I had expressed myself more fully the other day upon the point of order, and if the Senate recollects what I said then there is no occasion for its repetition. I would say this, however, that it is hardly ingenious for the Senator to speak of \$300,000,000 of appropriations for the Navy during the last few years as a pertinent fact with reference to the matter of the repairs of such of our old vessels as are efficient.

The last citation which he makes from his own tables is far more pertinent, that on thirty-eight or thirty-nine vessels, which are all we have that are good for anything and which will ever come to repair at all, we have expended during that period of time about \$26,000,000. So that the other \$274,000,000 of the \$300,000,000 has gone undoubtedly for the support of the *personnel* of the Navy and for the construction of other vessels not now included among those which are efficient in the service. Nearly every ship we have afloat to-day is a wooden vessel.

Mr. HALE. This includes the whole efficient list.

Mr. BLAIR. I understand it includes the efficient list. I think the \$26,000,000 also includes extensive repairs, and possibly large sums expended on vessels that never have been afloat at all; I cannot say in regard to that; but nevertheless of the \$300,000,000 only \$26,000,000 have been put upon ships that are good for anything, and those ships are of course wooden ships, which it is now proposed shall never be repaired when it will cost 30 per cent. of the cost of new ones to repair them. We have no navy but these thirty-eight ships. They are coming in every day, and need more and more repairs. We have no iron ships. We have made no provision of any consequence for the construction of an iron navy. We put but a few hundred thousand dollars, or at most a million and a half, which can possibly be available under this appropriation bill for the commencement of that new navy. No one expects we shall get a new navy in less than four or five years at least, and in its construction we must at least expend the \$29,000,000 estimated in the report of the House Committee on Naval Affairs. That amount of money is to go into this new iron navy, and that necessity is of course coming home to us day by day; in the case of war it will be imminent, exacting, pressing; but we do not expect war at present, and we suppose we are to have these two, three, four, or five, or it may be eight to ten years in which to construct this new navy and expend this \$29,000,000 or \$30,000,000.

If we are to make a law here that no wooden vessel shall be repaired at all when it costs over 30 per cent. of the estimated cost of a new one, as I am informed by men thoroughly acquainted with the Navy, who have been constructors for many years in the Navy—and I do not refer to any existing officers, but to men who have been constructors and who are not interested now in our present or future legislation—we shall exclude from repair a very large proportion of our best ships. They never will be repaired at all.

Now, sir, I think that this is an artfully drawn provision to extirpate what navy we have, and to hurry upon us the necessity of an iron navy; and in connection with the provisions of this bill for dismantling our navy-yards, for scattering our skilled labor, and for destroying our machinery and for the destruction of ships, the result will be that the Government will be put in the control of outside

contractors, who will hold us, as I said the other day, by the throat in the matter of prices in the reproduction of the Navy.

Mr. BAYARD. I will suggest to the Senator from Maine in support of his views that the necessity of limiting the per cent. expended upon ships for repairs grows out of the fact that no contract can definitely be made for repairs; and therefore no definition of the amount to be expended can be arrived at. It is wholly guess-work, and it is necessary therefore that there should be some rule which shall impose a limit. For the reason I have stated it is impossible to know the extent of required repairs, and a contract cannot be made for their execution with any certainty.

Mr. HALE. And it is believed that this is a very liberal limit. Thirty per cent. of what a new ship would cost would be 50 or 60 per cent. of the value of one of these old ships. If anything, this limit ought to be reduced; but our amendment on that point has been ruled out, and I am obliged to take it as it is. It is just as the Senator from Delaware says, there needs to be this limitation and we ought to make it liberal, and it is very liberal.

Mr. BAYARD. Another fact ought to be stated. Iron is now or soon will be the only material in naval ships, rendering repairs on wooden vessels less and less necessary.

Mr. BLAIR. But the Senator does not observe that this provision of the bill does not apply to contracts, for this provision is in reference to work that is done at our navy-yards, and our yards never enter into any contract with the Government with reference to the repairing of ships. Upon the suggestion that the yards themselves are not even to repair the existing navy that is afloat—

Mr. HALE. That is not limited at all.

Mr. BLAIR. It contemplates carrying the repairing even into the hands of outside parties.

Mr. HALE. There is nothing of that kind.

Mr. BLAIR. What else does it mean?

Mr. JONES, of Florida. We have had one change in our Navy already, which has been brought about by the application of steam to vessels in the public service, and it became necessary to change their entire structure from sailing-vessels to steamships, and I do not remember that anything of this kind became necessary when that change was effected. This is entirely a new provision. The old sailing-ships of the Navy commenced with the Republic and continued down until a very late period. The Constitution, built in 1790, has been effective till almost within a recent period; and no such power before was ever attempted to be given to any officer of the Navy under which he might permit every valuable ship in the public service to deteriorate until it required this amount of repairing and then let her go by the board.

Why is this necessary at all? If you are going to build up a new iron-clad navy, do it, and I shall at all times be ready to vote for a proposition in that direction; but I am not willing to give this discretionary power to any man who will be able to say, "I will not repair a ship until she requires 30 per cent. of the cost of a new ship to do it," and then let every available ship in the Navy go out of commission.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

Mr. HOAR. Before this amendment striking out this clause is voted upon it is proper to perfect it. There was added by unanimous consent of the Senate a provision authorizing the Secretary of the Navy to provide for bringing home all ships damaged in foreign waters. I desire to insert in the amendment, to which there can be no objection, after the words "foreign waters," the words "or on the high seas." It has been suggested by a Senator that "foreign waters" include only waters within the jurisdiction of foreign countries.

The PRESIDENT *pro tempore*. That modification will be made if there be no objection. The Chair hears no objection, and that modification will be made. The question now is on the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

Mr. BLAIR called for the yeas and nays, and they were ordered.

Mr. ROLLINS. If the yeas and nays are to be taken, I desire to say a few words in reference to this amendment.

It has occurred to me that this iron-clad rule with reference to the repairs of wooden vessels in the Navy may work disastrously. For that reason I am inclined to vote against it. If there be any limit it certainly should not be below that now in the bill, 30 per cent.; but I doubt very much whether that is wise, and for this reason: when a wooden vessel is to be repaired a board of survey is ordered upon her; they make as careful an examination as they can, and they may discover at the first examination that a sum less than 30 per cent. of the value of a vessel of that size would be sufficient to repair the ship; and they commence to repair her.

After a more thorough investigation of the matter they discover that a larger sum of money will be necessary. It will then be necessary, under the rules and regulations of the Navy Department, for a new survey to be ordered, and if the proper officers on making this new survey should discover after considerable money may have been expended in preliminary work that 30 per cent. would not be sufficient, then that vessel could not be repaired. It may require 35 per cent. of the cost of a new ship. Then all the money that had been expended up to that time would be wasted, and the vessel itself would be lost to the Government.

For these reasons, and many others which might be stated but that I do not wish at this time to delay the Senate, I doubt very much whether any cast-iron rule in this matter will be found to work for the advantage of the Government in the repair of these old ships.

The Principal Legislative Clerk proceeded to call the roll.

Mr. WALKER, (when Mr. GARLAND's name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.] Not knowing how he would vote I withhold my vote.

The roll-call was concluded.

Mr. FERRY. I am paired with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, I should vote "nay."

The result was announced—yeas 10, nays 38; as follows:

YEAS—10.

| | | | |
|--------|-------------------|----------|---------|
| Blair, | Cameron of Pa., | Pugh, | Walker. |
| Brown, | Jones of Florida, | Rollins, | |
| Call, | Morgan, | Vest, | |

NAYS—38.

| | | | |
|------------------|--------------------|------------------|------------|
| Aldrich, | Davis of Illinois, | Ingalls, | Pendleton. |
| Allison, | Dawes, | Jackson, | Platt, |
| Anthony, | Frye, | Jonas, | Plumb, |
| Bayard, | George, | Jones of Nevada, | Sherman, |
| Butler, | Gorman, | Logan, | Van Wyck, |
| Cameron of Wis., | Grover, | McDill, | Voorhees, |
| Chilcott, | Hale, | Mahone, | Williams, |
| Cockrell, | Hampton, | Maxey, | Windom. |
| Coke, | Harris, | Miller of Cal., | |
| Conger, | Hawley, | Morrill, | |

ABSENT—28.

| | | | |
|------------------|-------------------|------------------|------------|
| Beck, | Garland, | Kellogg, | Ransom. |
| Camden, | Groome, | Lamar, | Saulsbury. |
| Davis of W. Va., | Harrison, | Lapham, | Saunders, |
| Edmunds, | Hill of Colorado, | McMillan, | Sawyer, |
| Fair, | Hill of Georgia, | McPherson, | Sewell, |
| Farley, | Hoar, | Miller of N. Y., | Slater, |
| Ferry, | Johnston, | Mitchell, | Vance. |

So the amendment was rejected.

Mr. BLAIR. I now move, on the twenty-fifth page, to strike out the corresponding provision with reference to the machinery on board wooden ships, which it is proposed shall not be repaired when it will cost 30 per cent. of the cost of new machinery of the same character and power; that is to say, if the old machinery is not worth seventy cents on the dollar it will be thrown away. Necessarily it comes to that unless it can be sold under other provisions of this bill. The machinery stands upon a somewhat different ground from the vessel itself.

Mr. HALE. It is a stronger case than that of the vessel.

Mr. BLAIR. There may be a market for machinery, so that it would pay to repair it, aside from the naval vessels, and a better opportunity for the Government to save money by comparatively slight repairs upon the machinery on board these thirty-eight ships that now constitute the Navy than she could make by the repair of the vessels themselves.

I make the same motion in reference to the machinery, which is to strike out all after the word "dollars," including the word "provided," in line 590, on page 25, down to and including the word "power," in line 594; as follows:

Provided, That no part of said sum shall be applied to the repair of engines and machinery of wooden ships where the estimated cost of such repair shall exceed 25 per cent. of the estimated cost of new engines and machinery of the same character and power.

Mr. HALE. Instead of replying I call for a vote.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

The amendment was rejected.

Mr. VANCE. I move to amend, on page 20, line 466, by inserting after the word "manufacture" the words:

Provided, It can be obtained as cheap as the foreign article, less the tariff duty.

The provision of the bill is that these cruisers shall be built out of domestic steel, a provision inserted in the interest of the manufacturers; and inasmuch as it is already provided that private individuals for the purpose of ship-building may import material of iron, copper, spike-nails, &c., and composition metal, in bond, and when the Secretary is satisfied that the material has been used in the building of ships no duty shall be paid upon it, I think that the Government is entitled to the same privilege in its own behalf as it confers upon private citizens; and I see no use in the Government of the United States paying a large bonus to the manufacturers of steel for the purpose of building ships for the protection of the country and the commerce of the country. I move to insert those words.

Mr. HALE. I make the point of order.

The PRESIDENT *pro tempore*. The point of order is made on the amendment. This is similar to other amendments.

Mr. VANCE. What is the point of order? I should be glad to have it stated.

Mr. HALE. It changes existing law; it is new legislation.

Mr. VANCE. Is there any existing law that the United States Government shall build ships out of American steel only?

The PRESIDENT *pro tempore*. This makes a law on the subject, and therefore the amendment is general legislation.

Mr. VANCE. I then modify it if the Chair rules in favor of the point of order—

The PRESIDENT *pro tempore*. The Chair so rules.

Mr. VANCE. Then I move to strike out the words "of domestic manufacture."

The PRESIDENT *pro tempore*. That is in order.

Mr. HALE. I call for the yeas and nays on that motion. I shall be very glad to get a vote without a word of debate, because everybody will understand the issue, and let us have it settled by a yeas-and-nays vote.

Mr. VANCE. That suits me, sir.

Mr. HALE. Let the words that the Senator from North Carolina moves to strike out be read in connection with the text of the bill, so that we may see precisely what the amendment is.

The ACTING SECRETARY. On page 20, line 466, after the word "steel," it is proposed to strike out the words "of domestic manufacture;" so that the clause will read:

Any portion of said sum not required for the purposes aforesaid may be applied toward the construction of two steam cruising vessels of war, which are hereby authorized, at a total cost, when fully completed, not to exceed the amounts estimated by the late naval advisory board for such vessels, the same to be constructed of steel, having as near as may be a tensile strength of not less than 60,000 pounds to the square inch.

Mr. HALE. That is sufficient. Now let us have the vote.

The Acting Secretary proceeded to call the roll.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I should vote "nay," if he were here.

Mr. PENDLETON, (when his name was called.) I am paired this morning with the Senator from New York, [Mr. LAPHAM.] I do not know how he would vote on this question, and I withhold my vote.

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HILL, of Colorado. I am paired with the Senator from Nevada, [Mr. FAIR.]

Mr. SAWYER. I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were here, I should vote "nay."

The result was announced—yeas 20, nays 30; as follows:

YEAS—20.

| | | | |
|-----------|----------|----------|-----------|
| Bayard, | Coke, | Harris, | Ransom, |
| Beck, | Farley, | Jackson, | Slater, |
| Butler, | George, | Jonas, | Vest, |
| Call, | Grover, | Maxey, | Walker, |
| Cockrell, | Hampton, | Pugh, | Williams. |

NAYS—30.

| | | | |
|------------------|--------------------|------------------|-----------|
| Aldrich, | Conger, | Ingalls, | Platt, |
| Allison, | Davis of Illinois, | Logan, | Plumb, |
| Anthony, | Dawes, | McDill, | Rollins, |
| Blair, | Frye, | McMillan, | Sherman, |
| Brown, | Gorman, | Mahone, | Voorhees, |
| Cameron of Pa., | Hale, | Miller of Cal., | Windom. |
| Cameron of Wis., | Hawley, | Miller of N. Y., | |
| Chilcott, | Hoar, | Morgan, | |

ABSENT—26.

| | | | |
|------------------|-------------------|------------|-----------|
| Camden, | Harrison, | Lamar, | Saunders, |
| Davis of W. Va., | Hill of Colorado, | Lapham, | Sawyer, |
| Edmunds, | Hill of Georgia, | McPherson, | Sewell, |
| Fair, | Johnston, | Mitchell, | Vance, |
| Ferry, | Jones of Florida, | Morrill, | Van Wyck, |
| Garland, | Jones of Nevada, | Pendleton, | |
| Groome, | Kellogg, | Saulsbury, | |

So the amendment was rejected.

Mr. ROLLINS. I offer an amendment from the Committee on Naval Affairs, to come in at the end of line 578, on the twenty-fourth page. The same provision was contained in a bill reported by the Committee on Naval Affairs, and the committee has authorized me to move it as an amendment to this bill. I think the Committee on Appropriations will not object to it. It is:

The sum of \$150,000, or so much thereof as may be necessary, is hereby appropriated, to be expended under the direction of the Secretary of the Navy, for the manufacture or purchase of the necessary tools or plant for the construction of iron or steel vessels and their armament in the appropriate navy-yards.

I think the Committee on Appropriations will not object to this amendment, as it simply provides that the navy-yards shall have some facilities for the construction of iron and steel vessels.

Mr. COCKRELL. I supposed the Senator in charge of the bill would make the point of order on this. If he does not, I make the point of order.

Mr. ROLLINS. What is the point of order?

Mr. ALLISON. It increases the appropriations and inserts a new item.

The PRESIDENT *pro tempore*. This is general legislation on an appropriation bill, making a new law on the subject. The point of order is sustained.

Mr. ROLLINS. Permit me, with all respect to the Chair, to ask the Chair what in the world the Senate can do on this appropriation bill? Here is a bill for the reorganization of the Navy and making appropriations to support the Navy—

Mr. COCKRELL. The question is not debatable.

Mr. ROLLINS. The Senator from Missouri cannot get me off my feet in that way.

Mr. COCKRELL. I rise to a point of order, that the Senator from New Hampshire is not in order in debating this proposition.

Mr. ROLLINS. The Senator from New Hampshire is entirely in order to speak upon this bill which is before the Senate. He would like to know how the Senator from Missouri can get him off his feet. Somebody else has rights here besides the Committee on Appropriations, although I am led to believe that in their estimation no one else has any rights.

Mr. President, here is a bill for the reorganization of the Navy, for changing the grades, for doing almost everything in connection with the Navy; and a simple amendment to furnish tools and machinery to the navy-yards is ruled out of order when it is simply a proposition looking to placing our navy-yards in a position where they may at least attempt to do something in the way of the reconstruction of the Navy. We simply place ourselves at the mercy of the contractors of this country; and the object in defeating this amendment, I suppose, is to place the Government of the United States, to place its navy-yards at the mercy of the contractors, of the few men who have the plant, of the few men who have the tools ready to build iron and steel ships. The competition will be very small indeed if nothing is done to place our navy-yards in a position where they may do something in that direction. That is all I have to say at this time.

Mr. HOAR. I move to amend, after line 397, by inserting the following, to which I understand there is no objection on the part of the committee. It is an amendment which properly provides for a report of a board of naval officers in regard to the value for the purposes of defense and manufacture of existing navy-yards—

The PRESIDENT *pro tempore*. There is an amendment already in the bill at that point. The Secretary will read it, and then the Senator from Massachusetts will see whether his amendment ought to come in there.

Mr. HOAR. Let it come after that.

The ACTING SECRETARY. It is proposed to add the following at the end of the amendment inserted after line 397:

That the Secretary of the Navy shall appoint a commission, to consist of three persons, one of whom shall be appointed from the line officers and one from the staff officers of the Navy and one from civil life, which commission shall consider and report to the next session of Congress upon the question whether it is advisable to sell any of the navy-yards, and, if so, which; and as to each of said yards said commission shall report as to its cost, its area, its present value, including in separate items the value of the land, structures, machinery, and other personal property; the depth of water at the yard, and whether it remains and will remain at such depth, or will require expense to keep open its water communication; its condition as to being in working order or otherwise; the condition and value of its "plant" in the different departments; its advantages and disadvantages as a naval station and for the construction of vessels; its probable value for other purposes in case the yard is discontinued; whether there is any demand for the yard for mercantile or other purposes; whether it can probably be sold, and at what price, in case of discontinuance; the annual cost during each of the past fifteen years of maintaining it; the value of what it has produced during each of said years, so far as it can be ascertained; its value or necessity for purposes of defense on that part of the coast where it is situated, or in general, and also as regards any city in its vicinity; and any other facts which such commission may deem useful or advisable to report in regard to this question.

Mr. HALE. As I understand it, this is offered, not to strike out the provisions in the bill, but is simply additional matter.

Mr. HOAR. That is all.

Mr. HALE. I am very glad, so far as I am concerned, to say that I fully concur in the amendment, because it is in the same direction that the bill goes, only a little further.

Mr. BUTLER. Will the Senator from Massachusetts explain briefly what his amendment is?

Mr. HOAR. There is a great deal of enumeration in the amendment, but all the facts to be reported, with one or two exceptions, will appear readily from the books of different navy-yards or their reports here. The amendment authorizes a board, to be composed of two naval officers and one civilian, to report the facts bearing on the question of the value of the various navy-yards as places of manufacture, and especially, what I feel more interested in, their value for defensive purposes to the cities near which they may be situated or to the country generally.

I should like to say in regard to the Charlestown navy-yard that when that navy-yard was built its site was selected by a board of the most distinguished officers in our service, about the year 1801, who were of opinion that it was of great value to the defense of the port of Boston, and there are very distinguished naval officers who now think that that yard, which is nine miles from the sea by the channel, is of great value as a defense to that city, and also that it is of great value to the defense of New York if that should be the subject of a naval attack, being something in the nature of a fortification in the rear of a besieging army before a particular fort. On the other hand, there are very many eminent authorities, indeed one or two that I have conversed with within two or three days, whose names I am not at liberty to mention, who say it is not worth anything for defense, and is rather an attraction to a hostile attempt from any source against us.

What I desire is, before we commit ourselves to any policy about it, to have the report of a competent naval board laid before Congress with reference to these facts.

Mr. BAYARD. I would suggest to the honorable Senator from Massachusetts that his amendment, which I incline to favor, would be well to be inserted on page 16 in lieu of the proviso that the Secretary of the Navy shall have power to transfer materials from one navy-yard to another, in other words to close all the navy-yards but two.

Mr. HOAR. If the Senator will pardon me, I did not wish in offering this amendment to encounter either of the two hostile conflicting views which have manifested themselves in the Senate, either the Committee on Appropriations, the House, or other Senators. I wanted it simply to come in by itself, not touching on any of these other points, but simply proposing to obtain this information.

Mr. BAYARD. If the Senator will glance at the text of this bill on page 16 he will find an appropriation of \$18,953.12 made for the civil establishment at navy-yards and stations, and after that follows a proviso—

That if the Secretary of the Navy shall find that work at all the navy-yards now maintained cannot be carried on with advantage to the service and economy to the Government, he shall suspend work at those yards where he finds it can best be dispensed with, and shall close such yards and transfer all perishable stores and property therefrom to other yards for use therein.

I had intended to move and shall still move to strike out the whole of that proviso, and if it goes out it seems to me that is precisely the place at which the Senator's amendment should come in. He proposes to do what I think is very wise, to cause information to be given to Congress by the Secretary of the Navy at the next session of the condition of the navy-yards, of the amount of work done there, of their availability, their defensibility, and the other features which I entirely approve; and therefore, without desiring in the slightest to interfere with the Senator's control of his own amendment, it struck me as being pertinent just now to say that it would answer admirably to replace that proviso, which I insist ought not to be put in the bill, because no such power has ever been given to a Secretary of the Navy before as to place the existence and use of the navy-yards of the country entirely at his control.

I submit to the Senator that it would be a good thing to couple the amendment striking out this proviso with the amendment that he proposes.

Mr. HOAR. As no Senator, whatever his view of the proposition stated by the Senator from Delaware, objects to my amendment as a matter by itself, why not adopt it? I think it would come in more properly at the end of all these provisions about the navy-yards, where I have offered it, and then the Senator can test the sense of the Senate on striking out the matter to which he objects separately.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. PLUMB. I desire to ask the Senator from Massachusetts if he designs in any way to limit or qualify the present provisions of the bill?

Mr. HOAR. Not in the least. I showed this amendment to the Senator having the bill in charge before offering it.

Mr. PLUMB. It stands alone by itself.

Mr. HOAR. Entirely alone.

The amendment was agreed to.

Mr. HOAR. As this amendment has been adopted, I do not wish to shine in borrowed plumes, and I should like leave to say that it was drawn by the faithful and industrious Representative of the Charlestown district in the other House, and I offered it at his request.

Mr. BAYARD. I move to strike out on page 16 after the word "cents" in line 367 the proviso running to line 397 on page 17.

The Senate has just adopted the amendment of the honorable Senator from Massachusetts providing for a commission to be appointed by the Secretary of the Navy to report upon the advisability of saving the navy-yards and to return a description of their locality and structure, and the various property connected with them, the condition and value thereof, the depth of water, &c. That amendment having been adopted renders the present proviso, which I desire now to have stricken out, unnecessary and inconsistent. If a commission is to be appointed to make report upon the navy-yards as to their condition, locality, plant, machinery, &c., then there is gross inconsistency in authorizing the Secretary of the Navy in his sole discretion to suspend work and transfer all materials and property to other yards and report the facts and reasons for his action to the subsequent session of Congress. And our committee proposed to add:

Provided, That not less than two navy-yards shall be maintained upon the Atlantic and Gulf coast, one north and one south of the Potomac River, and one upon the Pacific coast.

Further he has discretion to maintain the yard at Washington as a manufacturing yard.

I desire to say that this is the longest step in respect to a single individual's discretion that ever has been made to my knowledge in the administration of the Navy, and it is not improper to state that this is given to a Secretary who has just entered office, who is without the personal knowledge of the duties of his place that can only be obtained by experience. Here, before he is warm in his seat, the proposition is made that he shall take the whole navy-yard system of the United States and close up the yards at will, transfer the material, transfer the plant, and do as he pleases by suspending the work at any of them.

Mr. President, this is not reformation and this is not wise admin-

istration. Every one recognizes now that our legislation is tentative; it is experimental; and it is best that these experiments should proceed slowly. This country not only has suffered fearfully in its Treasury by the maladministration of the funds of the Navy, by the expenditure of the fearful sums which have been mentioned during this debate, but the consequence has been constantly a loss to the Navy; and there has been a growing feeling in the public mind of insecurity in respect of this department of our public service. Not only are we defenseless against a foreign foe but that absolute defenselessness has been reached through an amount of expenditure that is almost incredible. Now I say that it is time, if we are to move in the way of reformation, that we at least understand each step that we take.

I move, sir, that this proviso be stricken out and that the law stand where it has always stood on this subject. There is discretion and there must be, and that discretion can be exercised under the provisions of existing law. But there is no necessity for this legislation to allow the Secretary of the Navy to concentrate all the force at any navy-yard or at any two if he sees fit, and on just such occasions as he sees fit. The country knows well and the Senate knows well what has been the use made of navy-yards, at Norfolk, at Mare Island, at Charlestown, at Philadelphia, and elsewhere. They know when the labor has been begun, and when men have been brought in by the thousand to work, and when they have been discharged.

I say then that this new legislation, which is exceptionable under our rules, ought not to find its place in a bill like this which is intended as a cautious measure of reformation. I move that the proviso be stricken from the bill.

The PRESIDING OFFICER. (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. PLUMB. I desire to make one remark in regard to the suggestion made by the Senator from Delaware to the effect that under this provision the Secretary of the Navy may transfer all the force to a particular navy-yard and there perpetuate what he describes to be the frauds in the operations of the navy-yards growing out of the employment and discharge of force, and to say to him that he will find that by the limitation of the appropriation provided in this bill no such consequence can possibly follow. The sum of \$18,953.12 is the total sum appropriated for the civil establishments of navy-yards; consequently there cannot be any such concentration of force at any particular and favored navy-yard as will cause any of the consequences which he so much deprecates, unless the two Houses shall, in some subsequent progress of legislation, increase that amount.

Mr. BAYARD. There are large appropriations in this bill for different bureaus which will be expended at various yards.

Mr. PLUMB. But not for the civil establishment.

Mr. BAYARD. That is the smallest part.

Mr. PLUMB. But in regard to that the trouble I think heretofore has been about the employment of persons in civil life at the various navy-yards. It has not been that certain naval officers were concentrated at a certain point, but it has been that persons were picked up in the neighborhood and that employment has resulted, which has been used—I do not know whether the charge is true or not—in some way to the advantage of some political party or in some way to the disadvantage of a free suffrage. That, as I said, is sufficiently guarded from the fact that we appropriate here a sum that is ridiculously inadequate to the accomplishment of any such purpose.

On the other points this bill has proceeded, I think, in a hide-bound way, very largely upon the theory of a drastic limitation upon the power of the Secretary of the Navy. I believe that under this bill or any similar bill we shall never have any navy. But still I am not disposed to contest with the general purpose of the bill, but to say that in order to have a navy, in order to have a decent and fair administration of the Navy Department, we have got to deposit discretion in somebody. We cannot possibly exercise that in our legislative capacity from time to time as it needs to be exercised. My theory about that is just this: we divide the responsibility instead of concentrating it; in the Navy Department there are bureaus at the head of which are persons who are in the service for life. We have a Bureau of Steam Engineering, a Bureau of Construction, a Bureau of Navigation, and so on. Each one of these bureaus is organized and runs continuously without reference to the function or the term of service of the Secretary of the Navy. He comes in and finds an organization existing which has existed for a long time, which goes on in the performance of its different functions, no matter whether the Secretary of the Navy is there or not. Suppose he drops out for a day, for a week, for a month, for a year, everything goes on as before. Suppose abuses occur, as were alleged to occur under a preceding administration, who is responsible? Not a single person whom Congress has any practical control over. It occurs under the administration of men who are there for life; it occurs under an administration which is a machine administration, which admits of no civil control. It is the regular naval organization that is responsible for it; and that does not necessarily indicate that they are corrupt; but you have got a commodore in charge of one of these bureaus and too many hands are employed; some work costs too much; he has had the con-

trol of it; he is supposed to possess the technical knowledge to make that control effective and have the work economically done; but it turns out otherwise. What happens? We simply transfer him from one station to another and he goes on drawing his salary and he exercises the privileges and emoluments just the same as before. [Here the hammer fell.] I should like just two minutes more in regard to this matter if there is no objection. ["No objection."]

We do not give to the civil Secretary any control at all as to who ought to be changed or put in there; we do not really give him the powers and functions of Secretary of the Navy. He ought to have the control of every bureau under his charge, and we ought to make him responsible, and by that responsibility condemn him or approve him.

Mr. JONES, of Florida. Will the Senator permit me to ask him a question?

Mr. PLUMB. With pleasure.

Mr. JONES, of Florida. Inasmuch as the Appropriations Committee have taken charge of naval affairs, navy-yards, and everything else—

Mr. PLUMB. I object to that form of question, because it assumes something which is not true. We took charge simply of what the Senate sent us in the bill from the House of Representatives. That is all.

Mr. JONES, of Florida. The Senator speaks of this small appropriation for the civil list, \$18,000 only being appropriated for the civil list, and says that no civil employment of any consequence can take place because of the smallness of that appropriation. Now, I will suggest to the Senator that if additional repairs of the Vandalia, amounting to \$585,942, at a navy-yard are necessary, the expenditure under the head of "repairs" would necessitate the employment of civilians.

Mr. PLUMB. For the time being, undoubtedly, and you cannot get away from that. If you are to employ a ship that goes into the harbor of Pensacola and is to proceed from there within some reasonable time to the harbor of Norfolk or the harbor of New York, will the Senator from Florida say that the question of repairs ought to be reported to Congress and that Congress ought to sit in judgment upon that before the ship can proceed upon its course?

Mr. JONES, of Florida. That is not the question.

Mr. PLUMB. That is the question.

Mr. BLAIR. Mr. President, it would have seemed consistent, possibly would have afforded a sort of pleasant reflection, if the Senator from Delaware who moves this amendment had noticed that the amendment which I moved a few moments ago was one quite necessary in order that these yards should be maintained at all. Whoever studies this bill will find, I think, that it is a well-matured plan to destroy the Navy, to destroy the navy-yards, and to throw whatever there is to be done in the future in the way of naval construction into the hands of parties not responsible to nor interested specially in the success of the Government of the United States in procuring a satisfactory navy at a reasonable price.

Now, we have a certain navy. There are provisions in the bill as it comes to us to prevent the repairs of that navy. It is explicitly provided that where repairs will cost over 30 per cent. of the estimated cost of a new ship no existing vessel shall be repaired at all. Men who understand this business have assured me that the result of that must be the practical destruction, by going to decay without repair, of the Navy which we now have, within a very brief period of time.

Then there is a second provision which enables this Navy, thus dismantled, thus useless, with no competitor in the market, to pass into the hands of the only parties who can be interested to purchase this material for little or nothing. We have modified that, to be sure.

Then there is this third provision, that navy-yards, which can have nothing to do unless there is a navy to repair or a navy to build, may be closed.

The natural operation of the enactment of the provisions of this bill as it came to the Senate into a law would be the obliteration of navy-yards, navy, and the capacity to produce a navy within the next three or four years on the part of the Government. The Senator in voting that there shall be no repairs of our existing Navy, or only within such limits as will exclude the greater portion of it, himself votes that there shall be no occasion for these yards; and now he comes in and would take away the power to exercise a discretion that if there is no work to be done it would seem ought to be exercised.

For my own part I am in favor of this amendment. I would not see the yards dismantled; I would not see them destroyed; I would not see this discretion confided to any one man, be he officer of the United States or not, and in the existing Secretary of the Navy I have as great confidence as I have in any human being, in his capacity and his integrity, and I would give him this discretion if I would give it to any man whatever.

But, sir, this provision I think should be stricken out, and equally so the other, the result of which would have been to give these navy-yards something to do. I favor the obliteration of these two provisions and the destruction of the other proviso for the sale of the Navy. But notwithstanding this suggestion which I make to the

Senator from Delaware for his consideration, I am personally in favor of his amendment.

Mr. JONES, of Florida. Mr. President, this has ever been known as a Government of laws and divided into three great departments, the legislative, the executive, and the judicial. I had always supposed that it was the province of the executive department of the Government to carry into effect and execution the determination of Congress over those great interests of the country which the people reposed in trust in the hands of their public servants here. There is not a navy-yard to-day in the Union that was not built up by express authority of Congress, deliberately asserted after thorough investigation, and no discretion was ever vested in any officer of this Government, high or low, to establish any such yard.

If this provision has one object that is clearer than another it is not to restrict employment on the civil list, it is not to cut down the wages of a few men; it is to give power to one man to annihilate, if he thinks proper, the entire navy-yard system of the United States.

The Senator from Kansas, [Mr. PLUMB,] who imagined that I made some impeachment upon his knowledge of naval affairs, took a little offense a while ago at what I said; but he surely could not have meant what he said when he observed that this \$18,000 was the only limit upon the authority of the Secretary of the Navy to spend money in navy-yards. If he will turn to another provision in this bill under the head of "Bureau of Construction and Repair," he will find that \$1,750,000 is appropriated there which can be expended at any favored navy-yard that this Secretary may designate under the authority of this bill.

Mr. PLUMB. The amount appropriated for the civil establishment of navy-yards by this bill is about one-fifth of that heretofore appropriated.

Mr. JONES, of Florida. I do not care; there is \$1,750,000 which can be expended at any navy-yard or navy-yards, according to the rule now prevailing in the Department, that the head of the bureau and the Secretary may designate; and while this has always been a great discretionary power, in my mind that ought not to be in one man. Still it exists, and if you will look at the repairs that have hitherto been made on ships you will find that favoritism has been exercised in making repairs on vessels, and that a ship needing repairs in the Gulf of Mexico has often gone to the North Atlantic to any yard that the Secretary might designate in order to have a half million dollars spent upon her under this discretionary power.

This provision proposes to give authority to do what? To put any navy-yard that the Secretary may select for annihilation in a condition to be utterly worthless hereafter, and then report to Congress. It is this:

He shall suspend work at those yards where he finds it can be best dispensed with, and shall close such yards and transfer all perishable stores and property therefrom to other yards for use therein, and report the facts and the reasons governing his action to the next session of Congress.

Under that authority he can destroy the efficiency of any six navy-yards in the Union and concentrate every available means of building or repairing a ship of the Navy at any one yard and then report the facts to Congress; and Congress, after this great expense is incurred and these changes have taken place, would have no option but to ratify it, and in this way destroy by indirection the power of Congress over this whole subject. I do not say that the Secretary would do this, but I do not care for any individual man; I would give the power to nobody.

Mr. ALLISON. Mr. President, I trust the Senator from Delaware does not mean to strike out a portion of this proviso which prohibits the Secretary of the Navy from making a deficiency under this appropriation. The Senate inserted by way of restriction upon the power of the Secretary of the Navy this language: "And no deficiency shall be made for maintenance of, or for civil establishment at, navy-yards."

Mr. HOAR. Is not that the standing law now without this bill?

Mr. ALLISON. I do not think it is. There is a civil establishment at every one of these navy-yards by law. If there is no appropriation for the civil establishment, will it not go on and will not a deficiency accrue? We have deficiencies every day under similar provisions.

Mr. BUTLER. May I ask the Senator from Iowa what the purpose of this provision is?

Mr. ALLISON. I will explain.

Mr. BUTLER. Is not the ultimate purpose the abolishment of navy-yards?

Mr. HOAR. Let me—

Mr. ALLISON. I cannot in five minutes subject myself to all sorts of interruptions and cross-firing by Senators. I take it that by the adoption of the amendment of the Senator from Massachusetts, which was not objected to, proposing that a commission shall be raised for the purpose of seeing what navy-yards shall be abolished, there is a clear implication that we have too many navy-yards. There is not a Senator on this floor but what knows to-day that we have more navy-yards than we ought to have in this country. We have three in New England.

Mr. BAYARD. We have none anywhere that can build a first-class ship.

Mr. ALLISON. The Senator from Delaware says we have none where we can build a first-class ship. I know it. We have just said,

by voting down an amendment proposed by the Senator from New Hampshire, [Mr. ROLLINS,] that we would not give these navy-yards a plant for the construction of ships. I say for myself that this provision I regard as a valuable one, for the reason that the Secretary of the Navy now has the discretion to order repairs and construction at any navy-yard he chooses. The Senator from Florida himself admits that the Secretary can send a ship to any navy-yard in the United States he pleases for repairs, and he can construct a ship at any navy-yard he chooses if we authorize its construction.

Mr. BUTLER. Can he dismantle a navy-yard, though?

Mr. ALLISON. No, he cannot; but he ought to have that power. Does the Senator from South Carolina want a great civil establishment at Pensacola, at Kittery, in Maine, and at these several navy-yards where no work is being done and where there is no proposition to do work? Instead of this being a discretionary power, we ought to say to the Secretary in explicit terms, "If there is no work to be done at these navy-yards, close them for the time being." We ought not to give him the discretion; we ought to impose on him a directory duty, saying to him, "If there is no work at Pensacola, dismiss your civil establishment, and do not allow it to be going on there at great expense to the Government." Wherever there is not necessary work for the navy-yards let them be closed for the time being.

I agree with the Senator from Delaware in one sense, that we ought not to give the discretion to employ a great civil establishment where no work is to be done. I would, instead of striking out this provision, make it still more mandatory upon the Secretary of the Navy that he shall not use the people's money in the support of a great civil establishment when there is no work being done at these yards. That is my objection to striking out the provision. I think we ought to go in the other direction. We have eight or nine navy-yards in the United States. Does anybody believe we shall continue them always? I do not believe it; and yet it is almost impossible to get rid of these navy-yards. Here is a navy-yard at League Island, a navy-yard at New London, one at Charlestown, another in New Hampshire or Maine, and another at Norfolk, and so on. One way we can get rid of these navy-yards and of the great expense that attends the carrying of them on is first to close them up if they are not necessary, and, secondly, after the report suggested by the Senator from Massachusetts, get rid of them. I am clear in my judgment that we have too many navy-yards, and they are great absorbing things in the way of taking the people's money. Let us make one step in the direction of closing them up until we can sell them under the proposition suggested by the Senator from Massachusetts, who admits by his amendment that we ought to sell some of them.

Mr. BAYARD. I should like to ask unanimous consent for about five minutes to state to the Senate a few considerations on this subject.

The PRESIDENT *pro tempore*. The Chair hears no objection; and the Senator will proceed.

Mr. BAYARD. We have all the expense of a navy-yard and none of the facilities or faculties that a navy-yard should possess. There is League Island with the locality of which I am in some degree familiar. It is about twenty-five miles north of where I live. It has unquestionably a great many advantages as a refuge for iron ships; it is thoroughly defensive against exterior attack. Its proximity to the city of Philadelphia, a great manufacturing city, is an enormous advantage in every respect; but there is a navy-yard that has no dry-dock, into which no vessel can go for repair, and upon which every dollar is useless until the feature of a dry-dock shall be added to it.

Therefore, it seems to me, that standing as we are now with the ruins of the Navy in the past and the hope of a new navy in the future, we certainly should not begin by crippling those agencies which every man of common sense will tell us are essential for the reconstruction of a navy. If you cannot make an omelet without breaking an egg, as the proverb has it, you cannot build a ship without having a yard for it. When the question shall come whether you will build by private contract or at the public yards, I believe experience is that while you can build your hulls at the public yards you cannot build your machinery and other things half as conveniently and properly there as you can by private contract. But all I ask at the present time is not to hasten by this step in the discretion of an inexperienced official—for such is the fact before you—without any reference to Congress, to give him the arbitrary power to remove what? Not only the perishable property but the plant, the property of all kinds, from yard to yard, property involving millions in its cost, property which is valuable, wherever it may be, and to transfer this right away in hot haste simply upon his own *ipse dixit*.

This is not wise legislation. If we only could get a man of ability and of adaptation by education for this pursuit and keep him in office that he might carry out wise and well-settled plans of public administration, a great deal of this difficulty would be saved; but I do say that the clause I have moved to strike out is one that is not in favor of wise legislation.

Mr. HALE. Mr. President, the task of really introducing any reform and cutting down any expense in the American Navy is a very hard one; every step of the way is beset with difficulties; every-

where somebody's toes seem to be trodden on. If you undertake to limit the money that is spent upon old and comparatively useless and worn-out ships, you are opposed and have to make a fight to save the public funds for new ships; and if you are confronted with the spectacle of nine navy-yards upon which have been spent in the last ten years \$10,000,000 to keep them up, and are asked to try the experiment of getting along with fewer, that is opposed.

Now, I do not suppose that the framers of this bill believed that any honest attempt to curtail expenditures of navy-yards would be resisted. I did not suppose that they would be resisted excepting that whenever you undertake to strike at anything in the neighborhood of a Representative or a Senator of course he will rally to the support of that, and the older the abuse the stronger he will rally; but that there should be any general objection to this feature giving the Secretary of the Navy the right for the time being to shut up a yard and report the reasons that he acts upon to Congress, I did not suppose. That is all there is in this provision. The Secretary may shut up a yard and transfer the property and report to Congress his reasons, and there is nothing inconsistent between this and the amendment just adopted on the motion of the Senator from Massachusetts. That, in fact, is the continuation or rather the afterpiece of this clause in the bill. The Secretary may go on if he chooses; he may shut up one, two, or three yards, and report to Congress, and the Senator from Massachusetts comes in with his amendment that a commission shall report to Congress what of these yards shall be sold. Now, the question we are being confronted with is whether we will go on and will keep up nine navy-yards that have in the last seven years cost us in expending \$11,957,000 of the public funds \$10,506,000 and over. In other words, is it good thrift for a man engaged in business who does a \$100,000 business to spend \$95,000 in doing that business? Senators cannot get away from that. The question whether you give too much power to the Secretary of the Navy does not come in here. This power that the Senator from Delaware referred to, in order perhaps to arouse some political feeling, in the matter of putting men at work at these places just before an election, is a power he has now. This has nothing to do with that. That is a power not touched anywhere. That must rest with the wisdom and good faith and fidelity and good sense of the Secretary of the Navy. This has nothing to do with that. This simply says that if the Secretary finds in the interest of economy that we do not need actually all these yards he may close them, transfer the property somewhere else, and then report to Congress. Does that leave us defenseless? The Senator from Delaware objects to that because there may be danger. Why, Mr. President, if I had time to go over the facts I could show that almost all these navy-yards instead of being a defense are only an invitation. I have a navy-yard in my own State. I ought to be rallying here as a navy-yard Senator to try to keep it, and I ought to want ships to go there to be repaired, I suppose, and I ought to want to keep up the proportion spent in repairing it, in order to make, as the Senator from New Hampshire says, the necessity for a navy-yard. He finds fault because Senators have voted to keep in the proposition limiting repairs, because he says that takes away the necessity for a navy-yard.

That is the theory on which resistance to this bill runs; you must make a necessity for a navy-yard and then keep the navy-yard. Notwithstanding I have a navy-yard in my own State, I wish, and I have been trying to do it for ten years, that the first steps should be taken for reducing these enormously expensive yards, and you never will do it until you first get some of them shut up, have the facts reported to Congress, and let them act upon the subject, and if the Maine navy-yard goes, let it go. In my judgment, with a yard at New York and a yard at Norfolk and a yard at Mare Island, we have got every navy-yard that the country needs, either for defense or construction, and work could be better done at these great yards than by distributing it all around, and making these, as they have been called, political asylums in so many States; but we never shall do it unless we begin now.

Mr. HOAR. I want to ask the Senator before he sits down whether he understands the word "perishable" in line 375 to qualify the term "stores and property?" That is, can only perishable stores and perishable property be transferred, or all other property of every description?

Mr. BUTLER. It evidently means property of every description.

Mr. HOAR. I do not know about that.

Mr. HALE. It is not intended that the Secretary shall transfer anything excepting the movable, portable property. He cannot transfer the great plant and the great establishment that makes the navy-yard under that provision. It is perishable stores and property that he may transfer.

Mr. BUTLER. That is the point of difference.

Mr. HOAR. Has the Senator any objection to making that plain by repeating the word "perishable" before "property," in line 376?

Mr. HALE. All right.

Mr. HOAR. Let that amendment be made.

Mr. HALE. All of that great question about the plant will come up under the amendment of the Senator from Massachusetts hereafter when the report is made.

Mr. HOAR. Then I move that amendment.

The PRESIDING OFFICER. The Senator from Massachusetts proposes an amendment which he will state.

Mr. HOAR. At the beginning of line 376 I move to insert the word "perishable" before "property."

Mr. HALE. If I wanted to transfer all the property I should have said, "He may transfer all property and perishable stores."

Mr. HOAR. I have no doubt that is the meaning of the bill now and is the meaning of the committee, but a good many gentlemen think otherwise.

Mr. BUTLER. I agree entirely with the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Massachusetts? The Chair hears none, and the clause will be so modified. The question now is on the amendment of the Senator from Delaware [Mr. BAYARD] to strike out the proviso.

Mr. MORGAN. Mr. President, nine navy-yards may be too many for the United States in its present contracted condition, with its small population of only fifty million people. The nine navy-yards which were established here, however, were established under very economical and very wise administrations, and they ought not to be very lightly dispensed with. The Senator from Massachusetts has obtained the consent of the Senate to vote into this bill an amendment by which a commission of three is to be appointed to consider the question and to report to Congress their conclusions as to whether any navy-yards, and which of them, ought to be dispensed with. After having voted that amendment upon this bill it is altogether proper, and indeed it ought to be a matter of respect, that we should give that commission, when it shall be raised, the consideration of the question of the dismantling of these navy-yards. If in the mean time the Secretary of the Navy should commence the work of dismantlement and demolition by the transfer of the plant or whatever it is belonging to any navy-yards to others, and should close some up, the commission will have very little option, very little determination. The Secretary of the Navy will have practically decided the whole question before the time the commission comes to act.

I think we ought to defer this matter, particularly after the Senate has taken a much wiser line of action in the appointment of this commission, which I regret does not consist of five persons or nine persons instead of three, so that we could have the benefit of more experience and more ability in the management of this very important subject.

The Senator from Maine in the enumeration of the navy-yards that he thought were quite sufficient for this country omitted, I suppose by design, the navy-yard at Pensacola, the only place in the Gulf of Mexico where we can have a navy-yard to any advantage to the Government. I suppose really it is one of the purposes of this bill in its present form to discontinue the navy-yard at Pensacola, a navy-yard that lies closer to the live-oak timber, to the pine timber, to the great production of iron in this country at cheap rates than any other in the American Union. There is no one that can compare with it.

We are now at peace. Perhaps we may remain so. We flatter ourselves that we are never to have a war in this country; that there is no occasion for our preparing for defense against Spain or against England or against any other power. These powers hold the outposts of the sea all around our coast, commencing with the Caribbean Islands and going up to Newfoundland. They look down upon our ports, and, as was observed the other day, they can in four days' sail concentrate a fleet from any of their points upon any port of the United States that they choose. Well, a navy-yard may not be necessary for the building of ships, but it certainly is very necessary for the repair of ships. The navy-yard at Pensacola is well defended. There was scarcely any other reason for building Fort Pickens at the mouth of the Pensacola Bay than to protect the American navy-yard that is there. Pensacola at the time that fort was built was a very inconsiderable village, and there is no internal communication by water, nothing but a few railways into the interior of the country from that point. We have Fort Pickens and we have the navy-yard there; and one of the purposes, as I understand it to be avowed here to-day, is the discontinuance of that navy-yard.

Mr. President, the Congress of the United States had better look wisely to that subject before they act, or before they put it into the power of a Secretary of the Navy by dismantling a yard to lead to the conclusion and to force the conclusion upon the country that that yard is after all to be abandoned. We cannot afford to give it up. If we had a fleet now engaged with an enemy in the Gulf of Mexico, a point that is just as open to attack and as liable to be attacked as any, we have no place of retreat for a dismantled or a shattered ship, except the harbor of Pensacola, for her to be repaired in.

[Here the hammer fell.]

Mr. BECK. I agreed in great part with the committee in regard to this provision, and having done so I desire to state in a few words why.

I was one of those who believed, as I believe now, that the most useless, the most expensive, and the most corrupting of all the influences connected with any of the Departments of the Government are the navy-yards under the present system of management, with their abuses and complicated machinery. I believe it was contended in committee—and I shall so vote—that there ought to be only four navy-yards, one at Mare Island, one at Pensacola, one at Norfolk,

and one at New London or some other point on that coast; that all the machinery we are using now is absolutely corrupt, absolutely wasteful, and absolutely extravagant. No better argument can be made if a man were to speak a week than the Senator from Maine made the other day in just the statement of this single fact; I will read it again as my argument:

What does the Senate suppose it is costing now to maintain these navy-yards, where in the aggregate the amount of Government work to-day or for a year past has not been more than two or three million dollars? Let me give some of the figures:

Annual cost of civil employes of the several navy-yards:
Washington \$99,168 50

Not including the laborers, not including the men who are at work doing the Government work, but the mere civil force, the clerks and writers and assistant clerks and watchmen.

We have been spending \$99,168.50 a year on this navy-yard, Senators. We have spent in Boston, \$76,588.40; in Portsmouth, New Hampshire, \$34,322.95; at Mare Island, \$41,823.15; at League Island, \$30,415.25; at Pensacola, \$13,795.50; at Norfolk, Virginia, \$34,916.35; at New York, \$47,885.75; total pay of civil force to keep running and open these navy-yards, \$378,015.85 every year; and in addition to that there are kept at these yards naval officers costing, at Portsmouth, \$70,500 a year; at Boston, \$102,970, and in the receiving-ship there, \$27,400; at the naval station at New London, where there is no more of a navy-yard than there is here in the Botanic Garden, \$24,300 for officers sent there; navy-yard in New York, \$148,450 a year, and on the receiving-ship there, \$32,624; navy-yard at League Island, \$100,940 for naval officers every year, receiving-ship, \$22,400; navy-yard at Washington, \$92,760, and the receiving-ship, \$11,800; navy-yard at Norfolk, \$82,450, receiving-ship, \$26,000; navy-yard at Pensacola, \$27,820; navy-yard at Mare Island, \$77,580; receiving-ship at Mare Island, \$22,100; total every year, \$870,094 of expenditures for salaries of naval officers at these navy-yards; and the grand and disgraceful total is that in spending \$11,957,803.65 of the Government money at these different yards during the last five years it has cost the Government to spend that money \$10,566,171.79.

If any exhibit can be made worse than that I do not know how to make it. If anybody can show why half a dozen useless navy-yards are maintained in this country in the face of these facts, I should like to see it done.

Mr. JONES, of Florida. Will the Senator from Kentucky allow me to ask him a question?

Mr. BECK. Certainly.

Mr. JONES, of Florida. I will state to the Senator that during the time when the ablest minds and the greatest economists who ever lived in this country, who sat in this body, exercised power in the Senate, every one of these navy-yards existed.

Mr. BECK. Oh, yes; and at that time they were building the Maysville road, from Maysville to Lexington, when there was a little tavern on it every three miles, and the road was covered with wagons. Times have changed. We are not building wooden ships to any great extent now, as we did years ago. When the League Island yard was established where it is now and the navy-yard at Philadelphia was sold it was simply a disgraceful job.

Mr. MORGAN. Will the Senator allow me to ask him whether he thinks the Secretary of the Navy ought to be allowed to dispose of this entire subject when we have raised a commission by an amendment put in this bill for the purpose of considering it?

Mr. BECK. I am very glad a commission has been raised. I think it is the first step in the right direction. I never expected to see the party in power willing to consent to the abolition of these navy-yards, and when they are willing to reduce them I am going to stand by and help them.

Mr. HALE. The sooner it is done the better.

Mr. ROLLINS. The Committee on Appropriations has reported a sum for maintaining a civil establishment in the various navy-yards, and a fierce assault has been made from time to time upon this small establishment. I want to call the attention of the Senate to just the process by which they propose to reduce the expenses in the various navy-yards. They simply take the amount estimated by the proper officers of the Government and divide it by 2, without any regard to propriety, expediency, or anything else. They take the sum recommended by the proper officers of the Government and divide it by 2, and that is the way they propose to do it. They have not gone to inquire whether the reduction is profitable, expedient, or wise, but they have divided the estimate by 2. If they want to reduce the expenditures in the various navy-yards—and I agree with them entirely as to the wisdom and propriety of that—let me suggest to them how they can do it.

How are you charging up the amount of these navy-yard expenditures? Take the Washington navy-yard; there is \$104,560 annually spent for the naval officers stationed there. I ask if that is a fair charge to the navy-yard? What else have you got for these officers to do? You have got the officers to pay anyway under the law, and an appropriation in this very bill provides for the payment of these officers. They are detailed for duty at the various navy-yards, with the full understanding that there is not much for them to do.

Mr. HALE. And you will not let us cut them down.

Mr. ROLLINS. I am perfectly willing that you shall cut them down. I am in favor of cutting them down. I have voted every time for an intelligent reduction of a top-heavy navy, and I purpose to do it until the end.

Take, for instance, the Kittery yard, in the State of the Senator from Maine, the chairman of the sub-committee. They propose to divide by 2 the \$34,000 which are expended there annually in the civil establishment, and the result is of course to turn out of employment a few men who are, in my judgment, nearly all of them ab-

solutely necessary for the proper conduct of the affairs of that yard. Take the force at the Kittery yard, take the officers detailed there for duty in a year of the war when a large amount of work was being done; take the year 1863. The whole number of officers at the Kittery yard was eight line officers and seven staff officers. At the present time, take the year 1882, the total number of officers stationed at the Kittery yard is twenty-eight. If by giving a portion of these officers some other duty you save the amount of their salaries in the expenses of the navy-yard then why not detail thirteen of them, the difference between fifteen and twenty-eight, for some other duty, and it will save more in the expense of the navy-yard at Kittery twice over, many times over, than the whole amount proposed to be saved by dividing the civil appropriation by 2; you can save nearly twice as much as the committee save by cutting down this appropriation for the civil establishment, simply, the difference in pay between these officers upon active duty and upon waiting-orders pay.

The PRESIDING OFFICER. The Senator's time has expired.
Mr. ROLLINS. To explain this matter, I submit the following tables:

Number of officers attached to the navy-yards and stations.

| Location. | No. | Annual pay. |
|---------------------|-----|--------------|
| Washington | 50 | \$104,560 00 |
| Boston | 60 | 130,870 00 |
| Mare Island | 40 | 99,680 00 |
| League Island | 52 | 123,340 00 |
| Pensacola | 12 | 27,820 00 |
| Norfolk | 48 | 108,450 00 |
| New York | 76 | 181,070 00 |
| New London | 10 | 24,300 00 |

Number of officers attached to the navy-yard and station, Portsmouth, New Hampshire, 1861-65, not including receiving-ships.

| JANUARY 1, 1861. | |
|----------------------------|---|
| Line: | |
| Captain commandant | 1 |
| Commander | 1 |
| Lieutenants | 2 |
| Boatswain | 1 |
| Gunner | 1 |
| Total line officers | 6 |
| Staff: | |
| Surgeon | 1 |
| Paymaster | 1 |
| Chaplain | 1 |
| Carpenter | 1 |
| Sailmaker | 1 |
| Naval constructor | 1 |
| Civil engineer | 1 |
| Total staff officers | 7 |

JANUARY 1, 1862.

There was no Navy Register issued January 1, 1862.

JANUARY 1, 1863.

| | |
|-----------------------------|---|
| Line: | |
| Captain commandant | 1 |
| Commanders | 2 |
| Lieutenant-commanders | 1 |
| Master | 1 |
| Boatswain | 1 |
| Gunner | 1 |
| Total line officers | 8 |
| Staff: | |
| Surgeon | 1 |
| Paymaster | 1 |
| Chaplain | 1 |
| Carpenter | 1 |
| Sailmaker | 1 |
| Naval constructor | 1 |
| Civil engineer | 1 |
| Total staff officers | 7 |

JANUARY 1, 1864.

| | |
|----------------------------|---|
| Line: | |
| Commodore commandant | 1 |
| Captains | 2 |
| Commander | 1 |
| Master | 1 |
| Boatswain | 1 |
| Gunner | 1 |
| Total line officers | 7 |
| Staff: | |
| Surgeon | 1 |
| Paymaster | 1 |
| Chaplain | 1 |
| Carpenter | 1 |
| Sailmakers | 2 |
| Naval constructor | 1 |
| Civil engineer | 1 |
| Total staff officers | 8 |

JANUARY 1, 1865.

| | |
|----------------------|---|
| Line: | |
| Commodore commandant | 1 |
| Captain | 1 |
| Commander | 1 |
| Lieutenant-commander | 1 |
| Lieutenant | 1 |
| Master | 1 |
| Boatswain | 1 |
| Gunner | 1 |

Total line officers 8

| | |
|---------------------------|---|
| Staff: | |
| Surgeon | 1 |
| Assistant surgeons | 2 |
| Paymaster | 1 |
| Chaplain | 1 |
| Chief engineer | 1 |
| First assistant engineer | 1 |
| Second assistant engineer | 1 |
| Carpenter | 1 |
| Sailmaker | 2 |
| Naval constructor | 1 |
| Civil engineer | 1 |

Total staff officers 13

Number of officers attached to the navy-yard and station, New York, 1861-'65, not including receiving-ships.

JANUARY 1, 1861.

| | |
|--------------------|---|
| Line: | |
| Captain commandant | 1 |
| Commanders | 3 |
| Lieutenants | 5 |
| Master | 1 |
| Boatswain | 1 |
| Gunner | 1 |

Total line officers 12

| | |
|---------------------------|---|
| Staff: | |
| Surgeons | 4 |
| Passed assistant surgeons | 2 |
| Paymaster | 1 |
| Chaplain | 1 |
| Carpenter | 1 |
| Sailmaker | 1 |
| Naval constructor | 1 |
| Civil engineer | 1 |

Total staff officers 12

There was no Navy Register issued January 1, 1862.

JANUARY 1, 1863.

| | |
|-------------------------|---|
| Line: | |
| Rear-admiral commandant | 1 |
| Captains | 2 |
| Commanders | 2 |
| Lieutenant-commander | 1 |
| Lieutenants | 2 |
| Master | 1 |
| Boatswain | 1 |
| Gunner | 1 |

Total line officers 11

| | |
|--------------------|---|
| Staff: | |
| Surgeons | 4 |
| Assistant surgeons | 4 |
| Paymasters | 2 |
| Chaplain | 1 |
| Carpenter | 1 |
| Sailmaker | 1 |
| Naval constructor | 1 |
| Civil engineer | 1 |

Total staff officers 15

JANUARY 1, 1864.

| | |
|-------------------------|---|
| Line: | |
| Rear-admiral commandant | 1 |
| Commodore | 1 |
| Captain | 1 |
| Commanders | 2 |
| Lieutenant-commanders | 2 |
| Lieutenants | 2 |
| Masters | 2 |
| Ensign | 1 |
| Boatswain | 1 |
| Gunner | 1 |

Total line officers 17

| | |
|--------------------------|---|
| Staff: | |
| Surgeons | 4 |
| Passed assistant surgeon | 1 |
| Assistant surgeons | 4 |
| Paymasters | 2 |
| Chaplain | 1 |
| Carpenter | 1 |
| Sailmaker | 1 |
| Naval constructor | 1 |
| Civil engineer | 1 |

Total staff officers 16

JANUARY 1, 1865.

| | |
|-------------------------|---|
| Line: | |
| Rear-admiral commandant | 1 |
| Captains | 3 |

| | |
|-----------------------|---|
| Commanders | 2 |
| Lieutenant-commanders | 2 |
| Lieutenants | 3 |
| Masters | 3 |
| Ensigns | 2 |
| Mates | 3 |
| Boatswain | 1 |
| Gunners | 3 |

Total line officers 23

| | |
|-----------------------------|---|
| Staff: | |
| Surgeons | 9 |
| Passed assistant surgeon | 1 |
| Assistant surgeons | 6 |
| Paymasters | 3 |
| Chief engineer | 1 |
| First assistant engineers | 2 |
| Second assistant engineer | 1 |
| Chaplain | 1 |
| Carpenter | 1 |
| Sailmaker | 1 |
| Naval constructor | 1 |
| Assistant naval constructor | 1 |
| Civil engineer | 1 |

Total staff officers 29

Number of officers attached to the navy-yard and station, New York, not including receiving-ship, January 1, 1882.

| | |
|-------------------------|---|
| Line officers: | |
| Rear admiral commandant | 1 |
| Captains | 2 |
| Commanders | 2 |
| Lieutenant-commanders | 2 |
| Lieutenants | 6 |
| Master | 1 |
| Ensigns | 2 |
| Mate | 1 |
| Boatswains | 2 |
| Gunners | 3 |

Total number of line officers 22

| | |
|-----------------------------|---|
| Staff officers: | |
| Medical directors | 2 |
| Medical inspectors | 1 |
| Surgeons | 2 |
| Passed assistant surgeons | 3 |
| Assistant surgeon | 1 |
| Pay inspectors | 2 |
| Paymasters | 2 |
| Passed assistant paymaster | 1 |
| Assistant paymaster | 1 |
| Chief engineers | 2 |
| Passed assistant engineers | 3 |
| Chaplain | 1 |
| Naval constructor | 1 |
| Assistant naval constructor | 1 |
| Civil engineer | 1 |
| Carpenters | 2 |
| Sailmaker | 1 |

Total number of staff officers 27

Grand total 49

Number of officers attached to the navy-yard and station, Portsmouth, New Hampshire, not including receiving-ship, January 1, 1882.

| | |
|----------------------|---|
| Line officers: | |
| Commodore commandant | 1 |
| Captains | 2 |
| Commanders | 3 |
| Lieutenants | 3 |
| Mate | 1 |
| Boatswains | 2 |
| Gunners | 2 |

Total number of line officers 14

| | |
|-----------------------------|---|
| Staff officers: | |
| Medical inspectors | 2 |
| Passed assistant surgeon | 1 |
| Paymasters | 2 |
| Chief engineer | 1 |
| Passed assistant engineer | 1 |
| Assistant engineer | 1 |
| Chaplain | 1 |
| Naval constructor | 1 |
| Assistant naval constructor | 1 |
| Civil engineer | 1 |
| Carpenter | 1 |
| Sailmaker | 1 |

Total number of staff officers 14

Grand total 28

Mr. CALL. Mr. President, I do not propose to make any speech in five minutes on this subject. I simply wish to call attention to the fact that there is a singular want of logic resulting from the arguments made here on the subject. The Senator from Kentucky thinks that the navy-yard at Pensacola ought to be retained. He concludes, therefore, that this bill is right which gives the Secretary of the Navy the power to abolish it. I do not see that there is any reason of that kind about it. The Senator from Maine says it has cost \$9,000,000, I believe, to expend \$11,000,000 in the last ten years at all our navy-yards, and therefore all the navy-yards of the United States ought to be abolished; they are an evil, or some of them are evils, and the discretion should be given to the Secretary of the Navy to

abolish them. But there is no reason in that kind of argument. The Senate of the United States ought not to act upon propositions so inconsequential and unreasonable as those.

There is no information given but that these navy-yards may promote, as in the opinion of well-informed men they do promote, properly used, the reconstruction of the Navy so as to be a protection for that civil marine which is destined under wise legislation soon again to appear upon the waters of the world. It needs no argument to show that the coast of Florida and Louisiana and Texas and the great commerce of the Gulf of Mexico ought to be protected by legislation requiring a navy-yard to be kept there. What reasonable man will say that the two or three thousand million dollars' worth of commerce which floats upon the Gulf of Mexico shall be exposed without the possibilities of the repair of a ship of war in case of war? Sir, there is no reason in such propositions as these.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. HALE. Let us have the yeas and nays upon it.

The yeas and nays were ordered.

Mr. BROWN. Let the amendment be read.

Mr. HALE. Let it be reported as amended by the insertion of the word "perishable."

The ACTING SECRETARY. After the word "cents," in line 367, it is proposed to strike out the following provisos:

Provided, That if the Secretary of the Navy shall find that work at all the navy-yards now maintained cannot be carried on with advantage to the service and economy to the Government he shall suspend work at those yards where he finds it can best be dispensed with, and shall close such yards and transfer all perishable stores and perishable property therefrom to other yards for use therein, and report the facts and the reasons governing his action to the next session of Congress; and at the yards so closed only such officers and employees shall be retained as are necessary to preserve and take care of the property of the Government, and all other persons shall be transferred or discharged, and no deficiency shall be made for maintenance of, or for the civil establishment at, navy-yards: *Provided further*, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard, and that work may be continued in the rope-walk in the Boston navy-yard: *And provided further*, That nothing herein shall be held to interfere with the permanent improvement of any navy-yard as now authorized by law, or the expenditure for such purpose of any money appropriated by Congress therefor.

The Principal Legislative Clerk proceeded to call the roll.

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.]

The roll-call was concluded.

Mr. COKE. I am paired with the Senator from Massachusetts, [Mr. DAWES.] I should vote "yea," if he were here.

The result was announced—yeas 31, nays 24; as follows:

YEAS—31.

| | | | |
|-----------------|----------|-------------------|------------|
| Anthony, | Farley, | Jones of Florida, | Rollins, |
| Bayard, | George, | Lapham, | Saulsbury, |
| Blair, | Gorman, | Maxey, | Van Wyck, |
| Brown, | Grover, | Morgan, | Vest, |
| Butler, | Hampton, | Morrill, | Voorhees, |
| Call, | Harris, | Pendleton, | Walker, |
| Cameron of Pa., | Jackson, | Pugh, | Williams, |
| Conger, | Jonas, | Ransom, | |

NAYS—24.

| | | | |
|------------------|-------------------|------------------|-----------------|
| Aldrich, | Ferry, | Ingalls, | Mahone, |
| Allison, | Frye, | Jones of Nevada, | Miller of Cal., |
| Beck, | Hale, | Kellogg, | Platt, |
| Cameron of Wis., | Hawley, | Logan, | Plumb, |
| Chilcott, | Hill of Colorado, | McDill, | Saunders, |
| Cockrell, | Hoar, | McMillan, | Slater, |

ABSENT—21.

| | | | |
|--------------------|------------------|------------------|----------|
| Camden, | Fair, | Lamar, | Sherman, |
| Coke, | Garland, | McPherson, | Vance, |
| Davis of Illinois, | Groome, | Miller of N. Y., | Windom, |
| Davis of W. Va., | Harrison, | Mitchell, | |
| Dawes, | Hill of Georgia, | Sawyer, | |
| Edmunds, | Johnston, | Sewell, | |

So the amendment was agreed to.

Mr. MAHONE. The cost of maintaining the navy-yards last year amounted to four hundred and fifty-odd thousand dollars. The average cost for the past five years has been \$492,000. The spirit of economy which seems to have moved the committee has gone so far as to put the allowance in this bill at \$270,000. I do not well understand how we can expect to maintain those yards and take care of them properly at so low an estimate, if any confidence is to be put in the bureau officers of the Department. The estimate of the bureau for the maintenance of the yards is four hundred and forty-odd thousand dollars. I therefore propose to amend the bill, in line 361, by striking out "two" and inserting "three." This is an amendment which I submitted heretofore, and it is in accordance with the estimates.

The PRESIDING OFFICER. The amendment of the Senator from Virginia will be reported.

The ACTING SECRETARY. In line 361, in the appropriation "for general maintenance of yards and docks," after the word "boxes," it is proposed to strike out "\$270,000" and insert "\$370,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia, [Mr. MAHONE.]

Mr. HALE. That is simply changing the appropriation for only one bureau, the Bureau of Yards and Docks. The House put it at

\$220,000, the Senate Committee on Appropriations, after a hearing, added \$50,000, making it \$270,000. The Senator from Virginia now comes in and proposes to make it \$370,000, thus adding \$100,000. Upon that I call for the yeas and nays. I shall not take any more time.

Mr. JONES, of Florida. What was the amount appropriated last year?

Mr. HALE. Four hundred and forty thousand dollars. The committee believed that all of the yards could get along with half the money they have been spending heretofore, and the appropriation was cut down in the House \$100,000. We made an exception of this bureau and put it up to \$270,000, an addition of \$50,000. Now it is proposed to add \$100,000 more. If the Senate wants to do that and give that money, all right.

Mr. BECK. I want the yeas and nays on the proposition of the Senator from Virginia.

Mr. HALE. I have called for the yeas and nays.

Mr. BECK. I only want a yea-and-nay vote on it.

Mr. JONES, of Florida. I shall vote for the amendment of the Senator from Virginia, because I do not think that the sum named in the bill is sufficient to maintain the establishment for which it provides. It may appear to the country to be economy to let public property go to destruction that has cost so much money to bring it into life and existence, but I do not regard that as economy.

I wish to say one word about the navy-yards. I did not know until very lately that it was in the programme to destroy the only navy-yard in our Mediterranean, the yard which naval opinion of the highest order and character has uniformly upheld, of which Farragut said it would be worth a war to maintain it. So great an Englishman as the celebrated Mr. Burke, in the English House of Commons, when the English acquired Florida and the great naval station of Pensacola, put his finger upon the map and said it was worth a million and a war to acquire it. That is in the programme of abolition. Is there statesmanship in thus abolishing a yard which was located under the dictates of the soundest wisdom and the highest naval and military skill that ever controlled the public affairs of this great country, which the great council which sat at Memphis in 1843, presided over by Mr. Calhoun, had pronounced an indispensable necessity to the protection of the great commerce of the valley of the Mississippi? For certain ends and purposes which are not within my comprehension, upon the line of bogus economy it is proposed to put out of existence a yard like this where \$10,000,000 of the public money have been expended for the public good, to gratify the notion of some modern economists whose opinions, in my judgment, are worth nothing.

Mr. COCKRELL. I raise the point of order on the amendment under Rule 27. It is not in order, and I make the point of order against it.

The PRESIDING OFFICER. The Senator from Missouri makes the point of order upon the amendment under Rule 27.

Mr. MAHONE. When an amendment is based on an estimate of the bureau I would ask whether it is not in order?

The PRESIDING OFFICER. Is the amendment proposed in pursuance of the estimate of the head of some one of the Departments? That is a question of fact in regard to which the Chair is not advised. If it is not, the Chair will hold the point of order well taken.

Mr. MAHONE. I will state that this proposition was made in pursuance of the estimate of the bureau.

The PRESIDING OFFICER. The Chair inquires if it is the fact that it is proposed in pursuance of the estimate of the head of some one of the Departments?

Mr. HALE. The original estimates, I am bound to say, cover the amount embraced in the amendment of the Senator from Virginia.

The PRESIDING OFFICER. If that is true, the Chair is of opinion that the amendment is in order.

Mr. COCKRELL. Do I understand the Senator from Maine to say that the estimate of the Navy was this amount?

Mr. HALE. Yes.

Mr. COCKRELL. The estimate made to Congress?

Mr. HALE. Yes.

Mr. COCKRELL. I did not so understand it.

Mr. HALE. The estimate was made in accordance with the old method of running these yards, not with the idea of any reduction anywhere, but upon the same basis of appropriations as were made last year.

As the Senator from Florida has brought the Pensacola navy-yard on the carpet I want to read here, and that is all, the report on that yard from the Navy Department:

THE BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C. July 13, 1882.

The bureau has the honor to inform the honorable Secretary of the Navy, in response to the inquiry, that the navy-yard at Pensacola, Florida, contains 834 acres, and the total cost of improvements thereon to June 30, 1882, is \$6,339,225.96.

The bureau has no means of knowing its present value.

Very respectfully submitted.

EARL ENGLISH,
Acting Chief of Bureau.

The only work in progress at the Pensacola navy-yard for this bureau is the preparation of the Canonculus for being towed north. When this is completed the bureau has no other work for said yard.

The civil officers at present at the navy-yard at Pensacola are the following:

| | |
|-------------------------------------|------------|
| Department of yards and docks: | |
| A. P. Spencer, per annum..... | \$1,400 00 |
| J. L. Ahern, per annum..... | 1,017 25 |
| W. J. Wheat, per diem..... | 3 00 |
| Commandant's office: | |
| G. S. Halemark, per annum..... | 1,200 00 |
| Equipment department: | |
| A. L. Williams, per annum..... | 1,017 25 |
| Navigation department: | |
| W. A. Mills, per annum..... | 1,017 25 |
| Steam-engineering department: | |
| John Purdy, per annum..... | 1,017 25 |
| John G. Reilly, per diem..... | 2 25 |
| E. P. Chaffin, per diem..... | 2 50 |
| Construction and repair department: | |
| E. V. Glover, per annum..... | 939 00 |
| John Brown, per diem..... | 3 50 |
| Provisions and clothing department: | |
| J. M. Roche, per annum..... | 1,400 00 |
| J. W. Caro, per annum..... | 1,300 00 |

Admiral Porter says:

The Pensacola yard has been partly rebuilt since the late war. It would be of great assistance in case of war, always providing we had a fleet to protect it, for the station is within easy gunshot of an enemy, and could soon be destroyed. The bar at Pensacola, from some unknown cause, has, for the past few years, been extending seaward, and it is surmised that the channel may so change that heavy ships will be unable to enter the port. There has never been more than twenty-two feet of water on the bar. Pensacola has been called the key to the Gulf of Mexico; it might as well be called the key to the Caribbean Sea. Key West is the key to the Gulf, and is the best site in that quarter for a naval station. Our vessels seldom visit Pensacola, but constantly call at Key West for supplies. We have simply a coaling station at this latter point; but in all our trouble with Spain our ships have always rendezvoused at Key West. Whatever we do with regard to using Key West as a naval station, we should so defend it that no enemy could get possession of the place unawares. It is easy of access and difficult to blockade, and no vessel can pass Key West with a proper lookout-ship without being observed.

And yet it is thought we ought not to cut down the expense of the Pensacola navy-yard.

Mr. JONES, of Florida. I would be glad if the Senator would permit me to say just one word.

Mr. HALE. Certainly; I do not desire to hinder the Senator. I have only read from the records of the Department.

Mr. JONES, of Florida. I think that is a very small expenditure at a great yard. I am very glad the Senator read the record.

Mr. HALE. What are the civilians doing there, the long list I read?

Mr. JONES, of Florida. They are all good Republicans.

Mr. HALE. I want to strike them out, no matter if they are Republicans.

Mr. JONES, of Florida. I do not know what they are doing. I suppose their services are necessary for the maintenance of that yard.

Mr. HALE. But the authorities of the yard say they have no further work after they get the Canonius out. There is no further work, and it is an abuse to keep up such an establishment.

Mr. JONES, of Florida. That yard has been for years the protection of our Mediterranean. I have nothing to say against Key West. Key West is an island in the Gulf of Mexico.

Mr. HALE. Admiral Porter says it is a most important point.

Mr. JONES, of Florida. Access to Key West is impossible except by water. I know it is on record as the opinion of Admiral Farragut that no place in the Gulf is better suited for a yard than Pensacola. It was the deliberate judgment of Commodore Stewart and all the old officers that it was the only place, if any defense was to be made in that great sea. It was under their recommendation that the yard was established. I do not know precisely the sum of money, whether six or eight or nine million dollars, that has been expended there; but two of our best ships were built there.

If the Government, in the exercise of the discretionary power now residing in it, concentrates its labor and its work at other yards and gives nothing to the only yard of the South, that ought not to be put forth here as a reason for cutting down the few employes who are annually maintained there. Ships stationed in the Gulf of Mexico have passed that yard from Vera Cruz which might have been repaired at that yard, and they were made to travel 1,500 and 2,000 miles to have the repairs done at a favored yard under this discretionary power.

The PRESIDING OFFICER. The Senator from Maine asks for the yeas and nays on agreeing to the amendment of the Senator from Virginia, [Mr. MAHONEY.]

The yeas and nays were ordered; and being taken, resulted—yeas 7, nays 43; as follows:

YEAS—7.

| | | | |
|----------------|-------------------------|---------------------------|----------|
| Anthony, Call, | Cameron of Pa., Farley, | Jones of Florida, Mahone, | Rollins. |
|----------------|-------------------------|---------------------------|----------|

NAYS—43.

| | | | |
|----------|------------------|---------|----------|
| Aldrich, | Butler, | Conger, | Gorman, |
| Allison, | Cameron of Wis., | Dawes, | Grover, |
| Bayard, | Chilcott, | Ferry, | Hale, |
| Beck, | Cockrell, | Frye, | Hampton, |
| Brown, | Coke, | George, | Harris. |

| | | | |
|-------------------|------------|------------|-----------|
| Hawley, | Logan, | Platt, | Vest, |
| Hill of Colorado, | McDill, | Plumb, | Voorhees, |
| Ingalls, | Macey, | Pugh, | Walker, |
| Jackson, | Morgau, | Saulsbury, | Williams, |
| Jonas, | Morrill, | Saunders, | Windom. |
| Lapham, | Pendleton, | Slater, | |

ABSENT—26.

| | | | |
|--------------------|------------------|------------------|-----------|
| Blair, | Groome, | Lamar, | Sawyer, |
| Camden, | Harrison, | McMillan, | Sewell, |
| Davis of Illinois, | Hill of Georgia, | McPherson, | Sherman, |
| Davis of West Va., | Hear, | Miller of Cal., | Vance, |
| Edmunds, | Johnston, | Miller of N. Y., | Van Wyck. |
| Fair, | Jones of Nevada, | Mitchell, | |
| Garland, | Kellogg, | Ransom, | |

So the amendment was rejected.

Mr. MORGAN. At the end of line 314 I move to add:

The Secretary of the Navy may, in his discretion, furnish to the American Ordnance Company fourteen smooth-bore iron guns, of the Rodman, Dahlgren, and Parrott models, of not less than 9-inch bore, and four gun-carriages, and the use of instruments for testing the velocity of projectiles, for the purpose of making tests and experiments in the improvement of heavy ordnance: *Provided*, That the Government of the United States shall not incur or be liable in any event for any expense in the conduct of such tests or experiments; and, after the same have been completed, and not later than the 1st day of January, 1883, said guns and gun-carriages and instruments shall be returned to the United States; and said American Ordnance Company shall not be liable for any damage said guns or gun-carriages may sustain in the conduct of such tests or experiments, or in consequence of any alterations made in the same.

I have the favorable recommendation of the Secretary of the Navy upon a proposition that was submitted by the American Ordnance Company to take fourteen of the guns which are obsolete in their pattern, and which must be converted to be of any service at all, and convert them without any expense to the United States Government, and to make experiments with them also without any expense to the Government, and to return the guns at the end of the experiments with whatever information may be obtained in this way. The proposition which was submitted is one of very great value, I think, to the country. That is my opinion about it. Of course it is not the opinion of an expert, a scientific man, but it is predicated upon a state of facts which is unquestionably true, and which, being true, reveals the most important discovery, I may say, that has yet appeared in the history of the world, as I conceive, in the framing of guns and projectiles of heavy caliber.

The particular plan upon which this is sought to be done has been heretofore experimented upon under the supervision of officers of the Navy, and the fact, as revealed by the experiments which the officers of the Navy themselves have reported to the Government, is that "the inventor has succeeded in penetrating fifteen inches of iron and fourteen feet of hard gravel in addition with a charge of only seventy pounds of powder, a performance which has never been equaled, not even approached with less than three times the charge of powder, even with a gun of one-third greater weight and nine times the cost."

I present for insertion in the RECORD the proposition of this company:

312 SIXTH STREET, WASHINGTON, July 5, 1882.

SIR: Acting for myself, and as the duly authorized agent, expert, inventor, and technical superintendent of the American Ordnance Company, I make the following proposal to the Navy Department, namely:

First. We propose to conduct an elaborate and decisive series of practical experiments for the solution of the "ordnance problem" with a view to putting the Navy Department in possession of positive practical knowledge in relation to phenomena of great importance to the service, entirely without cost to the Government, except that we stipulate for the contribution of a few cannon of large caliber and certain ordnance to be hereinafter specified, to be used for the promotion of the object contemplated, all to be drawn from stock on hand of obsolete kinds, together with the privilege to utilize for the furtherance of the laudable enterprise (so far as the said use may be found not to interfere with any more important need of the Department) such tools, machinery plant, power, floor room, and shelter as may be found convenient or necessary for the purpose among the appliances and facilities afforded by the United States navy-yard at Washington; together with the services and co-operation of such officers as may be selected and detailed by the Secretary of the Navy for the duty of being present to witness and record the progress of the work, the methods practiced, the cost in detail, and the results obtained, not only while the ordnance is being prepared but as well throughout the continuation of the experiments which are to follow according to specifications hereinafter written.

Second. We also propose and stipulate that any instruments required for the determination of pressures of gases of gunpowder, or instruments to be used for the determination of velocities of projectiles, as well as electro-magnetic machines, priming and fuses, such as are used for igniting charges for the cannon or shells, as may be on hand in possession of the Navy Department, or necessary for use during the experimental or test-firing of the guns, shall be supplied for the purpose by the Navy Department, so far as unexpended, to be returned to the Department after all the experimental operations are completed.

Third. All cannon and ordnance to be supplied by the Navy Department shall be according to the following specifications, namely:

Four 15-inch smooth-bore cannon of those cast hollow, and cooled from the interior according to the Rodman system or plan.

Four 11-inch smooth-bore cannon of the Dahlgren model, one of these cast solid and three cast hollow, and cooled from the interior according to the plan known as the Rodman system or plan.

Four 11-inch smooth-bore cannon of the Dahlgren model.

Two Parrott 150-pounder rifle-guns.

It is desired that all of the above cannon shall have been cast of metal of approved density and tensile strength; that each of them shall have been subjected to the ordinary proof, and it is preferred that they shall all of them have been cast and proved more than six years ago, and subjected to no additional test of firing since, and it is hereby stipulated on the part of the parties making this proposal that the agent and superintendent of the American Ordnance Company shall have submitted to him a list of the serviceable guns of the above calibers on hand, together with the record of their proof, the tensile strength and density of the

cast-iron of which they were made, and that the privilege of selecting the guns to be used for the proposed experiments shall be accorded to him.

And the Navy Department shall also supply one pivot or truck sliding carriage, for each caliber of gun supplied as above, and no other supplies, privileges, or ordinance will be required from the Navy Department than those above specified.

Fourth. In and for the considerations above specified the parties making this proposal will proceed to convert the smooth-bore guns of the three calibers into combined rifle and smooth-bore guns, one of each caliber on a different plan, as follows:

One 15-inch gun, one 11-inch gun, and one 9-inch gun into muzzle-loading combined rifle and smooth-bore guns, retaining the same caliber the guns have when put in possession of the parties making this proposal.

One 15-inch gun, one 11-inch gun, and one 9-inch gun of those delivered in accordance with the terms of this proposal will be converted into a muzzle-loading, long-bored, combined rifle and smooth-bore gun.

One of each of the three calibers will be converted into breech-loading, long-bored, combined rifle and smooth-bore guns, retaining the same calibers each has when delivered to the parties making this proposal, and one of each of the three calibers of smooth bores will be converted into chambered breech-loading, long-bored, combined rifle and smooth-bore guns.

The 15-inch gun will, in this latter case, be reduced in caliber to eleven inches, the 11-inch gun will be reduced to a caliber of nine inches, and the 9-inch gun will be reduced to a caliber of seven inches.

For all the guns converted into long-bored, breech-loading, combined rifle and smooth-bores automatic carriages will be provided by which the recoil of the gun will be directed in the plane of the bore, and the gun by the force of its recoil will be run forward into battery, the loading position, automatically.

One of the Parrott (150-pounders) specified will be converted into a muzzle-loading combined rifle and smooth-bore of 9-inch caliber; the other into a breech-loader of the same caliber and kind.

Fifth. The parties making this proposal will, when afforded the facilities of the Washington navy-yard, proceed to convert the above guns as specified and manufacture the automatic carriages of the kind specified entirely at their own cost for materials, labor, superintendence, transportation, &c., and will promptly supply all the powder, projectiles, iron plates for targets, a floating battery on which to mount, and from which to fire all the guns specified, after conversion, and no charge whatever will be made against the Government or the Navy Department at any time, other than the use of the facilities stipulated for in the navy-yard, the guns, carriage, and implements of obsolete kinds to be supplied by the Navy Department; the use of instruments, and the attendance of officers detailed to be present, observe and record the operations, and report the facts.

Sixth. The parties making this proposal will take care to secure a complete photographic record of all the operations under the terms of this proposal and will secure photographs of all the guns before and after conversion, of guns, carriages, implements, cartridges, projectiles, targets, battery, and witnesses present, before and after firing each gun; and in addition to this will cause a written record of all the material facts which may transpire from the beginning of the work of preparation to the termination of the experimental firing.

Seventh. The parties making this proposal confidently believe that the result will be to show that an armament for the Navy may be provided by conversion of guns on hand of far greater power than has ever before been offered to the Navy Department, of absolute endurance even when fired with the greatest possible rapidity for thirty or more rounds in succession; of extraordinary effectiveness as affording facilities for the use and utilization of spherical shot and shell or rifle projectiles at will, and of such cheapness and readiness of preparation as altogether to leave nothing to be desired for the present or future.

It is believed that the 15-inch gun converted on the simplest plan contemplated by this proposal, namely, to a muzzle-loading combined rifle and smooth bore, when used with the improved projectile, to which it will be adapted, and with the improved powder it is the intention of the parties to use, will easily penetrate twenty inches of iron at one-mile range; that it will be at the same time as effective as a smooth bore as it has been before conversion; while its endurance, on account of the improvements to be utilized in the mode of inserting and ejecting its always centered projectiles, together with the use of the improved powder before referred to, will be rendered perfectly reliable, while the total cost of the conversion will be less than \$500. The general and principal features of the plan of conversion—now, however, greatly improved—have been already subjected to test, and it has been proved that the power of the gun is at least quadrupled. In fact, the inventor has succeeded in penetrating fifteen inches of iron and fourteen feet of hard gravel, in addition, with a charge of only seventy pounds of powder, a performance which has never been equaled, not even approached with less than three times the charge of powder, even with a gun of one-third greater weight, and nine times the cost.

It is believed that the other conversion of 15-inch guns, specified above, will provide very cheap and reliable guns, capable of piercing thirty inches of iron at one-mile range.

The 11-inch guns will, it is believed, be found capable of penetrating from fifteen to twenty-two inches of iron at one-mile range, and the writer has already succeeded in penetrating sixteen inches of iron through and through—with three feet of hard gravel in addition—with a Parrott 150-pounder gun converted to a 9-inch caliber combined rifle and smooth bore. The projectile weighed two hundred and three pounds, and the charge of powder was only forty pounds.

The Secretary of the Navy, in referring to these results observed during practical official experiments conducted for the Department, said: "The penetration of the projectiles invented and fired by Mr. Wiard in these experiments show a result, both at short and long range, unequalled in the history of heavy ordnance, illustrating at once the correctness of his manner of rifling, and the fact that his projectile is the best yet invented for that purpose; and it is evident to any one that the valuable data recorded by the officers detailed to witness these firings could only be obtained as the results of these or similar experiments."

There is no gun of its weight or caliber in the world to-day—in fact not one made by any one, of any material, or at any cost, which can equal this performance with any charge of any known kind of powder.

The writer, the inventor of this wonderful gun, has made such improvements since that he now confidently believes that he can penetrate an equal thickness of iron with one-half the charge of powder previously used.

Eighth. No other remuneration, except as above specified, and the condition that all the debris of projectiles and targets, the specified guns supplied by the Navy Department and all the appliances supplied by the parties making this proposal, shall become or continue to be the property of the parties represented by the undersigned, to be disposed of according to their discretion, after all the work and experiments have been completed according to the terms of this proposal will be required or expected by.

Respectfully, your obedient servant,

NORMAN WIARD,

For self and as Superintendent and
General Agent of the American Ordnance Company.

312 SIXTH STREET, WASHINGTON, July 15, 1882.

Mr. SECRETARY: Senator Logan was kind enough to inform me yesterday that naval officers considered that part of my proposal of the 5th instant to be objectionable which refers to the use of the facilities and appliances of the Washington navy-yard for the conversion of guns, &c., as conflicts might arise during the

progress of the work such as would be disagreeable. I deprecate that possibility as much as any one can, and therefore amend my proposal.

I now propose to convert the guns, supply all the labor, materials, projectiles, powder, the floating battery, the iron targets, transportation, &c., in fact to prepare for and conduct the experiments entirely at my own proper expense, provided the Navy Department will supply me with the guns, carriages, and instruments specified in my proposal of the 5th instant, and detail proper officers to be present, witness, and record all the particulars of the preparation, material, character, and cost, as well as results, with instructions to report facts, without mere opinions, and not to interfere with my plans, "not even by advice."

Very respectfully, your obedient servant,

NORMAN WIARD,

For self and the American Ordnance Company.

Hon. WILLIAM E. CHANDLER, Secretary of the Navy.

I have only one further remark to make on the subject. These things have once been accomplished; they have been accomplished by design; they have been accomplished through the genius of an American citizen; and having been once accomplished, they can be accomplished again. What has been done on scientific principles with certain results, of course can be repeated. If the Government of the United States can get the advantage of such inventions, such enterprise, and such exhibitions of genius at so little cost, I can see no reason why we should not avail ourselves of the opportunity. These fourteen guns can be taken of obsolete pattern, as I have observed, with four gun-carriages and instruments to measure the velocity of the projectiles, and they can be converted, experimented upon, and returned by the American Ordnance Company, which I understand is a strong company, strong in its wealth and its enterprise. They can be returned by the 1st of March, 1883, the Government losing nothing at all, and gaining the advantage of the experiments and the proof of the fact whether or not these experiments are to be made successful in the armament of ships and the heavy forts upon the coast.

It is useless for us to undertake to build a navy, as we all confess we must do, unless we have some better armament than we have now. The truth is we have not an efficient gun in the United States Navy to-day as against the iron-clads of Italy, of Spain, of England, Germany, or even Chili. We have not an efficient gun in the American Navy. We have but one sea-coast gun, a gun of 20-inch caliber, I believe. We have a gun of one hundred and twenty tons in New York, a smooth-bore gun, which is the only one we can boast. We have no other guns for sea-coast defense. In respect to ordnance, we are just as powerless as the Indians are against the Army of the United States to-day. It seems to me that the Senate ought to devote its attention upon every opportunity that it can in making such experiments as may lead to better armament than we have.

I wish to call the attention of the Senate to one fact. In the siege of Alexandria the other day, which is said to have been one of the most remarkable of all the naval exploits in history in the particular of its being an engagement in which the heaviest missiles were thrown, and in the largest number, one of the British ships, firing at very slow time, perhaps not repeating its fire oftener than twenty minutes' interval, was compelled to retire after one day's action and go to an island in the Mediterranean Sea for a new armament. She had eighty-ton guns on board of her, with the most approved modern appliances; every shot she expended cost the British Government a thousand dollars; and yet at the end of a single day of slow action that ship was compelled to retire to an island in the Mediterranean, where they had reserves of artillery, for a new armament. The result will be shown when the report of this naval engagement at Alexandria comes to be made up by scientific men, as the actual facts as stated prove, that there is something even among the English guns and German guns and French guns which is still very imperfect, and which I trust very much will be supplied by American genius.

I have confidence in the capacity of our inventors to accomplish and master any improvement that needs to be mastered for the success of our Navy in the future and for the defense of our coast, and I desire that the Senate shall accord this little experiment to be made without any other expense at all except the bare use of guns that are obsolete, so that we may see whether this thing which has been done under the observation of naval officers may not be repeated.

Mr. HALE. I must make the point of order. I did not wish to interfere while the Senator was making his interesting statement.

Mr. MORGAN. I think, if the Senator will allow me, the point of order is not well sustained when we come to consider the proposition which I submitted here, with the letter of the Secretary of the Navy, which is as follows:

NAVY DEPARTMENT, WASHINGTON, July 15, 1882.

SIR: I have the honor to transmit a copy of an additional letter to this Department from Mr. Norman Wiard, in relation to his proposition in reference to the conversion of unrifled guns now owned by the Department, for the favorable consideration of the committee.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. WILLIAM B. ALLISON,

Chairman of the Committee on Appropriations, United States Senate.

You cannot make an estimate of that; there is no sum of money to be estimated; you could state only so many guns of a certain obsolete pattern asked for, and when the Secretary of the Navy recommends a favorable consideration to the committee I should think that would fall within the rule which allows such amendments in the event that they are upon the requirement of heads of Departments.

The PRESIDING OFFICER. Does the Senator from Maine insist on the point of order?

Mr. HALE. The trouble with the proposition is that it allows this man to come into possession of Government property and gives him control of it for a time. As to the recommendation of the Secretary of the Navy, it is not a thing that has been recommended from the Department for an appropriation. I take it it is simply transmitting these papers. I looked over all the papers very carefully, and I made up my mind that it was not a safe thing to do.

Mr. MORGAN. I say to the Senator from Maine that it is merely a loan of goods to be returned *in specie*. It is merely a loan of goods; that is all.

Mr. HALE. I should be afraid they would never get back.

Mr. MORGAN. Mr. Peter Cooper, of New York, is a member of the American Ordnance Company. The company is entirely responsible, and it is merely asked to make these contributions for the purpose of testing the question.

Mr. HALE. I do not want to be understood in making that remark to indicate any lack of confidence in these gentlemen, Mr. Cooper and others; but when you put out these guns for experiment you run all the risk, of course, of their being destroyed or impaired and never getting them returned. I think it is not a safe thing to put on the bill.

Mr. MORGAN. The Secretary of the Navy can require any bond he pleases for the return of the guns; there cannot be possibly any loss at all to the Government.

Mr. HALE. Let the amendment be read. Let us see how far it goes.

The Acting Secretary read the amendment of Mr. MORGAN.

Mr. HALE. Will the Senator explain to me that part of the amendment which refers to the tests, which comes immediately after the provision about the guns?

Mr. MORGAN. First of all it is entirely discretionary with the Secretary of the Navy whether he will allow these guns to be used or not.

Mr. HALE. I see the amendment does not go so far as I thought it did. Let the Secretary read the first part of it again.

The Acting Secretary read as follows:

The Secretary of the Navy may, in his discretion, furnish to the American Ordnance Company fourteen smooth-bore iron guns, of the Rodman, Dahlgren, and Parrott models, of not less than 9-inch bore, and four gun-carriages, and the use of instruments for testing the velocity of projectiles, for the purpose of making tests and experiments in the improvement of heavy ordnance.

Mr. HALE. What is meant by the use of instruments?

Mr. MORGAN. There are instruments of a very delicate manufacture, which cannot be obtained otherwise.

Mr. HALE. Governmental instruments?

Mr. MORGAN. Yes; but very cheap. They do not amount to anything. They are electrical instruments merely for testing the velocity of the shots.

Mr. HALE. They are instruments on hand?

Mr. MORGAN. The instruments are on hand.

Mr. HALE. The proposition as presented originally went a great deal further and comprehended the use of navy-yards. I think as it now reads it does not comprehend the use of navy-yards and turning loose men in the yards.

Mr. MORGAN. Not by any means.

Mr. HALE. As it does not, and is limited as I find it is, I shall not make the point of order.

Mr. MORGAN. I am much obliged to the Senator. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The question is on the amendment to the amendment of the Senator from Alabama, [Mr. MORGAN.]

The amendment was agreed to.

Mr. HOAR. After line 578 I move to insert:

If the Navy Department advertises or asks for proposals for the completion, repair, or construction of any iron, steel, or wooden vessels, the Navy Department, by its proper officers, shall also make proposals or estimates for the same work, both as to the cost of the same and the time required for such work; and if such proposals or estimates of the Navy Department shall be less than that of any private bidder, such work shall be done by the Navy Department, in accordance with such estimates or proposals.

Mr. HALE. I raise the point of order on that amendment.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. ROLLINS. I desire to make an inquiry of the Senator from Maine, who has charge of the bill. On the fourteenth page the sum appropriated is \$700,000, where the amount estimated for by the Department is \$896,000. I am in favor of very rigid economy in the Navy Department and in all other Departments, but I desire to know why it is not thought expedient to appropriate a sufficient sum of money to the Bureau of Equipment and Recruiting, so that at least they may have money enough to buy the coal necessary. I am informed from the Department that it will be necessary to resort to other means of reducing expenses rather than those suggested in this bill. The expenses will have to be largely reduced to answer. If the bill is passed in its present form several vessels on foreign stations will have to be recalled; otherwise a large deficiency will be created. What I desire to know is why the Committee on Appropriations determine to so cripple the operations of the Navy so that we cannot maintain abroad even the small number of ships that we

have, but they must be called home. Do they propose really that there shall not be purchased for the use of the Department a sufficient amount of coal? In regard to this appropriation, which covers not only the coal but canvas, leather, iron, cables, &c., all such expenditures, do they propose really that no more money shall be appropriated than is sufficient for the coal, leaving all the rest out?

Mr. HALE. Let me ask the Senator has he any letter from the head of the Department or the head of the bureau stating with circumstantiality why this amount of \$700,000 is not adequate?

Mr. ROLLINS. I have a copy of a letter here from Commodore Earl English, who is the head of the bureau, addressed to the Secretary of the Navy, which I will have read if the Senator desires.

Mr. HALE. Is there anything from the Secretary of the Navy?

Mr. ROLLINS. No; I do not think there is.

Mr. HALE. That is a letter from the commodore to the Secretary of the Navy?

Mr. ROLLINS. It is a copy of a letter from the commodore to the Secretary of the Navy, but it states the fact. We will put it in the RECORD if the Senator wants the information. It is not necessary to read it.

Mr. HALE. No; it will be printed.

The letter is as follows:

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, July 8, 1882.

SIR: The bill making appropriations for the naval service for the fiscal year ending June 30, 1883, as it passed the House of Representatives appropriates but \$700,000 under head of "equipment of vessels."

The amount originally estimated for under this head was \$896,000, which amount the experience of the past year shows to be the least that will possibly keep about the number of cruisers and training-ships at present in commission, even by reducing expenditures for labor by suspending work in some of the navy-yards as is proposed.

Should the bill as at present become a law, either several of the vessels now on foreign stations will have to be recalled or a large deficiency created for their maintenance, in view of which fact I deem it of the utmost importance that the appropriation should be increased to the amount originally estimated for.

I have the honor to be, very respectfully, your obedient servant,
EARL ENGLISH, Chief of Bureau.

Hon. WILLIAM E. CHANDLER, Secretary of the Navy.

Mr. ROLLINS. I will move, for the purpose of testing the sense of the Senate—

Mr. HALE. I will say that this amount is a reduction of \$125,000 on this bureau from last year. The Navy has all the time been lessening somewhat; the number of ships to be maintained is less; and the committee in the House who reported the bill believed the bureau could get along with \$700,000. Our committee also on examination believed and hoped that the Bureau of Equipment and Recruiting could manage for this year with \$700,000. I think it will be pretty snug work for them; I think they will have to economize.

Mr. ROLLINS. Let me ask the Senator from Maine does he really think that the bureau can get along with \$700,000?

Mr. HALE. I think they will have to economize; I think they will have to cut off some items, and I am by no means certain that there may not be a small deficiency; but we thought it worth the while to give them this as the House had not increased the amount, and let them try to get along. I hope that they can. I am bound to be frank about this thing, and to say that I am by no means certain that there will not be a small deficiency.

Mr. ROLLINS. I think there will be quite a large deficiency. I call the attention of the committee to it. If they have no objection, I move to increase the appropriation to \$896,000.

Mr. MILLER, of California. I notice that the bill as it now stands provides for one hundred and seventy doctors in the Navy and one hundred and seventy engineers. Therefore we have in a steam navy one doctor for every engineer. I think this illustrates the brilliancy of the minds which originated this proposed reorganization of the Navy. The full complement of a steam war ship with respect to engineers is five engineers to one ship. I suppose there never was a ship that had five doctors upon it, at least they are not necessary. In time of war the complement of doctors to a flag-ship is three. Whoever prepared this bill has cut down the engineer corps, according to the tables which have been read here, about one-half. According to the Navy Register they cut down the engineer corps from two hundred and thirty-three to one hundred and seventy. As we have no right or power in the Senate to amend this provision which the House has sent to us, I see no other way of remedying the matter except to strike out all the text which relates to the engineer corps.

Mr. ROLLINS. Did the Chair entertain the motion I made?

The PRESIDING OFFICER. The Chair did not understand that the Senator made any motion.

Mr. ROLLINS. Certainly; I rose for that purpose. I move to amend by adding after the words "seven hundred," in line 325, the words "and fifty," making the appropriation for equipment of vessels \$750,000. That will be more than a hundred thousand dollars less than the estimate.

Mr. PLUMB. I rather hope on the whole that the Senator who has charge of the bill will feel inclined to agree to some amendment increasing that amount. He says it is a little close, and in a matter of that kind, embracing this large variety of objects and embracing the essential one of furnishing coal to vessels, I think it would be unwise to run the risk of a deficiency, if not a cramping of the service in that particular.

Mr. HALE. I felt the force of the objection in what I said before. It is a snug appropriation, I think myself. How much does the Senator from New Hampshire move to increase it?

Mr. ROLLINS. I move to increase it only \$50,000. That is very modest.

Mr. MILLER, of California. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from California has the floor.

Mr. HALE. The amendment of the Senator from New Hampshire was first in order.

The PRESIDING OFFICER. The Chair did not understand that the Senator from New Hampshire offered an amendment, and in the mean time he recognized the Senator from California.

Mr. ROLLINS. The Senator from California is a very amiable gentleman, and I know he will allow me to have a vote on my amendment. It will lead to no further debate, I am sure.

Mr. MILLER, of California. Certainly; I will yield.

Mr. HALE. If the Senate sees fit to put in the additional \$50,000 I do not object.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire, [Mr. ROLLINS.]

The amendment was agreed to.

Mr. MILLER, of California. Now, I will resume. I propose to amend by striking out beginning in line 93 down to and including line 104. I think this is an unreasonable and unwarrantable reduction in the engineer corps, and if this matter could be yet referred to a commission to adjust these grades properly I do not think such a reduction would be made; but I understand there ought to be a probable reduction in the medical corps.

The PRESIDING OFFICER. The amendment of the Senator from California will be reported.

The ACTING SECRETARY. It is proposed to strike out the paragraph beginning in line 93, in the following words:

That the active list of the engineer corps of the Navy shall hereafter consist of ten chief engineers with the relative rank of captain, fifteen chief engineers with the relative rank of commander, forty-five chief engineers with the relative rank of lieutenant-commander or lieutenant, sixty passed assistant engineers, and forty assistant engineers, with the relative rank for each as now fixed by law; and after the number of officers in the said grades shall be reduced as above provided, the number in each grade shall not exceed the reduced number which is fixed by the provisions of this act for the several grades.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

Mr. MILLER, of California. I do not say but that there may be too many engineers in the Navy. What I do say is that in this attempted reorganization the authors of the bill have not made reductions in the proper ratio as between grades. The reduction in the engineer corps, I think, is very much too great. There might be some reduction.

Mr. HALE. This now comes not to the line. Senators will remember that all through the discussion there has been a good deal said about the line; that it ought not to be reduced while the staff could be. We have come to the staff, and of course there is opposition to reducing that. I should like to keep on an even keel, if possible, and not discriminate either for or against the staff. There are a good many old questions which have arisen in the Navy in years past that got up considerable feeling between line and staff; and for one I want to be entirely dispassionate about the consideration. I will state the way this corps was left by the House.

Mr. MILLER, of California. This is no affair between the line and staff. I called attention to the fact that we have by this bill as many doctors as we have engineers in the Navy, both belonging to the staff corps.

Mr. HALE. The engineer corps now consists of ten chief engineers. They have all been left. Fifteen chief engineers with the relative rank of commander; they have been left. Forty-five chief engineers with the relative rank of lieutenant-commander; they have been left. One hundred assistant and passed assistant engineers. The one hundred were put in by the House in the place of what are now one hundred and sixty. Then there are now eighty-seven passed assistant engineers and thirteen passed assistant engineers of two kinds, making one hundred, and sixty-one assistant engineers, making one hundred and sixty-one. The House cut it down to one hundred, leaving one hundred assistant engineers. The Senate has only changed that in dividing them according to ranks, and giving sixty passed assistant engineers and forty assistant engineers, leaving it where the ranks now are of the one hundred and sixty, at one hundred, or a reduction of sixty. Whether that is too much or too little of course is a question for Senators to consider according to their information.

The engineer corps is large and increasing very largely. Including the cadets at the Academy it is three hundred and seventy-nine now, against less than twice that number in the British navy, where they have ten times as many ships as we have. It is ten to each ship that we maintain, and we believed that it might be reduced in this number of sixty.

Mr. MILLER, of California. If we had ten engineers for each ship, it would be two hundred and thirty-three in all.

Mr. HALE. I say including the cadets at the academy we have three hundred and seventy-nine; they are being taken out a quarter of them every year; they are officers of the Navy; they are being

educated at Government expense; they are being injected into the service, and according to all estimates and all figures, and I take this from a paper prepared by naval officers which has been given me, and I have examined it, taking them altogether it is ten to each ship.

I think it is better to leave that. I do not think that a reduction of sixty out of the whole number of three hundred and seventy-nine is a large one. I think the engineer department can get along with that.

If I have anything to do with this matter subsequently in committee of conference or elsewhere, and upon consideration am led to believe it ought not to be reduced more than fifty or forty, then I certainly shall be in favor of making it so. It leaves the whole question open to be considered hereafter, because while we have left the numbers of the House we have changed their designation, so that the matter is not foreclosed by our adopting this amendment.

Mr. HAWLEY. I ask the Senator in charge of the bill why he has not classified the engineers and all the staff officers as he did the surgeons? He gives surgeons of the first, second, and third class, and then in the pay corps and among the engineers he maintains the old classification of assistant, passed assistant, &c. I think it would have been just as well to have classified all these staff officers as first, second, and third class.

Mr. HALE. The paymasters?

Mr. HAWLEY. Yes; all in the same mode, and do away with the term "passed assistant."

Mr. HALE. I see no objection to that. It is only a matter of designation.

Mr. HAWLEY. As three o'clock will come pretty soon, and there cannot be a word of explanation after that of any amendment, I intend to offer an amendment, as I can do after three.

Mr. HALE. What would the Senator have instead of "assistant" and "passed assistant?"

Mr. HAWLEY. I merely make the suggestion. It can be attended to in conference.

Mr. HALE. I see no objection to it.

Mr. HAWLEY. I think at three o'clock I shall move to strike out the words "or furlough," on page 29. As the clause stands now it gives the Secretary of the Navy the right to put officers on leave of absence or waiting orders, which is all right, but it is also added "on furlough," that is, half-pay, and it is court-martial pay, and when put on it is rather a punishment to the family than to the officer himself. I do not like to see the Secretary of the Navy have power to put upon an officer in this easy way what is in reality a punishment that may drive him out of the service. If on furlough is an officer at liberty to go for years into other business, and yet be on a sort of reserve list liable to be employed, to be called on duty at any time?

Mr. PLUMB. Let me call attention to the fact that the Senator from Delaware gave notice that he would move to strike out the words "on furlough."

Mr. HAWLEY. I did not know that.

Mr. HALE. Let me say, as it is almost on the stroke of three, that the Senator is mistaken as to this being fundamentally a punishment. By section 1442 of the Revised Statutes the Secretary of the Navy has authority to place on furlough any officer on the active list of the Navy. I know that it has been generally understood that that is nothing but a punishment grade on half pay; but it is not so. It has fallen largely into disuse. The committee, when it looked at the list of pay and found that almost all officers who are on shore pay are put upon shore duty, proposed that the Secretary may, if there is not really work for them to do and if he cannot specify what the work is, shall have this authority, which I will read so that Senators may see:

No officer of the Navy whose pay is appropriated for in this bill shall be employed on any shore duty—

That pay is almost as much as sea pay.

No officer of the Navy whose pay is appropriated for in this bill shall be employed on any shore duty unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue; and all other officers, when not at sea, shall be placed on leave of absence, or waiting orders, or on furlough.

It gives the Secretary of the Navy discretion to give them these different pays.

Mr. HAWLEY. Let me ask for information if the expression "on furlough pay" has not a different bearing from the expression simply "on furlough?"

Mr. HALE. No, they are all put here: "shall be placed on leave of absence, or waiting orders, or on furlough." Furlough pay is half pay.

Mr. HAWLEY. When an officer is placed on furlough pay he is placed on furlough. Has he an indefinite leave?

Mr. HALE. Will the Senator state that question again?

Mr. HAWLEY. If you put an officer on furlough pay—I am not familiar with this matter, and am therefore asking for information—I should suppose that he was on a sort of unlimited leave. If you place him on furlough pay is he or not just as liable to an order at any moment as an officer on waiting orders?

Mr. HALE. I do not know how that is, but I take it if an officer is put on furlough he gets furlough pay, and I suppose he is subject to orders at any time.

Mr. MILLER, of California. I understand so, unless there is a time fixed; and leave of absence is where a time is fixed.

Mr. HALE. They are all technical terms. Furlough pay is just half; leave-of-absence pay is better; shore pay is better still. Sea pay is the largest, and shore pay is almost as much as sea pay. This gives the discretion to the Secretary of the Navy. If he can find employment, and can certify it, then these officers can be placed on shore pay, which is almost as much as sea pay. If he does not do that then it gives him the discretion to put them on leave of absence, on waiting orders, or on furlough.

Mr. MILLER, of California. On furlough he gets half pay, and on waiting orders he gets shore pay.

The PRESIDENT *pro tempore*. The hour of three has arrived. The vote will be taken on the pending amendment and amendments that may be offered hereafter without debate. The question is on the amendment of the Senator from California [Mr. MILLER] to strike out all after the word "paymasters," in line 92, down to and including the word "grades," in line 104.

The amendment was rejected—aye 7, noes not counted.

Mr. PLUMB. I offer the following amendment, to be added after line 130:

Provided, That all laws and parts of laws providing for promotion and increase of pay upon the retired list of the Navy be, and they are hereby, repealed.

Mr. MORGAN. If the Senator from Kansas will allow me a moment, I wish to say that I should like to have that amendment explained. We occupied one hour this morning really in violation of the agreement made on Saturday about the time when we should enter upon the consideration of this bill. I now propose that the Senate unanimously consent that the time for five minutes' debate shall be extended for one hour.

Mr. HALE. Oh, Mr. President, I kept an account of how our time was occupied this morning. The morning business was gone through with, and the only additional time taken was by the Senator from Michigan, [Mr. FERRY,] who spoke fifteen minutes not on morning business. The time was extended to that extent; but I shall have to object to its being extended an hour. I have no objection now, on the consideration the Senator from Alabama raises, that we lost those fifteen minutes, to this amendment being explained. I will not make the point at present, but I do not want to agree to any particular extension.

Mr. MORGAN. The Senator will allow me to say that I understood the agreement, and I think the RECORD bears me out, that we should commence the consideration of this bill immediately on reading the Journal this morning. We did not do it for an hour.

Mr. HALE. I stated that I should ask that, and I did ask it this morning, and the Chair decided it could only be by unanimous consent that that motion could be made during morning business. So I was obliged to wait until morning business was completed.

The PRESIDENT *pro tempore*. The Senator from Michigan rose to morning business and offered a resolution.

Mr. HOAR. The Senator from Alabama will permit me to suggest that the agreement to take the vote was made; unanimous consent was asked for and given and announced by the Chair. The whole thing was over as far as that was concerned; and then after that the Senator from Maine got up and gave notice that he should ask the Senate to begin immediately after the reading of the Journal. So nobody could have been governed in consenting on his suggestion, because we consented before he made the request.

Mr. HARRIS. The RECORD will show the exact fact to be as stated by the Senator from Massachusetts.

The PRESIDENT *pro tempore*. The agreement as stated in the RECORD is as follows:

Mr. HALE. I will agree to three o'clock, although I think when the time comes the Senate will be very glad to vote at two o'clock.

The PRESIDING OFFICER. Is there objection to the agreement that at three o'clock on Monday the vote shall be taken without further debate, on amendments pending and amendments thereafter offered, and on the bill? The Chair hears no objection.

Mr. HALE. I shall move to take up the bill directly that the Journal is read on Monday.

The PRESIDING OFFICER. Is there objection? The Chair hears none; and announces that the agreement is made as stated by the Chair.

Mr. HALE. Under the consideration of the time we lost this morning I shall not ask that the agreement be enforced while this amendment is being explained. It might have been explained by this time.

Mr. MORGAN. The bill is new in many features. The bill will be strengthened in conference if Senators having amendments have five minutes to explain them. I have no amendment to offer, no speech to make; but the action of the Senate will be much stronger in conference if Senators who present amendments are permitted five minutes during the coming hour to explain them. I will reduce it to thirty minutes if Senators wish.

Mr. HALE. I hope the Senator will not ask for any particular extension. Let the Senator from Kansas go on and explain this amendment briefly. He could have had it done before this time.

Mr. MORGAN. All right

Mr. PLUMB. The simple proposition is that we shall stop promotion on the retired list and the consequent increase of pay. I do not think there is any controversy about that.

Mr. ANTHONY. There is no increase of pay in consequence of promotion on the retired list. The law prohibits it, and the Executive has followed the law.

Mr. PLUMB. Then the amendment I have offered will do no harm.

Mr. ANTHONY. It will do no harm if it merely re-enacts the existing law.

Mr. PLUMB. But it stops promotion, because that gives a claim for the consequent pay.

Mr. ANTHONY. No claim for increased pay has ever been made by reason of promotion on the retired list?

Mr. LOGAN. The Senator is mistaken.

Mr. ANTHONY. No. If I am mistaken the Senator can point out my mistake.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, [Mr. PLUMB.]

Mr. ROLLINS. Is it in order for me to move to amend that by adding the amendment which I proposed on Saturday last?

Mr. ANTHONY. The Senator from Kansas might as well propose that a captain should not have the pay of a commodore. The law expressly states that there shall be no increase of pay by reason of promotion on the retired list, and I defy the Senator from Illinois to give me a single case where an officer on the retired list has received an increase of pay by reason of his promotion on the retired list. Such officers have received an increase of pay by special acts and by general acts, but never by reason of promotion on the retired list.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, [Mr. PLUMB.]

The amendment was agreed to.

Mr. LOGAN. I offer an amendment, to come in as an additional section.

Mr. ANTHONY. Does the amendment just carried mean that officers promoted on the retired list shall be degraded?

Mr. LOGAN. No, sir.

The PRESIDENT *pro tempore*. The Chair is not permitted to answer.

Mr. ANTHONY. I will ask the Senator who offered the amendment if he proposes that officers who have been promoted on the retired list shall be graded to their old rank?

Mr. PLUMB. Not at all. It operates simply upon the present condition.

Mr. ANTHONY. I do not think the amendment expresses that.

Mr. ALLISON. Put in the word "hereafter."

Mr. PLUMB. The amendment simply repeals the law and does not disturb that which has been done. It simply repeals the law.

Mr. LOGAN. I offer an amendment as a new section:

SEC. 5. That all laws and parts of laws authorizing prize-money to the Navy, or any of its officers or men, for any capture or destruction of any vessel, ship, or any other property of any character whatever, are hereby repealed.

Mr. ANTHONY. I raise the point of order on that.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. CAMERON, of Pennsylvania. I offer the following amendment, to come in after line 238:

That the Secretary of the Treasury, the Secretary of the Navy, and the Postmaster-General, together with three Senators and three Representatives in Congress, to be appointed by the presiding officers of the respective Houses, be, and they hereby are, constituted a commission to inquire into the practicability and expediency of securing the construction in the United States of iron or steel ocean steamers for commercial purposes, upon such models and with such strength and speed that they may be readily converted into efficient ships of war when needed for such uses; and into the advisability of encouraging the construction of such vessels, and their maintenance in regular steamship lines over the highways of ocean commerce, by paying a fair and just compensation for carrying the mails therein to and from foreign countries, upon the condition that they shall be built in the United States and owned exclusively by American citizens, under the supervision of the Government, and subject to be taken by it, at a reasonable price, whenever needed as ships of war; said commission to report to Congress their conclusions on the matters herein submitted at as early a day as is consistent with the due investigation thereof.

Mr. LOGAN and Mr. COCKRELL. Point of order.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. HOAR. I move to strike out in line 30 the words "or cadet-engineers."

Mr. HALE. I hope that will not be done.

Mr. HOAR. The bill as it stands will destroy the power to appoint cadet-engineers entirely.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. COCKRELL. I do not understand the amendment. Let it be reported again.

The amendment was read.

Mr. HALE. The engineers are to be educated in the main class.

Mr. COCKRELL. But this permits the existence of a certain class not appointed in the way here prescribed, additional to the whole number.

Mr. HALE. Yes, sir.

Mr. COCKRELL. I am opposed to it.

Mr. HOAR. It leaves the cadet-engineers just as they are now. The amendment was rejected.

Mr. ROLLINS. I offer the following additional section to the bill, and I do not think there will be any member of the Senate on the Appropriations Committee who will object to it:

That hereafter the chiefs of the Bureaus of Construction and Repair, of Steam-Engineering, of Provisions and Clothing, and of Medicine and Surgery, in the Department of the Navy, shall be appointed by selection from the officers of the corps to which they belong whose relative rank is not below that of commander.

Mr. LOGAN. Explain that; let us understand it.

Mr. ROLLINS. It does not change existing law, but makes clear what the law now is.

Mr. JONES, of Florida. This is legislation on an appropriation bill.

Mr. MAHONEY. I propose to amend the amendment by inserting after the word "repair" the words "yards and docks;" so as to read:

That hereafter the chiefs of the Bureaus of Construction and Repair, of Yards and Docks, of Steam-Engineering, &c.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. ROLLINS. I have no objection to that.

The PRESIDENT *pro tempore*. The amendment to the amendment is accepted.

Mr. JONES, of Florida. Let us have the entire amendment read.

Mr. BUTLER. Is that the amendment of the Senator from New Hampshire.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BUTLER. Let it be read as it stands.

The Acting Secretary read as follows:

That hereafter the chiefs of the Bureaus of Construction and Repair, of Yards and Docks, of Steam-Engineering, of Provisions and Clothing, and of Medicine and Surgery, in the Department of the Navy, shall be appointed by selection from the officers of the corps to which they belong whose relative rank is not below that of commander.

Mr. BUTLER. I make the point of order on that.

Mr. ROLLINS. Too late.

The PRESIDENT *pro tempore*. The point of order is sustained.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Are there any amendments made as in Committee of the Whole upon which Senators desire a separate vote; or shall the question be taken on the amendments in gross?

Mr. MILLER, of California. There is an amendment in line 171, page 8, changing the lieutenants to two hundred and twenty-five, on which I wish a separate vote. The committee offered an amendment in line 171 raising the number of lieutenants from two hundred to two hundred and twenty-five. Upon that I desire a separate vote.

The PRESIDENT *pro tempore*. That amendment will be reserved.

Mr. MILLER, of California. It will be remembered that I moved to strike out the whole of this paragraph in regard to lieutenants and I was ruled out of order because the committee had proposed an amendment which had been adopted. My object now is to move to strike out all this paragraph.

Mr. HALE. That cannot be done. There can be a separate vote.

The PRESIDENT *pro tempore*. There can be a separate vote on whether the words shall remain in or not.

Mr. MILLER, of California. Then I make the point on the whole clause.

The PRESIDENT *pro tempore*. Does the Senator from California wish the amendment of the Committee of the Whole non-concurred in?

Mr. MILLER, of California. I ask whether, if it be concurred in, it will be in order to move to strike out this paragraph?

The PRESIDENT *pro tempore*. Yes; it stands as the text of the bill and can be moved to be stricken out.

Mr. HARRIS. The amendment proposed by the committee to strike out and the words proposed to be inserted were treated as one amendment. An amendment to strike out and insert is indivisible, and the whole amendment was ruled out of order. Then subsequently, on the motion of the Senator from Maine, the words "and twenty-five" were added after the words "two hundred."

The PRESIDENT *pro tempore*. The Chair ruled out nothing but from line 175 down.

Mr. HARRIS. If I am not mistaken, I was in the chair when that question of order was raised, and the Chair held that it was one amendment, that the amendment was legislative in its character, and the amendment to strike out and to insert being one amendment and indivisible the whole amendment was out of order, which left the text of the bill just as it came from the House. The only amendment that clause contains is the words "and twenty-five" put in on the motion of the Senator from Maine.

Mr. HALE. And then after that the clause was adopted as amended and is so reported by the Committee of the Whole to the Senate; so that the only question, it seems to me, following the line of the Senator from Tennessee, is whether that amendment shall be agreed to by the Senate.

The PRESIDENT *pro tempore*. The Secretary says not. A motion to strike out can be made in the Senate. It amounts to the same thing exactly.

Mr. ALLISON. I ask if any other amendment is reserved?

The PRESIDENT *pro tempore*. Is there any amendment that any Senator wishes a separate vote upon?

Mr. HALE. I will reserve the amendment of the Senator from Kentucky [Mr. BECK] about the iron-clads.

The PRESIDENT *pro tempore*. That amendment will be reserved.

Mr. ROLLINS. I desire to call the attention of the Senator from Maine to page 23, line 546, and ask whether in his judgment it would not be better to strike out the two words "either of?"

Mr. ALLISON. That is a new amendment to be offered.

Mr. ROLLINS. That will leave the discretion with the Secretary of the Navy and the advisory board.

Mr. HALE. It is well enough to strike out those two words. I have no objection to that.

Mr. COCKRELL. Let us hear what they are.

Mr. HALE. The bill reads:

The Secretary of the Navy is hereby authorized to cause either of the said cruising vessels of war aforesaid to be provided with interior defective steel armor, &c.

Striking out the words "either of" leaves the discretion to apply to both vessels.

Mr. ROLLINS. With the consent of the advisory board.

Mr. HALE. I see no objection.

Mr. COCKRELL. That changes the character of the bill from one to two.

Mr. LOGAN. If it is good for one, it ought to be for both.

Mr. HALE. I see no objection to it.

Mr. WILLIAMS. I understand there is no objection to that amendment, and it is considered as adopted.

The PRESIDENT *pro tempore*. The Chair is not receiving amendments now. The question is on the amendments made as in Committee of the Whole. Does the Senator from Kentucky wish a separate vote on any amendment?

Mr. WILLIAMS. No, sir.

The PRESIDENT *pro tempore*. The Chair will put the question on the adoption of the amendments made as in Committee of the Whole, with the exception of the one specially reserved.

The amendments were concurred in.

The PRESIDENT *pro tempore*. It is now proposed to strike out the words "either of," in line 546, as proposed by the Senator from New Hampshire, [Mr. ROLLINS.]

Mr. HALE. That can be done by unanimous consent.

The PRESIDENT *pro tempore*. The Chair hears no objection, and that amendment is made. The Senator from Maine [Mr. HALE] reserved a separate vote upon the amendment of the Senator from Kentucky [Mr. BECK] in relation to the iron-clads.

Mr. MILLER, of California. What has become of mine?

The PRESIDENT *pro tempore*. That being in the text of the bill, according to the decision of the Chair, can be acted on after we have got through with the other amendment. The Senator can then move to strike out that clause.

Mr. MILLER, of California. Very well.

The PRESIDENT *pro tempore*. The question is on the reserved amendment made on the motion of the Senator from Kentucky, [Mr. BECK.] Shall it be read, so as to be understood?

Mr. BROWN. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. HARRIS. And then let us have the yeas and nays on it.

The ACTING SECRETARY. The amendment made as in Committee of the Whole was, after the word "and," in line 601, to insert:

That no further steps shall be taken or contracts entered into or approved for the repairs or completion of any of the four iron-clads aforesaid until the further order of Congress; and the naval advisory board created by this act is directed to report in detail by the 1st day of December, 1882, as to the wisdom and expediency of undertaking and completing the engines, armor, and armaments of said iron-clads, and whether any changes in the original plan or plans should be made, together with the cost of the completion of each according to the plans recommended, if the completion of any of them is recommended.

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] calls for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LOGAN. I should like to ask if this is debatable?

The PRESIDENT *pro tempore*. No, sir; nothing is debatable under the agreement of the Senate.

Mr. LOGAN. I do not want to debate it unless it is in order to do so.

Mr. JONES, of Florida. It can be debated by unanimous consent.

The PRESIDENT *pro tempore*. Of course unanimous consent can be given.

Mr. LOGAN. I know I cannot get that. I merely wanted to show the reports of the officers.

The Principal Legislative Clerk proceeded to call the roll.

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

The roll-call was concluded.

Mr. MILLER, of New York. I am paired with the Senator from Maryland, [Mr. GROOME.]

Mr. GEORGE. My colleague [Mr. LAMAR] is paired with the Senator from Louisiana, [Mr. KELLOGG.]

The PRESIDENT *pro tempore*. The Senator from Louisiana has voted.

Mr. KELLOGG. I was trying to get the attention of the Chair to say that I am reminded that I am paired with the Senator from Mississippi, [Mr. LAMAR.] I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote is withdrawn.

The result was announced—yeas 32, nays 23; as follows:

YEAS—32.

| | | | |
|------------------|--------------------|-------------------|------------|
| Bayard, | Davis of Illinois, | Jackson, | Saulsbury, |
| Beck, | Farley, | Jonas, | Sherman, |
| Brown, | George, | Jones of Florida, | Slater, |
| Butler, | Gorman, | Maxey, | Van Wyck, |
| Call, | Grover, | Morgan, | Vest, |
| Cameron of Wis., | Hampton, | Pendleton, | Voorhees, |
| Cockrell, | Harris, | Pugh, | Walker, |
| Coke, | Ingalls, | Ransom, | Williams. |

NAYS—23.

| | | | |
|-----------------|------------------|-----------------|----------|
| Allison, | Ferry, | Logan, | Platt, |
| Anthony, | Frye, | McDill, | Plumb, |
| Blair, | Hale, | McMillan, | Rollins, |
| Cameron of Pa., | Hawley, | Mahone, | Sanders, |
| Conger, | Jones of Nevada, | Miller of Cal., | Windom. |
| Dawes, | Lapham, | Morrill, | |

ABSENT—21.

| | | | |
|--------------------|-------------------|------------------|---------|
| Aldrich, | Garland, | Johnston, | Sawyer, |
| Camden, | Groome, | Kellogg, | Well, |
| Chilcott, | Harrison, | Lamar, | Vance. |
| Davis of West Va., | Hill of Colorado, | McPherson, | |
| Edmunds, | Hill of Georgia, | Miller of N. Y., | |
| Fair, | Hoar, | Mitchell, | |

So the amendment was concurred in.

The PRESIDENT *pro tempore*. The Senator from California [Mr. MILLER] now moves to strike out the following words:

That the active list of lieutenants in the Navy shall hereafter consist of two hundred; and until the number of lieutenants now on the active list of the Navy shall be reduced below the number of two hundred no promotion shall be made—

Mr. HALE. If the Chair will allow me, that is not the way the section is left. On my motion the "two hundred" was made "two hundred and twenty-five," and that is the way it is now. I hope it will not be changed.

The PRESIDENT *pro tempore*. The Senator is right—

to fill vacancies occurring in said grade: *Provided*, That no lieutenant now in the service shall be reduced in rank or deprived of his commission by reason of the provisions of this act.

Those words are in the bill, and the Senator from California moves to strike them out.

Mr. MILLER, of California. I ask for the yeas and nays on the motion to strike out.

Mr. ALLISON. I understand the question now is whether the amendment made in Committee of the Whole shall be concurred in.

The PRESIDENT *pro tempore*. No; those amendments have all been concurred in. The occupant of the chair ruled that these words remained in; and therefore there has been no opportunity to strike them out. What difference does it make?

Mr. ALLISON. The only reason I made the inquiry, if the Chair will allow me, was that I did not know whether to vote "yea" or "nay" on the statement made by the Chair.

The PRESIDENT *pro tempore*. If you are against striking out, you vote "nay."

Mr. HALE. Anybody who wants it to remain at two hundred and twenty-five votes "nay."

The PRESIDENT *pro tempore*. Or who wants the clause to remain at all. The Senator from California moves to strike out the whole clause.

Mr. MILLER, of California. Any one who wants the law to exist as it is now will vote "yea."

The PRESIDENT *pro tempore*. The Senator from California asks for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Will the Chair state now what we are to vote upon?

The PRESIDENT *pro tempore*. Whether to strike out the words from line 168 to 175, which are retained in the bill.

Mr. HALE. Except that the "two hundred," in line 175, is changed to "two hundred and twenty-five."

Mr. MILLER, of California. The question is whether the lieutenants shall be reduced on an appropriation bill.

The PRESIDENT *pro tempore*. The question is whether this clause shall be stricken out.

Mr. BUTLER. May I inquire what will be the effect of striking out?

The PRESIDENT *pro tempore*. It takes the clause from the bill.

Mr. MILLER, of California. It leaves the law as it is now.

Mr. HALE. It leaves no reduction of the lieutenants if these words are stricken out. On my motion the number was made two hundred and twenty-five.

Mr. ANTHONY. Two hundred and eighty is the present number. The yeas and nays were taken.

Mr. SAWYER. I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were here, I should vote "nay."

The result was announced—yeas 24, nays 33; as follows:

YEAS—24.

| | | | |
|-----------------|--------------------|-------------------|-----------|
| Anthony, | Conger, | Hawley, | Platt, |
| Bayard, | Davis of Illinois, | Jonas, | Sherman, |
| Blair, | Farley, | Jones of Florida, | Vest, |
| Butler, | Gorman, | Mahone, | Voorhees, |
| Call, | Grover, | Miller of Cal., | Williams, |
| Cameron of Pa., | Hampton, | Morgan, | Windom. |

NAYS—33.

| | | | |
|------------------|----------|------------|------------|
| Aldrich, | Ferry, | Logan, | Rollins, |
| Allison, | Frye, | McDill, | Saulsbury, |
| Beck, | George, | McMillan, | Saunders, |
| Brown, | Hale, | Maxey, | Slater, |
| Cameron of Wis., | Harris, | Morrill, | Van Wyck, |
| Chilcott, | Ingalls, | Pendleton, | Walker. |
| Cockrell, | Jackson, | Plumb, | |
| Coke, | Kellogg, | Pugh, | |
| Dawes, | Lapham, | Ransom, | |

ABSENT—19.

| | | | |
|------------------|-------------------|------------------|-----------|
| Camden, | Groome, | Johnston, | Mitchell, |
| Davis of W. Va., | Harrison, | Jones of Nevada, | Sawyer, |
| Edmunds, | Hill of Colorado, | Lamar, | Sewell, |
| Fair, | Hill of Georgia, | McPherson, | Vance. |
| Garland, | Hoar, | Miller of N. Y., | |

So the amendment was rejected.

Mr. BAYARD. On page 22, line 520, after the word "contractor," I move to strike out the words, "but shall in all things be subject to the order and direction of said Secretary."

As the words stand they will make the naval advisory board subject to the order and direction of the Secretary of the Navy.

Mr. HALE. I do not think those words ought to be there. I have no objection to their going out.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

The amendment was agreed to.

Mr. BAYARD. I now move, on page 39, line 13 of section 3, after the words "waiting orders," to strike out "or on furlough."

Mr. HALE. I hope that will not be done.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. BAYARD. I ask for the yeas and nays.

Mr. HARRIS. What effect will the amendment have?

Mr. GEORGE. I should like to have an explanation of the effect of this amendment.

Mr. BAYARD. I will state—

The PRESIDENT *pro tempore*. Is there objection to the Senator from Delaware giving an explanation of the amendment?

Mr. HALE. If he does I shall wish to say something.

Mr. BAYARD. I have been absent from the Senate attending to duty elsewhere, and I forgot that the hour had arrived for voting without debate.

Mr. HALE. I am not objecting to the Senator's stating the force of the amendment, provided I may briefly reply. ["All right."]

The PRESIDENT *pro tempore*. There being no objection, the two Senators will be allowed to be heard on this amendment.

Mr. BAYARD. The Senate will observe that this part of the bill is novel. It provides that—

No officer of the Navy whose pay is appropriated for in this bill shall be employed on any shore duty unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue; and all other officers, when not at sea, shall be placed on leave of absence or waiting orders or on furlough, as the Secretary of the Navy may deem required by due economy and the public interests.

The condition of our Navy now is that when an officer is at sea he is held up in the Senate to opprobrium because there are too many on the ships, and yet when he stays on shore he may be placed on half pay at the discretion of the Secretary by being placed on furlough. Leave of absence gives a man three-fourths, waiting orders gives a man two-thirds pay, while furlough gives a man half-pay.

I have known after investigations have been made in times gone by in the Navy Department that the officers who had given testimony displeasing to their official superiors were disgraced by their reduction to half pay by being placed on furlough, and they have had to engage in trade for their support. I do not see why this discretion should be given to place an officer or a class of officers on half pay. There is no getting over the fact that throughout this bill there is an evident animus against the *personnel* of the Navy. It is sought to be lessened in numbers, shortened in proportions, and constrained in its action, because there are not ships enough to give them employment where ships ought to be employed. Whose fault is that? Are the officers of the Navy in fault? Have they deteriorated in character or professional accomplishment? Not at all. No one who knows them, no one who takes the standard of graduation at the academy, but will say that there is rather more required in point of scientific acquisition than ever before. But because there has been a maladministration of naval affairs, because the ships have been allowed to go to nothing and have never been replaced, and because the great expenditures have been wasted, and because the officers have been continued to be graduated, and therefore the *personnel* of the Navy is large, I do not think it well or wise to cripple the other head because one has been crippled, and to bring down the number and character of the *personnel* because the ships are wanting.

Therefore it is that I do not wish to see the officers, however numerous they may be, left to the discretion of one man or one set of men, and put on shore pay, or leave of absence, or waiting orders, or reduced to furlough. There has been a discrimination heretofore, as I have heard; I do not want it to occur again, and therefore I do not see why an officer should be placed on furlough. I think putting him on leave of absence or waiting orders is quite sufficient, without

putting him on half pay. It is understood that to many of these men a condemnation to half pay is a condemnation to great suffering. There are others to whom a furlough is an absolute relief, because they have other pursuits or other professions, and they can go on and make more than they can make in the Navy; but, on the other hand, I have been informed of many cases of great personal hardship and suffering from reduction of pay.

Mr. HALE. Mr. President, there is no such issue raised here in the bill as that which disturbs the Senator from Delaware. Furlough and furlough pay are recognized not as punishment, not as disgrace, but as one of the grades of pay, and the lowest.

In section 1442 of the Revised Statutes it is provided that—

The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy.

Pay goes to officers of the Navy in this order: sea pay, shore-duty pay, leave or waiting-orders pay, and furlough pay. The object of this provision, which reads thus—

No officer of the Navy whose pay is appropriated for in this bill shall be employed on any shore duty unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue—

is in some degree to try to limit what has grown up to be almost universal in the Navy. When a naval officer comes in from sea he desires to be put upon the highest pay, no matter what he is doing. It has been found that there are not places enough for this highest pay.

The law recognizes three grades of pay, shore duty, waiting-orders, and furlough; but the returns of the Department show that while nine hundred and thirty-four officers are on sea duty, even a larger number are on shore duty, and it is difficult to find anything for them to do. The grades of pay are as follows: For a rear-admiral, \$6,000 on sea, \$5,000 on shore duty, \$4,000 on waiting orders, and half pay or \$3,000 on furlough. Everybody pushes to get on shore duty, and almost everybody gets on shore duty, as the returns show.

All that this provision which has excited enmity provides is that if the Secretary can find and can certify that there is a duty actually to be performed that entitles a man to shore-duty pay, he shall be put on it, and then the rear-admiral will get \$5,000 instead of \$6,000, and the commodore will get his \$4,000 instead of \$5,000, and the commander will get his \$3,000 instead of \$3,500, but if he cannot certify and cannot find this increased pay with a duty accompanying it, all it prescribes is that in the discretion of the Secretary they shall be put—where? On one of the three remaining pays; that is, leave-of-absence, waiting-orders, or furlough. That is all there is of it. It simply provides that all these different pays may be adapted to the needs of the Navy as the Secretary shall determine. There is no punishment about it. You may say that a man who is on waiting-orders pay is punished because he does not get as much pay as the man who is on shore duty, but it is not as a punishment, and anybody who invokes any instance in the past where there has been favoritism granted is simply dealing *ad hominem* with the case, and is not considering the broad principles that underlie this provision.

It is a good provision. It is intended if there is duty of this higher grade for the naval officer on shore to perform, that he shall be sent there; and if he cannot, and the Secretary cannot so determine and cannot so certify, then he will be put on leave-of-absence or waiting-orders, or furlough pay, if there is nothing else for him to do. The idea of punishment is artificial and got up; there is no intention of the kind. With that, I leave it to the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

Mr. BAYARD. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. MILLER, of New York. I am paired with the Senator from Maryland, [Mr. GROOME.]

The result was announced—yeas 27, nays 26; as follows:

YEAS—27.

| | | | |
|----------|-----------------|-------------------|------------|
| Anthony, | Cameron of Pa., | Ingalls, | Pugh, |
| Bayard, | Farley, | Jackson, | Saulsbury, |
| Beck, | George, | Jonas, | Vest, |
| Blair, | Gorman, | Jones of Florida, | Voorhees, |
| Brown, | Hampton, | Mahone, | Walker, |
| Butler, | Harris, | Morgan, | Williams, |
| Call, | Hawley, | Platt, | |

NAYS—26.

| | | | |
|------------------|--------------------|-----------|-----------|
| Aldrich, | Davis of Illinois, | Logan, | Rollins, |
| Allison, | Dawes, | McDill, | Sherman, |
| Cameron of Wis., | Ferry, | McMillan, | Slater, |
| Chilcott, | Frye, | Maxey, | Van Wyck, |
| Cockrell, | Hale, | Morrill, | Windom, |
| Coke, | Jones of Nevada, | Plumb, | |
| Conger, | Kellogg, | Ransom, | |

ABSENT—23.

| | | | |
|------------------|-------------------|------------------|------------|
| Camden, | Grover, | Lamar, | Pendleton, |
| Davis of W. Va., | Harrison, | Lapham, | Saunders, |
| Edmonds, | Hill of Colorado, | McPherson, | Sawyer, |
| Fair, | Hill of Georgia, | Miller of Cal., | Sewell, |
| Garland, | Hoar, | Miller of N. Y., | Vance, |
| Groome, | Johnston, | Mitchell, | |

So the amendment was agreed to.

Mr. BAYARD. On page 23, line 552, I propose to insert between the words "proper" and "notice" the word "public;" so as to read:

Before any of the vessels hereby authorized shall be contracted for or commenced the Secretary of the Navy shall, by proper public notice, invite all engineers and mechanics of established reputation, and all reputable manufacturers of vessels, steam-engines, boilers, and ordnance, &c.

Mr. HALE. I have no objection to that.

The amendment was agreed to.

Mr. BAYARD. Would the Senator object to my modifying the amendment so as to say "by proper public advertisement and notice?"

Mr. HALE. It amounts to the same thing.

Mr. BAYARD. Then I move to insert the words "advertisement and" before "notice."

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 138) for the relief of James Burke;

A bill (S. No. 346) to provide for the disposition of the Fort Larned military reservation;

A bill (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott;

A bill (S. No. 356) for the relief of the widow of George W. Flood;

A bill (S. No. 412) for the relief of Joab Spencer and James R. Mead; and

A bill (S. No. 1959) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation in Arizona.

The message also announced that the House had passed a joint resolution (H. R. No. 280) authorizing the Secretary of War to loan tents to the Washington Light Infantry Corps; in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. No. 126) to reimburse the Creek orphan fund.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library.

The message further announced that the House had passed the bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 6722) to regulate the carriage of passengers by sea; and it was thereupon signed by the President *pro tempore*.

AMENDMENTS TO BILLS.

Mr. VANCE, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported an amendment intended to be proposed to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BROWN and Mr. PLUMB submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 5812) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

LOAN OF TENTS TO WASHINGTON LIGHT INFANTRY.

Mr. LOGAN. I ask to take from the table the joint resolution just received from the House of Representatives in reference to loaning tents to the Washington Light Infantry Corps, so that it may be considered now.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the House bills on his table, if there be no objection.

Mr. ALLISON. Let the sundry civil bill be taken up and then I will yield. ["Agreed!"]

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 280) authorizing the Secretary of War to loan tents to the Washington Light Infantry Corps.

Mr. LOGAN. I ask that it be passed at once.

The joint resolution was read three times, and passed.

FORT BENTON MILITARY RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R.

No. 5222) to restore the Fort Benton military reservation to the public domain, and for other purposes.

Mr. FARLEY. I ask that the bill be put upon its passage.

Mr. COCKRELL. I will state that the Committee on Military Affairs has reported favorably a bill of the same title, which I have compared with the House bill, and they are *verbatim* the same. The Senate bill was unanimously reported by myself from the Committee on Military Affairs, and is now on the Calendar.

The bill was read three times, and passed.

Mr. COCKRELL. I now move that the bill (S. No. 1499) to restore the Fort Benton military reservation to the public domain, and for other purposes, be indefinitely postponed, so as to be taken off the Calendar.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. No. 660) for the relief of Samuel Chase Barney was read twice by its title, and referred to the Committee on Naval Affairs.

UMATILLA INDIAN RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes, which was, in section 6, line 1, to strike out "three thousand" and insert "one thousand five hundred."

Mr. SLATER. I move that the Senate concur with the House in the amendment.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. ALLISON. I will say to Senators that I think for the facilitation of our business it is important that we should proceed with this bill until it is concluded, without interruption.

Mr. JONES, of Florida. To-night?

Mr. ALLISON. I do not say to-night, but I hope the bill can be concluded to-morrow. I will not ask the Senate to sit to-night upon the bill, if we can go on with it for a couple of hours now.

I wish to say in the beginning that this bill simply appropriates for the necessary operations of the Government. There are no questions involved in it such as were involved in the naval bill, no question of reorganization, and the Senate Committee on Appropriations has eliminated as far as possible all clauses looking to legislation. Therefore I ask in the beginning that, in order to facilitate this bill, Senators will agree by unanimous consent that the five-minute rule of debate may be applied to it. I hope there will be no objection to that.

Mr. JONES, of Florida. If it be true, as stated by the Senator, that there is no matter of controversy involved in this bill, no legislative provisions likely to lead to discussion, why the necessity of applying the five-minute rule?

Mr. ALLISON. I have no wish other than what is common to Senators. We are all interested in getting away from here as soon as the public business is completed, and I trust there will be no objection to the proposition I make.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the five-minute rule of debate be applied to this bill and all amendments to it. Does the Chair hear any objection?

Mr. VAN WYCK. I think I shall have to object.

The PRESIDENT *pro tempore*. The Senator from Nebraska objects.

Mr. ALLISON. I have a word of explanation to make on the bill as it came from the House.

The PRESIDENT *pro tempore*. Did the Chair understand the Senator from Nebraska as objecting to the five-minute rule?

Mr. VAN WYCK. Yes, sir; but I withdraw my objection.

The PRESIDENT *pro tempore*. The Senator from Nebraska withdraws his objection. The Chair hears no objection to the proposition of the Senator from Iowa, that the five-minute rule of debate be applied to this bill and all amendments to it.

Mr. MORGAN. I renew the objection.

The PRESIDENT *pro tempore*. The Senator from Alabama renews the objection.

Mr. ALLISON. Well, Mr. President, I shall be obliged then to go on the best way I can with this bill. I ask unanimous consent that the formal reading of the bill may be dispensed with, that the amendments of the Committee on Appropriations may be considered first, and that they may be acted on as the reading progresses.

The PRESIDENT *pro tempore*. Is there objection to the suggestion of the Senator from Iowa, which is to read the bill in the usual way with appropriation bills, acting on the amendments of the Committee on Appropriations as they are reached in order in the reading; and after the amendments of the committee are gone through with, the bill will be open to individual amendments? The Chair hears no objection.

Mr. ALLISON. The bill as it came from the House appropriated \$23,976,783.66. The Senate Committee on Appropriations have added to that sum \$1,788,040.83, so that the total amount of the bill as reported to the Senate is \$25,764,824.49. This is a general statement. I have a detail of the reductions and of the increases made by the committee, but I will not trouble the Senate now by reading it.

Mr. BROWN. Will the chairman of the committee state how that compares in the aggregate with last year's bill?

Mr. BECK. I hope the chairman will file that statement of reductions and increases with the Reporter, so as to have it go into the RECORD in the morning.

Mr. ALLISON. I will have it put in the RECORD, so that it may be read in the morning by Senators. This bill as reported exceeds the bill for 1882, the fiscal year just closed, \$3,672,630.37. I have here a statement, which I will file with the Reporter, showing the general nature of the increases. They are for a half dozen items which will be fully explained if the Senate will take the trouble to read the suggestions I shall file with the Reporter for insertion in the RECORD.

The statements referred to are as follows:

| SUNDRY CIVIL APPROPRIATION BILL. | |
|---|-----------------|
| Amount of estimates for 1883..... | \$23,312,259 01 |
| Amount of bill as passed the House..... | 23,976,783 66 |
| Increase made by the Senate committee..... | 1,788,040 83 |
| Total amount as reported to the Senate..... | 25,764,824 49 |

| | |
|---|--------------|
| The bill as reported less than estimates..... | 567,434 52 |
| The bill as reported exceeds act of 1882..... | 3,672,630 37 |

The items of increase and reduction made by the Senate committee are as follows:

| Increase. | |
|--|-------------|
| French and American claims commission..... | \$10,000 00 |
| International monetary conference commission..... | 27,000 00 |
| Books for Department of State..... | 300 00 |
| Building at Harrisonburgh, Virginia..... | 25,000 00 |
| Building at Abingdon, Virginia..... | 25,000 00 |
| Building at Marquette, Michigan..... | 50,000 00 |
| Building at Brooklyn, New York..... | 300,000 00 |
| Building at Jersey City, New Jersey, grounds..... | 4,000 00 |
| Building at Chicago, Illinois, repairs..... | 31,000 00 |
| Building at Buffalo, New York, repairs, &c..... | 57,500 00 |
| Building at Nashville, Tennessee..... | 1,500 00 |
| Marine hospital at Key West, Florida, completing sea-wall..... | 3,000 00 |
| Life-Saving Service..... | 45,800 00 |
| Steam-launch at Galveston, Texas..... | 8,000 00 |
| Expenses of engraving and printing..... | 75,000 00 |
| Expenses of buoyage..... | 25,000 00 |
| Lighting and buoyage, Mississippi, Missouri, and Ohio Rivers..... | 10,000 00 |
| Lighted buoys..... | 25,000 00 |
| Range-lights at mouth of Patuxent River, Maryland..... | 25,000 00 |
| Steam fog-signal on Lime Point, harbor San Francisco..... | 8,000 00 |
| Rebuilding light-house at San Blas, Florida..... | 25,000 00 |
| Steam tender, Atlantic coast..... | 60,000 00 |
| Coast and Geodetic Survey..... | 16,000 00 |
| Recoinage of uncurrent minor coins..... | 1,000 00 |
| First National Bank of New Orleans..... | 28,173 58 |
| Execution of provisions of Chinese treaty..... | 5,000 00 |
| Reimbursement of Bitting & Davidson..... | 4,595 00 |
| State of Nebraska, balance certified to be due..... | 4,281 60 |
| Charles Osborn, amount of judgment..... | 169 64 |
| Powers and Mabry, audited account..... | 89 01 |
| Heirs of George C. Johnson..... | 10,510 00 |
| National Board of Health..... | 2,750 00 |
| Paving sidewalk north front of Executive Mansion..... | 500 00 |
| Improving drainage of the Executive Mansion..... | 10,000 00 |
| Furniture, &c., north wing State, War, and Navy Department building..... | 80,000 00 |
| Elevator for Winder building..... | 7,500 00 |
| Military telegraph to island of Nantucket..... | 25,000 00 |
| Military telegraph to connect Fort Mackinac with island of Mackinac..... | 15,000 00 |
| One superintendent of national cemeteries..... | 720 00 |
| Charts of northern and northwestern lakes..... | 12,000 00 |
| Official Records War of the Rebellion..... | 3,300 00 |
| Barracks at Fort Leavenworth..... | 47,000 00 |
| Quarters at Fort Leavenworth..... | 41,211 00 |
| Quartermaster's depot at Saint Paul, Minnesota..... | 48,500 00 |
| Sea-wall west side of Governor's Island..... | 9,000 00 |
| Dry-dock at Mare Island, California..... | 50,000 00 |
| Navy-yard at New London, Connecticut..... | 25,000 00 |
| New naval observatory..... | 75,000 00 |
| United States Naval Academy, plans for rebuilding..... | 3,000 00 |
| Naval Museum of Hygiene..... | 7,500 00 |
| Norwegian bark Vasa, payment of damages to..... | 133 00 |
| Repairing bridge at Annapolis..... | 3,000 00 |
| Repairing wharf on Coasters' Harbor Island..... | 5,000 00 |
| Removal of remains of Lieutenant-Commander De Long and companions..... | 25,000 00 |
| Elevator for Interior Department building..... | 7,500 00 |
| Building for Pension Bureau, erection of..... | 150,000 00 |
| Surveyor-general's office, Dakota, contingent..... | 500 00 |
| Surveyor-general's office, Montana, contingent..... | 500 00 |
| Expenses of swamp-land agents..... | 5,000 00 |
| Registers and receivers of district land offices..... | 20,000 00 |
| Incidental expenses of district land offices..... | 17,000 00 |
| Eastern band of Cherokees, settlement of disputes..... | 2,500 00 |
| Cherokee Nation, payment to..... | 300,000 00 |
| Additional beef for Indians, purchase of..... | 200,000 00 |
| Additional beef for Indians of Mescalero and Jicarilla agency..... | 50,000 00 |
| Columbia Institution for Deaf and Dumb..... | 8,000 00 |
| Howard University, support of..... | 8,000 00 |
| Freedmen's Hospital and Asylum, support of..... | 3,200 00 |
| Maintenance of carp-ponds..... | 5,000 00 |
| Ethnological researches..... | 5,000 00 |
| Preservation of collections, National Museum..... | 10,000 00 |
| Transferring collections from Philadelphia to Washington..... | 2,500 00 |

| | |
|---|------------|
| Salaries of judge, attorney, and marshal No. — district, Iowa | \$3,900 00 |
| Uniforms for Capitol police | 3,000 00 |
| Salary of H. H. Lemon, additional Capitol policeman | 1,100 00 |
| Church Orphanage Association, Saint John's church, District of Columbia | 6,000 00 |
| Dr. John L. Hayes, pamphlet on Angora goat | 500 00 |
| E. P. Corvaizier, services as messenger to the President | 312 00 |
| Ellen Burnside and legal representatives late Senator Burnside | 7,363 00 |
| William Lucas and Thomas S. Hickman, Senate laborers | 876 00 |
| Senate elevator, repairs, &c | 10,500 00 |
| Works of art for the Capitol, purchase of | 10,000 00 |
| B. H. Lanier, in contested-election case | 500 00 |

Total increase

2,245,783 83

Reductions.

| | |
|---|------------|
| Delegates to the electrical unit commission | 3,000 00 |
| Repairing Treasury Department building | 5,000 00 |
| Lights, beacons, &c., on Illinois, Chippewa, and other rivers | 28,000 00 |
| Light-ship, fourteen-foot bank, Delaware Bay | 30,000 00 |
| Lights, &c., Maumee Bay, Ohio | 20,000 00 |
| Fog-signal, harbor San Luis Obispo, California | 20,000 00 |
| Light-house, Little Traverse Bay, Michigan | 15,000 00 |
| Light-house at Mosquito Inlet, Florida | 30,000 00 |
| Transportation of fractional silver coins | 10,000 00 |
| Compensation in lieu of moiety | 20,000 00 |
| Unsigned national bank notes stolen from office Comptroller of the Currency | 2,500 00 |
| Books for use of the Government actuary | 250 00 |
| Library of the Treasury Department | 500 00 |
| Repairs of arsenals | 10,000 00 |
| Painting iron fences, lamp-posts, &c., public grounds | 500 00 |
| Purchase and repair of tools | 1,000 00 |
| Improvement of Smithsonian grounds | 2,000 00 |
| Improvement of various reservations | 5,000 00 |
| Improvement of reservation No. 17 | 10,000 00 |
| Maps, &c., for annual report of Chief of Engineers | 7,000 00 |
| Approaches to Fort Bliss | 5,000 00 |
| Buildings at Fort Selden, New Mexico | 100,000 00 |
| Artificial limbs and appliances | 30,000 00 |
| Improving Capitol Grounds | 50,000 00 |
| Agent, eastern band of Cherokees | 800 00 |
| Census, Cherokees East of the Mississippi | 800 00 |
| Negotiations with the Sioux Indians | 5,000 00 |
| Land for industrial school, Pawnee reservation | 2,500 00 |
| Passenger elevator for Post-Office Department | 500 00 |
| Printing for the District of Columbia | 11,350 00 |
| Printing for the Supreme Court | 9,000 00 |
| Printing for the Court of Claims | 2,000 00 |
| Additional services rendered Light-House Board | 2,925 00 |
| D. B. Johnson, one month's service in Pension Office | 118 00 |
| Surveys in Greensburgh district, Louisiana | 8,000 00 |

Total reduction

457,743 00

| | |
|----------------------------|---------------|
| Net increase | 1,788,040 83 |
| Amount of House bill | 23,976,783 66 |

Total as reported

25,764,824 49

The increase of the bill as reported over the act for 1882 is made up of the following items:

| | |
|---|--------------|
| For public buildings | \$337,000 00 |
| For Life-Saving Service | 206,600 00 |
| For Bureau of Engraving and Printing | 75,000 00 |
| For light-house establishment | 132,000 00 |
| For Coast and Geodetic Survey | 17,000 00 |
| For suppression of bigamy | 40,000 00 |
| For miscellaneous under Treasury Department | 390,000 00 |
| For armories and arsenals | 184,000 00 |
| For buildings and grounds in and around Washington | 27,500 00 |
| For furniture, carpets, &c., State, War, and Navy Department building | 80,000 00 |
| For barracks and quarters, Fort Leavenworth | 88,200 00 |
| For collecting revenues from sales of public lands | 165,000 00 |
| For surveying the public lands | 77,800 00 |
| For Geological Survey | 66,000 00 |
| For Government Hospital for the Insane | 197,000 00 |
| For Howard University, support | 15,000 00 |
| For Freedmen's Hospital, support | 8,200 00 |
| For fish and fisheries | 108,000 00 |
| For National Museum | 25,000 00 |
| For public printing | 677,650 00 |
| For National Home for Disabled Volunteer Soldiers | 172,000 00 |
| For transit of Venus, observation of, expenses | 75,000 00 |
| For Cherokee Nation, payment to | 300,000 00 |
| For sundry miscellaneous items, (net increase) | 368,680 27 |

Total increase

3,672,630 37

The Principal Legislative Clerk proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "State Department," in line 14, to increase from \$75,000 to \$85,000 the appropriation "to defray the expenses of the French and American claims commission."

The amendment was agreed to.

The next amendment was to strike out lines 15 to 19, in the following words:

For the payment of the actual and necessary expenses of the two civilian experts as delegates of the United States to an international commission for the establishment of electrical units, \$3,000.

The amendment was agreed to.

The next amendment was, after line 19, to insert:

For commission to represent the United States at the reassembling of a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, and in negotiations with reference thereto, \$25,000 and their reasonable expenses, to be approved by the Secretary of State.

For the proportion to be paid by the United States of the joint expense of said conference, \$2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 29, to insert:

For the purchase of books for the library of the Department of State, \$300.

The amendment was agreed to.

Mr. HOAR. I understand that the next dozen pages relating to public buildings are all public buildings for which both Houses of Congress have passed bills at the present session. I therefore ask unanimous consent that the Secretary may simply read the name of the place and the amount in each case, not reading the whole text, which is merely formal. That will shorten the matter.

Mr. CAMERON, of Pennsylvania. I have an amendment to propose.

The PRESIDENT *pro tempore*. There must be unanimous consent to the suggestion made by the Senator from Massachusetts.

Mr. ALLISON. I think the items had better be read. I will say in reference to all these items respecting public buildings that the House appropriated generally 50 per cent. of the estimated cost of the buildings in cases where both Houses had agreed to the bills or the propositions were in the form of laws. All the Senate bills, I believe, carried with them an appropriation, so that if Senators do not see appropriations here for a portion of the public buildings authorized at the present session, they will be found to be in cases where the bills originated in the Senate, which carried with them an appropriation. A few public-building bills passed the House of Representatives after this appropriation bill was presented to the Senate, and the committee have inserted in every case a fair proportion of the amount necessary to construct the buildings.

Mr. BECK. I wish to say that if Senators will obtain to-night before they leave House Report No. 1520, they will find a history of nearly everything contained in this bill, and it may be useful to them in the morning. It is House Report No. 1520 which contains all the documents laid before that body and that we had laid before us in connection with the items of the bill.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," in the appropriations for public buildings, in line 44, after the word "dollars," to strike out "and the same shall be built of white marble, provided the cost shall be no greater than if constructed of granite;" so as to make the clause read:

For the post-office and court-house at Baltimore, Maryland: For continuation of building, \$250,000.

Mr. GORMAN. I ask the Senator from Iowa why is that provision proposed to be stricken out?

Mr. ALLISON. The committee thought it wise not to restrict the material to be used there, and the Supervising Architect of the Treasury, who was before us, stated that he would do exactly what is proposed here if it could be done without any increase of cost.

Mr. GORMAN. Nearly all the public buildings in Baltimore are of marble, and this should correspond with the others. The citizens are very anxious that the structure should be of marble. The Supervising Architect of the Treasury wrote a letter to the Committee on Appropriations of the House saying that the provision in the bill would not embarrass him in making his contracts. I trust, therefore, the amendment will not be adopted. This requirement will not increase the cost a dollar.

Mr. ALLISON. The Supervising Architect of the Treasury thought if this provision was inserted it might embarrass him in making his contracts. I said to him, "Am I authorized to state in the Senate that this provision will be adopted in making proposals for contracts if the price will not be increased?" and he said, "Yes."

Mr. GORMAN. The architect made a very different statement to me, as well as to the Committee on Appropriations of the House.

Mr. ALLISON. I submit the question to the Senate. I do not think we had better legislate in this way, and the committee do not think so.

Mr. BECK. I desire only to add to what the chairman has said, that in regard to the Mare Island dry-dock we struck out a provision requiring it to be of granite. We ought not to impose such requirements. The Supervising Architect thought this clause might embarrass him in making his contracts, and a member of the committee who is unusually well informed in such matters concurred in what the Supervising Architect said—the Senator from West Virginia [Mr. DAVIS]—that this ought to be stricken out. It is a bad practice anywhere.

Mr. HARRIS. I do not see how the architect or anybody else can be embarrassed by such a provision. It does not compel him to build of white marble unless he can build of white marble as cheaply as of other materials. He is not bound by it, he is not embarrassed by it. I do not see the slightest possible prejudice to anybody by allowing the clause to remain in the bill just as it comes from the House. There was exactly such a provision, I think a more stringent one, in respect to the Memphis custom-house; not only requiring that the custom-house should be constructed of marble but that it should be Tennessee marble dressed upon the site of the building. I do not see any possible harm that can come from leaving the clause just as it comes from the House.

Mr. ALLISON. The illustration of the Senator from Tennessee is no reason why this provision should be retained. The provision in the Tennessee bill of two or three years ago was that the marble

should be not only Tennessee marble but that it should be cut at a quarry on the site of the building in Memphis and dressed there. Now we have to put in a provision in this very bill to repeal, practically, that proviso. If we leave these matters to the Treasury Department to exercise their proper discretion, I am quite sure no difficulty will arise.

Mr. BECK. We were told also that there were several so-called white-marble quarries in different parts of Maryland contending with each other, and that there might be trouble as to which was really white marble and which was not.

Mr. GORMAN. I think there is but one principal quarry of white marble in Maryland, from which nearly all the public buildings in Baltimore have been constructed. The citizens of Baltimore are anxious that this post-office building shall be constructed of marble if it can be done at a cost equal to that of the construction of the building of granite. The Supervising Architect who has charge of the construction of public buildings, I understand, rather prefers granite, but he has no objection (and he so stated to me and so stated in a communication to the Appropriations Committee of the House) to a provision that the building shall be constructed of marble, provided it can be constructed at an amount not exceeding the cost of granite. He said there was no objection to that, and it would not embarrass him in making the contracts. It is a matter of public taste, a matter in which I do not understand that there can be any question with the Committee on Appropriations. It is not an unusual provision, and I trust the amendment will not be adopted.

Mr. SAULSBURY. I should be glad to gratify the Senator from Maryland if I thought the public interest would be benefited by it. But a few years ago, when I was a member of the Committee on Public Buildings and Grounds, the opinion obtained that white marble was the very worst material for public buildings, especially after the fire which destroyed the public buildings in Boston; and there was then incorporated in the acts that passed the Senate a provision requiring that they should be built of brick as the most durable substance out of which public buildings could be built in case of fire. If the provision remains, whatever may be the view of the architect in reference to the durability of the material, he will be compelled to build it of white marble, though his own judgment may be that it is the very worst material. I think the matter ought to be left to the architect.

Mr. GORMAN. I trust the Senator from Delaware will not object to this clause. In the great fire in Boston, I think the Senators from Massachusetts will bear me out in stating, that there was more destruction of granite buildings than of any other class of buildings.

Mr. ALLISON. The way to secure a cheap, durable building of the best material is to leave competition open. The granite people may or may not compete in this matter if we put in a proposition here saying that it shall be built of marble if it can be built as cheaply. I think the wise thing for the Senator from Maryland is to allow the amendment to prevail, and I have no doubt the best thing will be done for the interests of the Government.

Mr. HOAR. I do not think the Boston fire showed any advantage for marble over granite. There were very few buildings of either structure in that burned district. There was no public building, as far as I now remember, but the stone buildings all crumbled alike under the influence of that heat, and the brick buildings, I believe, did a little better, but not much.

The PRESIDING OFFICER, (Mr. VOORHEES in the chair.) The question is on the amendment of the Committee on Appropriations, in lines 44, 45, and 46.

The amendment was agreed to; there being on a division—ayes 23, noes 16.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 66, to insert:

To enable the Secretary of the Treasury to purchase a site for, and cause to be commenced thereon, the erection of a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at Harrisonburgh, Virginia, \$25,000.

The amendment was agreed to.

The next amendment was, after line 72, to insert:

To enable the Secretary of the Treasury to purchase a site for, and cause to be commenced thereon, the erection of a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, at Abingdon, Virginia, \$25,000.

The amendment was agreed to.

The next amendment was, after line 78, to insert:

To enable the Secretary of the Treasury to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and internal-revenue, land, and other Government offices, at the city of Marquette, in the State of Michigan, \$50,000.

The amendment was agreed to.

Mr. CONGER. The next item in the bill is for the building at Detroit. I understood the Senator from Iowa to say that the committee had put in the appropriations for public buildings for half the amount needed to complete them.

Mr. ALLISON. I did not mean to be so understood. I said that in the case of most of the buildings half the amount of the cost was appropriated in this bill. In the case of the larger buildings the half has not been appropriated.

Mr. CONGER. There is not half of the appropriation for Detroit.

Mr. ALLISON. Not quite one-half, though nearly.

Mr. CONGER. I think it ought to be amended to put it at one-half, \$300,000.

Mr. ALLISON. If the building is to be constructed on the present site \$550,000 will be the cost; if a new site is to be procured, it will cost \$650,000. The sum appropriated in the bill is \$250,000; nearly half of the first sum.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 137, to insert:

To enable the Secretary of the Treasury to purchase a site and to commence the erection thereon of a building for the uses of the Government in the city of Brooklyn, New York, as provided by law, \$300,000.

Mr. LAPHAM. The amendment submitted by me and referred to the Committee on Appropriations asked for the sum of \$400,000. The purchase of a site in the city of Brooklyn is going to be a large item of expense, and \$300,000 will leave a comparatively small amount to be expended on the erection of the building up to the 1st of July next. I trust, therefore, that it will be increased to \$400,000, which is half the amount fixed by law as the cost of the building. I hope that will be consented to. It will be a very expensive purchase of a site, and it needs \$400,000 to enable the officers of the Government to proceed with the erection of the building.

Mr. ALLISON. I hope the amount will not be changed. We think this is an ample appropriation for the Brooklyn building. I do not know what the site will cost, probably from \$150,000 to \$200,000, but a site has not yet been purchased and probably cannot be for two or three months, and there is an ample sum here to carry up the foundations and prepare the building for the superstructure.

Mr. BECK. Another suggestion: I believe we had no information before the committee that the Legislature of New York had yet given the authority required, and it will not meet until winter. Three hundred thousand dollars is all that can be spent before the 1st of July next.

Mr. LAPHAM. I move to amend so as to increase the amount to \$400,000.

The PRESIDENT *pro tempore*. The Senator from New York moves to amend the amendment.

Mr. LAPHAM. It is very important that this should be done, and I hope there will be no objection.

Mr. JONES, of Florida. I supposed the question of jurisdiction had been set at rest; but I find it is not.

Mr. BECK. There has not been a public-building bill passed by the House that has not contained a clause requiring a cession of jurisdiction—not one.

Mr. JONES, of Florida. I beg the Senator's pardon; it ought not to be in any bill; it is an absurdity in itself.

Mr. ALLISON. That provision is in the Brooklyn bill.

Mr. BECK. It is in the Brooklyn bill and in all the other bills. The Senator from Florida cannot find one without it.

Mr. JONES, of Florida. I think I can find many.

Mr. BECK. At this session?

Mr. JONES, of Florida. Yes; a bill passed for my own town, and I did not let it go in because it was too big an absurdity.

Mr. BECK. Then the Committee on Public Buildings and Grounds has been guilty of a very great absurdity in every other bill except the one the Senator from Florida put through.

Mr. JONES, of Florida. I am not entirely responsible for it, because I have done my best to prevent it, and I think the Senator from Massachusetts [Mr. DAWES] will bear me out in what I say: that this thing is an anomaly in our system that ought not to be there. This raising of an objection to the proposition of the Senator from New York does not meet my approbation.

Mr. BECK. That clause is in the Brooklyn bill itself, and there is no absurdity in stating a fact that the bill contains it, and requires a cession of jurisdiction.

Mr. LAPHAM. The consent of the Legislature may be obtained in the first part of the month of January, and it leaves the whole of the season to the 1st of July with very little money, after purchasing a site, with which to commence the erection of a building. In most of these cases half the amount provided by the act authorizing the erection of the building has been appropriated, and this amendment I propose includes just half the amount that is named in the bill authorizing the construction of this building in Brooklyn. I hope my amendment may be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York to the amendment of the committee to strike out "three" and insert "four."

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 141, to insert:

For the post-office at Jersey City, New Jersey: For improvement of grounds, \$4,000.

The amendment was agreed to.

The next amendment was, in line 152, after the word "use," to insert "exclusive of furniture;" so as to make the clause read:

For the post-office and court-house at Philadelphia, Pennsylvania: For continuation of building, including heating apparatus, elevators, and vaults, \$400,000: *Pro-*

vided, That so much of this appropriation as may be necessary shall be applied to and expended in completing immediately and fitting up for use, exclusive of furniture, the rooms in said building intended for occupancy by the United States courts and offices connected therewith.

The amendment was agreed to.

The next amendment was, after line 154, to insert:

For custom-house building at Chicago, Illinois: For repairs and improvements to building, \$31,000.

The amendment was agreed to.

The next amendment was, in line 167, after the word "for," to strike out "completing" and insert "continuation of;" so as to make the clause read:

For the custom-house and post-office at Saint Louis, Missouri: For continuation of the building, including approaches, heating apparatus, elevators, and vaults, \$180,000.

The amendment was agreed to.

The next amendment was, in line 181, after the word "New York," to strike out "thirty thousand" and insert "eighty-seven thousand five hundred;" and in line 182, after the word "dollars," to insert "the total cost of which shall not exceed \$175,000;" so as to make the clause read:

For repairs and extension and repair of custom-house and post-office at Buffalo, New York, \$87,500, the total cost of which shall not exceed \$175,000.

The amendment was agreed to.

The next amendment was, in line 195, after the word "dollars," to insert:

Provided, That the Secretary of the Treasury shall make examination and recommendation to Congress at its next session as to the advisability of selling this property.

So as to make the clause read:

For the Bridewell dock property at Chicago, Illinois: For repairs of pavement and sidewalk around Bridewell dock property, \$3,000: Provided, that the Secretary of the Treasury shall make examination and recommendation to Congress at its next session as to the advisability of selling this property.

The amendment was agreed to.

The next amendment was, in line 207, to increase the appropriation "for the marine hospital at Key West, Florida: for completing seawall," from \$1,000 to \$4,000.

The amendment was agreed to.

The reading of the bill was continued to the following clause in lines 210 and 211:

For a marine hospital at New Orleans, Louisiana, \$100,000.

Mr. CONGER. It is a very short time since the marine hospital at New Orleans, a very costly structure, was either sold or given away, with the understanding that the kind of building there and at other places was very unsuitable for a marine hospital. I see in this bill there is no provision for the plans of a marine hospital at any of the places mentioned here.

Mr. SHERMAN. In line 214 there is.

Mr. CONGER. There is no plan here. It has been recommended by the marine hospital surgeons that a plain, simple, wooden structure be made for all these marine hospitals, what are called pavilion hospitals, made of a kind that can be used as army hospitals, that can be used for a certain length of time, and when they become infected and dangerous from the infection be destroyed and others built again. That has been the policy of the Government up to this time. There has been an effort to substitute this class of hospitals for the old marine hospitals, which have proven utterly unfit for the business for which they were intended. I should like to hear from the chairman of the committee why it is that this return to the old palace hospitals which have been abandoned for years, which have been given away by the Government or sold in the years that are passed, is authorized now without any restriction as to the kind or character of the structure.

Mr. ALLISON. In response to the inquiry of the Senator from Michigan I will say that it is the purpose and expectation that these hospitals will be built exactly as he suggests.

Mr. CONGER. I wish to ask the Senator—

Mr. ALLISON. If the Senator will have the kindness to wait a moment I will state further that on lines 214 to 219 it is provided that the sums herein appropriated shall be used not only for the erection of the hospitals but also for the purchase of sites for these hospitals, and we had the Supervising Surgeon of the Marine-Hospital Service before us. He explained to us how he intended to build these hospitals, and the plans are in exact accord with the suggestions made by the Senator from Michigan, namely, that the body of the hospital for the use of the officers and those in charge shall be built of brick and substantially fireproof; that the engines, &c., shall be in a small building adjacent, and that the hospital proper shall be in the shape of wings made of wood extending out to be enlarged from time to time or diminished from time to time, or torn down as the exigencies of the service may require.

I know in reference to the New Orleans hospital that we have expended in times past for that hospital \$560,000, and so far from its being sold my recollection is that it has not yet been sold.

Mr. JONAS. It has been offered for sale, but the Government has never received a bid.

Mr. ALLISON. It has been repeatedly offered for sale, and I believe \$20,000 was the highest bid ever made for that hospital. It is in a very poor place, and it is constructed in a way unfit for hospital

purposes. So of the hospital at Cincinnati. That hospital cost several hundred thousand dollars, and many years ago it was sold for the sum of \$70,000.

But the hospitals here provided for are to be constructed on the very plan suggested by the Senator from Michigan; I should not say suggested by the Senator from Michigan, because they are on the exact plan now ready for the construction of these buildings. In addition to that, at all these cities the Government is now paying large sums of money to private hospitals and private persons for the maintenance of sailors, so that it is considered a great economy to erect these hospitals in the four cities here provided for.

Mr. CONGER. I yielded for that explanation, and now I want to say a word more. There is, then, at New Orleans unsold—I supposed it had been sold—a building which has cost over half a million dollars, and is unfit to be a marine hospital. We have to have a new one. Now, on the plan of hospital to which I have alluded and to which the chairman of the Committee on Appropriations alludes there can be no possible reason for paying \$100,000 for any such hospital.

Mr. ALLISON. That depends upon the size of the hospital. The Supervising Surgeon of the Marine-Hospital Service told us there would be an average of sixty patients at each of these places except Cairo, and that sometimes there would be as many as one hundred and twenty, possibly one hundred and fifty, patients. You must remember that you will have to buy the ground in these large cities. There are some places where sites will not be very expensive. You must then erect substantial brick buildings for the accommodation of the officers of the hospital, the dispensary, &c., and, in my judgment and in the judgment of the Surgeon-General of the Marine-Hospital Service, these sums are not greater than will be found necessary for these purposes.

Mr. CONGER. I call the attention of the Senate to this matter. We want a reasonable building for the officers and for the medical stores, and all that is required in that line will be supplied in the brick building; and with any reasonable price for a site in these cities, where we already really have sites for these buildings or for the old ones, it does seem to me, from my examination of this subject, which was very full, some years ago, that it cannot be pretended that a building or several buildings suitable for a hospital proper would require anything like this sum. This plan has been recommended time and again, especially in southern regions where the climate is warm and where the exposure to cold does not exist. There the cheaper and more simple the hospital building is the less expensive it would be, and it could be even destroyed after it had been for a time subject to infection. A one-story wooden building, running in different directions on the ground, that could be burnt or removed or torn down in a few years after it had gathered infection, has been recommended as adapted for that purpose. If that be so, there can be no possible reason for the expenditure in a few places of \$100,000 for marine hospitals and leave scores of places in the United States, hundreds of them, where they are just as necessary, without any hospital at all.

I have called the attention of the chairman and of the Senate to this matter. I will not make any motion in regard to either of these places, but I had hoped that when appropriations were made for this purpose again they would be for reasonable, proper construction, inexpensive, subject to be destroyed and rebuilt, and that thus the benefit of marine hospitals might be extended to scores of other places where there are none now and where sailors are compelled to be kept by contract in whatever kind of buildings the contractors may please to put them.

Why, sir, of the marine-hospital fund in the Treasury of the United States there are some millions of dollars unexpended now, taken out of the wages of the sailors, lying in the Treasury, and the great expense which has been made in building these great palace hospitals has prevented the building in a great many places of the necessary hospitals for the comfort of the sailors with their own money. It is time this was changed and stopped, and I regret very much that we are about entering upon another system of expensive hospitals which shall absorb the sailors' money and confine the benefit of them to a few places.

Mr. JONES, of Florida. I should like to ask, for information, if the money which enters into the construction of these buildings came out of the sailors' hospital fund?

Mr. ALLISON. Not at all; it comes out of the funds of the United States.

Mr. JONAS. The argument of the Senator from Michigan is that these hospitals should be built of a temporary character, so that they can be torn down and destroyed whenever they are infected. I do not see why marine hospitals should not be erected in cities, provided they may be necessary, so that they may last for years and be able to accommodate sick sailors who are sent to them for care.

Why, Mr. President, we have in the city of New Orleans a great charity hospital, built some forty years ago. It accommodates from seven to eight hundred patients, and it has passed through eight or ten epidemics of yellow fever, cholera, and small-pox. All infectious diseases are sent there, and yet the hospital is easily disinfected. It is always kept in a perfectly healthy condition, and always ready for the reception of patients, whether sailors or people on shore. There is no difficulty in the world in disinfecting the building, and there is no difficulty in keeping up and maintaining a permanent hospital.

The trouble was that the marine hospital built in New Orleans by the Government was totally unfit for the purpose. It was a total failure, and never has been fit for use since the day it was erected, a great mass of iron without ventilation. It has been worthless from the very moment it was erected. The Government for several years has been trying to sell it for old iron. The difficulty is in the original erection of the building. There is no reason why marine hospitals cannot be built which can be disinfected and kept in a healthy condition without being destroyed after an epidemic has passed over.

Mr. BECK. We perhaps spent more time in committee over these four hospitals than over any one item of the bill, and we ascertained that it required about \$100,000 each to erect that character of building that the Senator from Michigan has described; but we have to build at each one of these places a permanent building, say of four saloons and a hall and office and dispensary and reception-room on the first floor, and then above four other rooms for offices. Then we have to build a heating-room and other places, besides the building he described.

Dr. Hamilton appeared before us and told us what would be the cost of the ground. Of course it is cheaper than the sites for other buildings, because they are put in an out-of-the-way place, and the site is not so costly. One hundred thousand dollars is a very economical sum, for which we expect to erect a plain, permanent hospital building, with temporary barracks or bunks, or whatever they may be called, to be removed and burnt whenever any epidemic has infected them.

We spent at Cincinnati in the old hospital we had \$230,000 and afterward had to sell it for \$75,000. There were 2,000 patients in Cincinnati last year, and many had to be sent to Louisville and elsewhere for want of accommodations. The building we own in New Orleans, as stated by the Senator from Louisiana, is totally unfit for use. We paid \$590,000 for it, and it is yet unfinished. We paid \$150,000 for repairs, offered it for sale, and the highest offer was \$19,000. It was begun in 1865. We have no hospital in Baltimore, but there are from forty to fifty men on an average sent to the hospitals there every day, and we have to contract the best we can and send them wherever accommodations can be obtained for them. At Cairo we have from thirty-five to forty on the average, and are obliged to have a building.

After thorough examination of Dr. Hamilton as to the cost and necessity, we were perfectly convinced that we could not erect these buildings for less than \$100,000, and we have put them only at points where we are obliged to have them.

Mr. JONES, of Florida. If this money were to come out of the fund made up by the contributions of the seafaring men of the United States, I would not vote for it; but that has not been my understanding. I understand that the money contributed by the seafaring men of the United States to the marine-hospital fund is to enable the United States Government to furnish them care and attention when in hospital, but not for the purpose of constructing buildings.

Mr. ALLISON. That is so.

The PRESIDENT *pro tempore*. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 217, after the word "same," to insert "including the purchase of sites for the same;" so as to read:

For a marine hospital at Cairo, Illinois, \$60,000. And the sums respectively appropriated for the four hospital buildings are in full in each case for the completion of the same, including the purchase of sites for the same, and their cost is hereby limited to the sums in each case herein provided.

The amendment was agreed to.

The next amendment was, in line 222, to reduce the appropriation "for the Treasury building at Washington, District of Columbia: for annual repairs to the Treasury building," from \$20,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in line 228, to increase the appropriation "for the custom-house, court-house, and post-office building at Nashville, Tennessee: to complete certain work upon the building and approaches," from \$4,500 to \$6,000.

The amendment was agreed to.

The next amendment was, in line 252, after the word "dollars," to insert "the same to be expended on plans to be made and approved by the Supervising Architect of the Treasury and the Architect of the Capitol;" so as to make the clause read:

To enable the Commissioner of Agriculture to erect a suitable brick building to be used for storing, packing, and shipping seed, \$25,000, the same to be expended on plans to be made and approved by the Supervising Architect of the Treasury and the Architect of the Capitol.

Mr. MORRILL. I move to amend the amendment by adding:

But the building shall not be erected upon the public park.

It seems to me radically wrong to cover the park all over with these temporary buildings, and I am somewhat surprised to learn that more room is needed for these seeds; but I suppose it is needed.

Mr. ALLISON. I quite agree with the Senator that we do not want to cover the park with buildings, but I would ask him where he proposes to erect this building?

Mr. MORRILL. Land in that neighborhood is very cheap. You can buy land enough to put up a building sufficient to distribute four times the amount of seed that is distributed here.

Mr. ALLISON. I trust the Senator, when he undertakes to amend this so that the building shall not be erected on the grounds now used by the Agricultural Department, will suggest some place where it can be put and insert a provision for purchasing the ground.

Mr. MORRILL. I suppose that the Commissioner, if he was authorized to erect this building, would find a place. When we put up the building for the Bureau of Engraving and Printing we purchased the ground for fifty cents a foot.

Mr. ALLISON. I think we had better leave this matter stand as the committee reported it. I think we can arrange so as not to disturb the public park.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Committee on Appropriations.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 265, after the word "appropriation," to insert "of \$25,000;" so as to read:

That the paragraph in the act approved March 3, 1879, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, which authorizes the purchase of land adjoining the site of the custom-house and post-office building at Fall River, Massachusetts, is hereby amended by adding thereto the words "and the Secretary of the Treasury is hereby authorized to acquire said land by private purchase or by condemnation; and the appropriation of \$25,000 in said paragraph is hereby continued and made available, and in addition thereto the further sum of \$15,000 is appropriated for the purchase of said land."

The amendment was agreed to.

The next amendment was in line 272, after the word "condemnation," to strike out "under the laws of the several States in which said buildings and light-houses are to be erected;" so as to make the clause read:

And it is further provided that the Secretary of the Treasury is authorized to acquire, by private purchase or by condemnation, the necessary lands for the public buildings and the light-houses to be constructed and for which money is appropriated by this act.

Mr. SAULSBURY. I should like to inquire of the chairman of the Committee on Appropriations what is the object of striking out the provision of the House bill requiring the condemnation to be under the laws of the several States where the land is to be obtained?

Mr. ALLISON. It is the custom of the Committee on Appropriations where matters of legislation are concerned involving important questions to formally take the views of the committees having charge of that class of questions. So this clause was referred to the Committee on the Judiciary, and that committee recommended that this provision be stricken out, for the reason that the Supreme Court has decided that it is unnecessary to condemn this property under the laws of the States; that the United States has the same power of condemning property as the States have.

Mr. SAULSBURY. Whatever may be the decision of the Supreme Court about it, whether it is law or not law, I would prefer to have the rights of the States respected so far that any act of condemnation should be under the laws of the States. While it may be strictly within the power of the General Government to condemn land under its own laws without reference to the laws of the States, I have myself so much respect for the States of this Union that I prefer that the condemnation, if there is to be any condemnation, should be under the laws of the respective States where the land is to be taken.

Mr. ALLISON. If the Senator from Delaware will read the decision in 1 Otto, page 367, he will find the case very clearly presented. Besides, we were informed that a number of the States have no laws of condemnation at all. The State of Massachusetts has none.

Mr. DAWES. We have a law of condemnation of property for highways.

Mr. ALLISON. But not for public buildings. The decision of the Supreme Court is distinct and clear on the question. There ought to be no trouble about it.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "life-saving stations," in line 284, to increase the item for the salary "of one assistant superintendent on the coasts of Rhode Island and Long Island, who may hereafter reside in any portion of the State of Rhode Island," from \$500 to \$1,000.

The amendment was agreed to.

The next amendment was, in line 311, after the word "disaster" to insert "or in any effort to save life;" so as to read:

For pay of crews of surfmen employed at the life-saving and life-boat stations during the period of actual employment; compensation of volunteers at life-saving and life-boat stations, for actual and deserving service rendered upon any occasion of disaster or in any effort to save life, at such rate, not to exceed \$10 for each person, as the Secretary of the Treasury may determine.

The amendment was agreed to.

The next amendment was, in line 325, to increase the total amount of the appropriation "for pay of crews of surfmen employed at the life-saving and life-boat stations, during the period of actual employment," &c., from \$560,000 to \$580,000.

The amendment was agreed to.

The next amendment was, after line 326, to insert:

To replace life-saving medals provided for by section 7 of the act of July 20, 1874, which have been stolen from parties upon whom they have been bestowed or have been lost without fault on their part, \$300, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, in line 337, to increase the appropriation "for establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States" from \$25,000 to \$50,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "revenue-cutter service," in line 357, after the word "of," to strike out "a steam-launch" and insert "two steam-launches;" and in line 358, after "Alabama," to strike out "eight" and insert "and Galveston Harbor, Texas, sixteen;" so as to make the clause read:

For the construction of two steam-launches for service in Mobile Harbor, Alabama, and Galveston Harbor, Texas, \$16,000.

The amendment was agreed to.

The next amendment was, under the head of "engraving and printing," in line 377, to increase the total amount of the appropriation "for labor and expenses of engraving and printing" from \$325,000 to \$400,000.

The amendment was agreed to.

The next amendment was, before the word "year," in line 380, to strike out "current;" so as to read:

And the Secretary of the Treasury shall, at the next session of Congress, submit for the year thereafter commencing July 1, 1883, an itemized estimate for the above service, and, so far as practicable, for the force of employés that can be individually and specifically appropriated for; and shall also estimate for the force that cannot so be appropriated for; and for material in separate amounts, and itemized as far as practicable.

The amendment was agreed to.

The next amendment was, under the head of "light-house establishment," in line 400, to increase the appropriation "for expenses of buoyage: for expenses of raising, cleaning, painting, repairing, removing, and supplying losses of buoys, spindles, and day-beacons, and for chains, sinkers, and similar necessities," from \$325,000 to \$350,000.

The amendment was agreed to.

The next amendment was, in line 428, to increase the appropriation "for lighting and buoyage of the Mississippi, Missouri, and Ohio Rivers: for maintenance of lights and buoys on the Mississippi, Ohio, and Missouri Rivers, and at the mouth of Red River, Louisiana," from \$140,000 to \$150,000.

The amendment was agreed to.

The next amendment was, after line 429, to strike out:

That the jurisdiction of the Light-House Board be, and is hereby, extended over the Illinois, Great Kanawha, Tennessee River, the Saint Croix River in the States of Wisconsin and Minnesota, and the Chippewa River in the State of Wisconsin, and over the Red River in Louisiana, for the establishment of such lights, day-beacons, and buoys as may be necessary for the use of vessels navigating those streams. And the Light-House Board is hereby authorized to lease the necessary ground for all such lights as are used to point out changeable channels, and which in consequence cannot be made permanent. To carry into effect the foregoing, the sum of \$38,000, to be used as follows: on the Illinois River, \$2,000; on the Great Kanawha River, \$8,000; on the Tennessee River, \$15,000; on the Saint Croix and Chippewa Rivers, \$3,000; and on the Red River in Louisiana, \$10,000.

Mr. CAMERON, of Wisconsin. I ask the Senator from Iowa who has charge of the bill why the committee propose to strike out that portion of the bill commencing with line 430 down to and including line 447. I refer particularly to the rivers Saint Croix and Chippewa. The commerce on those rivers is very large. The commerce on the Chippewa River during the last year exceeded in value \$8,000,000.

I do not know whether lights and buoys are necessary or not, but I simply desire to state that the commerce is very large, and if that commerce can be facilitated by the use of buoys and lights, they are very cheap, and I hope the committee will not insist on striking out this portion of the bill.

Mr. ALLISON. It is true that the commerce on the Chippewa is very large, but it is rather of a special character, as the Senator from Wisconsin knows very well. These streams are important local rivers, but if we undertake to extend the lighting service beyond the great rivers of our country we cannot stop anywhere; we must light every stream in the United States.

While the expense of lighting any one of these rivers of course is not very great, yet when you come to expand it and extend it over all the rivers of the United States the expense will necessarily be very large. The committee therefore thought it wise not to extend the system beyond the three great rivers now included in lighting the Mississippi Valley.

Mr. MORGAN. I have the authority of an eminent engineer for saying that the Tennessee River is a better navigable stream than the Ohio River. The commerce of the Tennessee River is by no means special. That river runs through a very important grain country. I cannot understand why the committee should retain the lighting of the Ohio River and strike out the Tennessee. My opinion is that if the Tennessee River had the same advantages in the care of the Federal Government that the Ohio River has had and enjoys now, the commerce of this country would be very greatly increased.

More than that, the Tennessee is a river which is somewhat dangerous in its navigation. It has several important difficulties to navigation to overcome. I think when we are providing a light-system for navigation we should take into consideration the dangers of navigation and make our appropriations accordingly. If all the remainder of the House provision should be stricken out, I would insist upon retaining the Tennessee River as a river that is worthy of the consideration of Congress.

Mr. ALLISON. The Tennessee River is, I think, the most important of the streams named, but it falls into the Ohio. I cannot think the Tennessee River is greater than the Ohio River.

Mr. MORGAN. I did not say that the commerce is greater, but I say it would be quite as great if the same advantages were given.

Mr. ALLISON. We have been pretty liberal and kind to the Tennessee River, I will state to my friend. If he will glance at the river and harbor bill, which he votes for generally, I believe he will discover that the Tennessee River has been very well cared for in that direction.

Mr. MORGAN. The river and harbor bill is kind to everybody, particularly to those who do not need it, and to a great many who do not deserve it; but if we extend the light system over any streams at all, by comparison I think that the Tennessee River is quite as deserving as the Ohio River. I understand that one of the objects of Congress in all this matter of controlling navigation is to increase the commerce of the country rather than to retard it, and to do justice rather than to make special cases and selections for our preferences. Really there is no reason at all why the Ohio River should be provided for and the Tennessee River left out. If the committee would strike out the Ohio River it would be all right. The Tennessee River is in the bill as it came from the House, and the committee have seen proper to strike out the Tennessee River as well as the Illinois and some others—the Great Kanawha, for instance.

Mr. ALLISON. The Little Kanawha is not in.

Mr. MORGAN. The Little Kanawha is not in.

Mr. ALLISON. I will say to the Senator that the Ohio, the Mississippi, and the Missouri Rivers were all provided for in the same bill some years ago, and of course the committee do not feel at liberty to strike out provisions which have been made in former bills for lighting these rivers, but if we undertake to extend beyond these great rivers we can find no stopping-place. There is the Sacramento River in California, the rivers in Florida, our Potomac River right at our doors, and the Columbia River in Oregon which might be lighted by this system, and there is considerable commerce on them. So if we undertook to increase here we should find no end to these demands. It is a mere question of money.

Mr. MORGAN. We never find any end to demands any way. As long as the people are compelled to pay taxes and are willing to pay taxes there will be no end to demands upon the Treasury, especially when we have a large surplus on hand. But the point I wished to call the attention of the Senate to particularly is the fact that the Ohio River is not a better navigable stream than the Tennessee River. After the Muscle Shoals Canal has been completed, which will be done I think in the course of two years, it will be found that the Upper Tennessee, from the Muscle Shoals up, is really a better navigable stream than the Ohio, and as to its commerce I believe there is no river in this country according to its length that will float more commerce than the Tennessee River, and which has a great variety of commerce, including the products of the very finest forests in the world, the finest iron mines and coal mines, and many of the finest producing regions for all the cereals and all the products of the cereal countries. So I think in following the committee in striking out the text of the bill as it came from the House we ought to make an exception of these words in lines 444 and 445:

On the Tennessee River, \$15,000.

That is as far as I choose to go.

Mr. CAMERON, of Wisconsin. I would not object to retaining the two rivers in my State named in the bill; the commerce of those rivers is very large; but as the Senator from Iowa has said, it is a special and peculiar commerce, and it has got along heretofore very well without these lights.

Mr. MORGAN. The reading of the amendment would be a little awkward as it appears in the text now by reserving the words "on the Tennessee River, \$15,000." If the Senate strikes out the text of the House bill as proposed by the committee, I will then move to reinsert "and on the Tennessee River, \$15,000," at the end of line 429.

The PRESIDENT *pro tempore*. The Senator can ask for a division of the question on striking out all but the Tennessee River.

Mr. ALLISON. I hope the Senator from Alabama will not insist upon retaining the Tennessee River. After the Muscle Shoals Canal shall have been completed, as they are building a canal there, upon a report from the Treasury Department, or some Department, saying it is necessary, I do not think I should object to an appropriation.

Mr. BECK. This is new legislation in the House.

Mr. MORGAN. It is all new; there is no doubt about that. We take it from the House as if it were a hundred years old, as if it had been confirmed by the traditions of the whole country. We take it from the House as legislation that we have no right to interfere with,

I believe. A proposition coming from the House is equivalent to legislation, and even beyond that it is something traditional that has its sanction in the history of the country.

I will defer to the Senator from Tennessee [Mr. HARRIS] who I see has his attention drawn to the subject, as the Tennessee River passes twice through his State and only through a margin of mine, to see whether he supports the amendment of the committee.

Mr. HARRIS. Did the Senator from Alabama propose to amend the amendment of the committee, or to oppose the whole amendment?

Mr. MORGAN. I propose to amend the amendment by reserving the words "on the Tennessee River, \$15,000."

Mr. HARRIS. I suggest to the Senator from Alabama that he amend at the beginning of the part proposed to be stricken out, where it declares that the Tennessee River shall be subjected to the jurisdiction of the board, and also except from the striking out the clause that he refers to. I quite agree with the Senator from Alabama as to the propriety and importance of rejecting the amendment so far as it refers to that river. I do not know anything as to several of the rivers mentioned.

Mr. ALLISON. Let me ask the Senator from Tennessee if it would not be wiser and better to take the opinion of the Light-House Board on this question before acting? It seems to me if we go into the business of enlarging the rivers which are to be lighted we shall not find a place to stop. Here will be the Cape Fear River, and the Columbia River in Oregon.

Mr. HARRIS. I suggest to the Senator from Iowa that for the present we pass over this amendment without acting upon it; and let us see if we can obtain from the Light-House Board an opinion with such information as that board can give us by to-morrow, when we can act more intelligently on the subject than now.

Mr. ALLISON. I think the Senator from Tennessee can procure a letter from the Light-House Board probably that it would be a wise thing to light any of these rivers; but what I want to ascertain is the cost of lighting these rivers, and see how far it will go.

Mr. MORGAN. Has the Senator from Iowa any reason to suppose that the House has acted inconsiderately about this matter?

Mr. ALLISON. I would not for a moment intimate that they have so acted, and I trust the Senate will not act inconsiderately if they propose to enlarge the jurisdiction of the Light-House Board. I have no objection to passing this clause over until to-morrow, if the Senator from Tennessee and the Senator from Alabama desire.

Mr. HARRIS. Let it be passed over and we can come back to it. The PRESIDENT *pro tempore*. It will be passed over, and the next amendment of the Committee on Appropriations will be reported.

The reading of the bill was resumed. The next amendment was, after line 449, to insert:

For lighted buoys, \$25,000.

Mr. CONGER. I move to amend the amendment by adding:

That no part of this sum shall be paid for any patent-right or any royalty thereon, unless the Light-House Board shall have first, in writing, approved the kind of lighted buoy used, the price for the same, and the amount of the royalty charged for each buoy.

Mr. President—

Mr. ALLISON. I do not object to that. I think that is a good amendment. I am obliged to the Senator for preparing it.

Mr. CONGER. Of course if it is acceptable I do not wish to say anything.

The PRESIDENT *pro tempore*. If there is no objection the amendment to the amendment will be agreed to. The Chair hears none.

Mr. VAN WYCK. I desire to call the attention of the Senator from Iowa to this amendment for lighted buoys. It seems to me entirely a new proposition inserted in the bill, not inserted by the House, if I am right. I ask the Senator if it has been usual in previous bills to insert "for lighted buoys," and if not, why it is necessary at this time, and the object? If he can give some idea about that I should like to know it, for lighted buoys, it seems to me, are a new feature entirely.

Mr. ALLISON. This is a new feature.

Mr. VAN WYCK. We have provided for light-houses; we have provided for buoys; we have provided for signals, and now there is thrust in here by the committee a proposition for something entirely new upon the coast and designated as "lighted buoys."

Mr. ALLISON. Of course this is thrust in here. It could not be put in in any other way.

Mr. VAN WYCK. I did not mean "thrust in" as being obnoxious at all, but I mean that it was a thing put in the appropriation bill by the committee.

Mr. ALLISON. It is a new thing, and we are constantly having new things.

Mr. VAN WYCK. Then I should like to have it explained.

Mr. ALLISON. These lighted buoys are recent inventions. There are, I believe, three or four inventors, and they are now largely used in Europe and have proved to be very successful there. The Light-House Board have recommended them to be used in this country.

It is supposed we can use these lighted buoys in the great harbors of our country and at difficult places on our coasts, and thus save the erection of light-houses, which are very expensive, as the Senator from Nebraska knows. The Secretary of the Treasury has submitted a recommendation of the Light-House Board even to the ex-

tent of appropriating \$100,000, but the Committee on Appropriations, proceeding with its usual caution, thought it best only to recommend \$25,000, and so we have recommended that sum.

Now the Senator from Michigan comes to our aid in throwing around this provision other safeguards, requiring the Light-House Board again to agree to this, as they have already agreed to it once or twice in resolutions of the board, and he also wants the question of royalty settled, which is a wise thing to do. It seems to me the Senator from Nebraska need have no fear that this will not go on all right.

Mr. VAN WYCK. The Senator speaks of the caution of the committee. I was a little afraid that their caution probably had not reached to the degree of caution exercised by the House. The House was so cautious in the matter, as I understand, that they did not deem it prudent to touch the subject of lighted buoys; and the Senate committee were so cautious that they reached only up to \$25,000, when they say \$100,000 was recommended.

I had something of an idea, which I hope the Senator from Michigan has covered by his amendment, that the great danger is its opening the door to let in certain patents which are believed to be important, which in the end, when they get a foothold on the Government, may lead to the expenditure of very large sums of money. I therefore desire to know the reason, the object of putting in this item. I knew the Senate committee was cautious; I thought the House was; and I want the Senate to be entirely cautious.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee as amended on the motion of the Senator from Michigan.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "light-houses, beacons, and fog-signals," in line 474, to reduce the appropriation "for building a light-house to replace the light-ship now on Fourteen-foot Bank, Delaware Bay," from \$130,000 to \$100,000.

The amendment was agreed to.

The next amendment was, after line 478, to insert:

For the establishment of two range-lights at the mouth of the Patuxent River, Maryland, \$25,000.

The amendment was agreed to.

The next amendment was, after line 483, to strike out:

For the establishment of a light and range beacons at the turn of the channel through Maumee Bay, Ohio, \$20,000.

Mr. CONGER. I should like to hear from the committee why that appropriation, which seems to me one of the most desirable in the bill, should be stricken out. The necessity for lights there is known and felt by every one who is familiar with the navigation of that part of Lake Erie. The Government has expended several hundred thousand dollars in straightening the channel which makes what is called this bend, dredging a channel from Toledo to the deep water of the lake over in the bay. There has been a proposition for a light-house there and range lights for some years, but it was postponed until the channel should have been built and the exact position for the light-house should be understood.

I think the time has come when such a light is very necessary there. I may say that the amount of shipping going in over the lake to the Toledo River is as great perhaps as at any harbor on the lake except Buffalo. If there is any particular reason for not making the appropriation now I am not aware of it. I know it has been in contemplation for some years to ask Congress for such an appropriation as soon as the channel which the Government has made at very great expense should be completed, so that it would be useful.

Mr. ALLISON. The committee did not desire to increase the total sum of this bill. We knew, of course, that many of these lights are very important. Indeed, I think the Government could expend probably half a million dollars in the erection of lights in various parts of the country; but we did not feel it to be a wise thing to erect all these lights in a single year. Therefore we called before us the Secretary of the Light-House Board, and asked him to name to us the most important of these lights, and what, if any, could be postponed until next year without serious detriment to the commerce of the country.

In making the statement before us he said this light in the channel of the Maumee Bay could stand over for another year; that other things were more important; and the committee thought it wise to strike this out on the advice of the Secretary of the Light-House Board. It is recommended, we know, by a special report made in reference to it in the House. The question is for the Senate whether they want to swell the bill.

Mr. CONGER. There has been a special report made in favor of this light for some years past, and the only reason given for not having it built before was that it was better to wait until the channel was finished for use. In coming out of the lake there is a channel or canal under water with no banks to show where it is running for some two or three miles, as far as to the city of Toledo. There should be a light there to light vessels into this channel, and range lights to give them the direction.

I can hardly conceive upon what ground either the Light-House Board or the Secretary of the Light-House Board, after the recommendation they had made on this special case before, could have pos-

sibly thought that this was a work which could be postponed without great injury to the navigation of the lake, and I hope it will not be struck out. The appropriation is small, only \$20,000, and we are giving hundreds of thousands of dollars for lighting elsewhere.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee striking out from line 484 to line 486, inclusive. [Putting the question.] The ayes seem to prevail.

Mr. CONGER. I should like to have a division, and if there is any reason for striking the clause out I should be glad to hear it.

The ayes were 21.

The PRESIDENT *pro tempore*. Does the Senator from Michigan insist on a further count?

Mr. CONGER. Yes, sir; I do.

The noes were 7.

The PRESIDENT *pro tempore*. The reason the Chair asked the Senator whether he desired a further count was that he knew there would be no quorum voting.

Mr. CONGER. There do not seem to be enough Senators present who are interested in navigation to give a judicious decision on so important a question as this.

Mr. HOAR. May I suggest to my friend whether it would not be better to try the question in the Senate and not break up a quorum now? The rest of the bill may be read.

Mr. CONGER. By that time all these other appropriations of large amounts will have been firmly seated in the saddle and this little thing might be left as a waif. Perhaps we might better know as we go along who want appropriations for their own rivers and lakes and refuse them to others.

The PRESIDENT *pro tempore*. The Chair cannot suggest any way except to call for the yeas and nays.

Mr. CONGER. I do not see any other way.

Mr. HARRIS. I ask for the yeas and nays in order to show a quorum.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia [Mr. CAMDEN] except when my vote may be necessary to make a quorum. If the Senator from West Virginia were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 27, nays 21; as follows:

YEAS—27.

| | | | |
|------------------|----------|----------|------------|
| Allison, | Dawes, | Logan, | Pugh, |
| Bayard, | Hale, | McDill, | Rollins, |
| Beck, | Harris, | Maxey, | Saulsbury, |
| Brown, | Hoar, | Morgan, | Sanders, |
| Cameron of Wis., | Ingalls, | Morrill, | Walker, |
| Cockrell, | Jackson, | Platt, | Williams, |
| Coke, | Jonas, | Plumb, | |

NAYS—21.

| | | | |
|-----------|--------------------|------------------|-----------|
| Aldrich, | Davis of Illinois, | McMillan, | Van Wyck, |
| Anthony, | Ferry, | Mahone, | Voorhees, |
| Blair, | George, | Miller of Cal., | Windom, |
| Call, | Hawley, | Miller of N. Y., | |
| Chilcote, | Jones of Nevada, | Pendleton, | |
| Conger, | Lapham, | Ransom, | |

ABSENT—28.

| | | | |
|------------------|-----------|-------------------|-----------|
| Butler, | Frye, | Hill of Colorado, | Mitchell, |
| Camden, | Garland, | Hill of Georgia, | Sawyer, |
| Cameron of Pa., | Gorman, | Johnston, | Sewell, |
| Davis of W. Va., | Groome, | Jones of Florida, | Sherman, |
| Edmunds, | Grover, | Kellogg, | Slater, |
| Fair, | Hampton, | Lamar, | Vance, |
| Farley, | Harrison, | McPherson, | Vest, |

So the amendment was agreed to.

Mr. CONGER. I give notice when the bill reaches the Senate, when there may be more judicious Senators present, I shall renew the vote.

The PRESIDENT *pro tempore*. The Senator can ask for a separate vote upon the amendment when the bill is reported to the Senate.

Mr. CONGER. I ask it now, so that the Chair will remember.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 435, to strike out:

For the establishment of a fog-signal at the harbor of San Luis Obispo, California, \$20,000.

Mr. MILLER, of California. Before that amendment is adopted I feel bound to ask for an explanation in that case. I ask why that was stricken out? It is a place of considerable importance, and a very foggy place. I do not know any place in the country needing fog-signals more.

Mr. ALLISON. I will say in response to the Senator from California that the committee found no recommendation, not even the recommendation of the Committee on Commerce of the House of Representatives, and certainly not the recommendation of the Committee on Commerce of the Senate. There was no recommendation anywhere. It was not recommended by the Light-House Board, so far as we know.

Mr. MILLER, of California. The recommendation must have been lost.

Mr. ALLISON. I think it was either lost or mislaid perhaps. Captain Dewey said to us that the harbor of San Luis Obispo was

an important one, but it was a great deal more important to complete the fog-signal at Lime Point. Therefore we increased the appropriation to \$20,000 in the paragraph just below to complete the fog-signal at Lime Point, and omitted the other appropriation for the present.

Mr. MILLER, of California. I will say to the Senator that was very well. I know of no place more important for a fog-signal than Lime Point, and if we cannot have both this year I prefer the action of the committee.

Mr. ALLISON. I will say to the Senator that is the reason why the committee ruled out the two lines.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 500, to increase the appropriation "for the establishment of a steam fog-signal on Lime Point, at the entrance of the harbor of San Francisco, California," from \$12,000 to \$20,000.

The amendment was agreed to.

The next amendment was, after line 506, to strike out:

For the erection of a light-house in Little Traverse Bay, Michigan, \$15,000.

Mr. FERRY. I desire to call the attention of the Committee on Appropriations to the fact that this appropriation passed the Senate in a bill formally reported from the Committee on Commerce on May 25. It went to the House, and the bill lies upon the Speaker's table. The House has incorporated it in this bill, so that it has passed both Houses. There is an estimate by the Light-House Board, and it is exactly right, having passed both Houses, of which I think the Committee on Appropriations was not aware. I trust the Senate will not agree to this amendment.

Mr. ALLISON. The committee was aware of the fact that it had not passed both Houses. The same reasons apply that I have stated in regard to preceding items. We went over these matters very carefully with the Secretary of the Light-House Board, and we recommended everything that he said was necessary this year.

Mr. FERRY. The Light-House Board have written a letter to the Committee on Commerce upon which this item was based, and both Houses having passed it, of which fact the Senator says the committee were not aware, I trust the Senate will retain the item in the bill.

Mr. ALLISON. We were aware that the House had not passed it, I said.

Mr. FERRY. The House put it on this bill, and of course it has passed it by putting it on the bill, as the Senator sees.

Mr. ALLISON. I so see. We found a little report from the House Committee about five lines long.

Mr. FERRY. As I said, the Senate bill lies on the Speaker's table, and the House incorporated it here. As it is in the bill which came from the House, of course, the House recommended it, so that it has passed both Houses appropriating the same amount.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was rejected, there being on a division—yeas 16, noes 24.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 518, to strike out:

To commence the construction of a light-house at Mosquito Inlet, on the Atlantic seaboard of the State of Florida, \$30,000.

Mr. CALL. I should like to know some reason why that is stricken out?

Mr. ALLISON. The Secretary of the Light-House Board—I am compelled to quote him—said to us that this was not an essential light, and that it was essential to rebuild the light at San Blas, and he recommended that that be put in lieu of the new light-house proposed for Mosquito Inlet. The Senator will observe that the committee struck this out and inserted the rebuilding of the light-house at San Blas, appropriating \$25,000 for that purpose.

Mr. CALL. I of course cannot say anything against the report of the committee or of the Light-House Board, except that it is utterly absurd. I want to say that about it. The Mosquito Inlet is upon the Atlantic coast of Florida, and while the rebuilding of the light-house at Cape San Blas, on the Gulf coast, is of importance—it is way up in the bend of the Gulf, where comparatively little of the commerce of the country passes, but still enough to make it important and valuable—the entire bulk of the great commerce of the Atlantic coast passes along in front of Mosquito Inlet.

It is a matter of record in the reports of the Life-Saving Service, and in the reports of the insurance companies of this country, that every year vessels are lost within sight of Mosquito Inlet. The entire coast commerce passes through the capes of Florida into the Gulf of Mexico; and this provision was inserted in the House, I have understood from a member there, on the favorable report of the light-house authorities.

Mr. BECK. I have not seen it myself, but I shall content myself with taking that statement and objecting to the item being stricken out.

Mr. JONES, of Florida. I really cannot see what connection there is between Mosquito Inlet and Cape San Blas. If it be a question

of comparative necessity I do not know how that can be decided. The House seemed to recognize the necessity of a light-house at Mosquito Inlet on the Atlantic coast, away around the capes, a very dangerous coast. From all I have been able to learn the necessity of a light-house there is great. As for Cape San Blas, in the Gulf, I know a good deal about that personally.

Mr. MORGAN. Is not that on the other side of Florida?

Mr. JONES, of Florida. It is within ninety miles of Pensacola. It is a dangerous cape, covered by water that makes out into the Gulf sharply, one of the most dangerous shoaling places in the whole Gulf of Mexico. The necessity of that light-house has been mentioned to me time and again by the chief of the light-house division; but I have said to him that a light-house at Mosquito Inlet is a matter affecting the general commerce of the country. There is no local interest of Florida involved in this thing. We are not a ship-owning people. The vessels that navigate those seas all belong to other quarters of the Union; and there is not much danger of any property belonging to Floridians being lost there; but it is a national work, and both of them, I think, are important.

Mr. ALLISON. I have no doubt what the Senator from Florida says is true that both of these works are important, but the light-house at Mosquito Inlet will cost \$200,000, and \$25,000 is a mere bagatelle in its construction. I doubt whether it would put in the foundation. Of course, there is no sort of connection between the two places, except that the San Blas light is more important than the other to complete this year.

Mr. MILLER, of California. Why could you not build both?

Mr. ALLISON. We could if we appropriated money enough. I doubt if it is worth while to appropriate \$25,000 for a light-house at Mosquito Inlet.

Mr. BECK. The bill appropriates some \$25,000,000 or \$26,000,000. The idea of the committee was to give the Light-House Service a full, fair share, to build light-houses at Stannard Rock, Laribel Sound, and all places we could, and finish up some of them that were begun last year. We sent for the secretary of the Light-House Board, and asked him which were the most important, and he told us what could be left and what could not be. San Blas, he said, was very important and the other could wait. Little Traverse Bay is put in, which is, I think, class 4, one of the least important. I do not know but that we might as well put them all in and say, "You can go and spend all the money you want," when you put in \$15,000 for Little Traverse, which I think is class No. 4, and the Senate deliberately votes that in, and it is said the Light-House Board recommends it. I do not know where it will stop. Put them all in.

Mr. CONGER. I think one of the most economical modes of the expenditure of money is in building light-houses along the coast of the ocean and of the lakes. In regard to the appropriation which I spoke of a little time ago and which the Senate refused to approve, the Maumee Bay, the lights are in the State of Ohio. I looked with some earnestness to find some representative of that State who could tell the Senate what amount of shipping passed through Maumee Bay, to the principal shipping city of Ohio, Toledo. I found the Senator from Ohio on this side of the Chamber [Mr. SHERMAN] absent from his seat. I knew as a general thing that his colleague [Mr. PENDLETON] was not in favor of these appropriations. I knew he could not be in favor of any very liberal appropriations after the platform he had made for the people of Ohio, recently. Therefore I spoke a word for the State of Ohio, trying to aid its shipping and its navigation interests, and I desire to say a word for this proposition which the House has put in for Florida.

There are hundreds of miles of the Florida coast that have no light whatever for the shipping of the United States that goes from the Atlantic coast to the Gulf. This is one of the places, miles from any other light-house, with nothing to indicate in a storm or in a fog to the masters of vessels whereabouts upon the Florida coast they are.

If any person supposes that the appropriation of \$20,000 or \$30,000 to build light-houses along dangerous or remote coasts is not desirable, that it is a false expenditure or an extravagant expenditure of money, I think he knows very little of the necessity of light-houses to the shipping interests of the country. The proudest thing there is in the whole history of American expenditure as collateral to its navigation is the millions of dollars of expenditure in building light-houses and beacons along our entire coast. It is the proudest record the United States has.

Mr. JONES, of Florida. Will the Senator permit me, in corroboration of what he says, to mention the fact that anybody who will take the trouble of looking at the statistics of twenty years ago to see the number of vessels that were lost passing through the Straits of Florida, and the limited number that are lost now, because those straits are lit up almost as in the light of day, will see the truth of what he says. The commerce is as great to-day as it ever was passing through the Straits of Florida; but the Straits of Florida now being lit up by light-houses, it is rendered almost impossible for ships to go ashore; when twenty years ago it was not an uncommon thing for the court at Key West to be pressed with salvage business; whereas I do not know that it now has more than one or two wrecks in a year or two to pass upon.

Mr. CONGER. I was about saying that one of the proudest things

in the history and the records of this country is the fact that its light-house system, its beacon system, its system of buoys, and its fog-whistles and fog-bells is the admiration of the civilized world. There is no nation, old or young, that equals the United States in the judicious appropriation of money for these warnings, for these defenses to navigators in the storm. On any coast where there are dangerous points and no lights, the loss by the wreck of a vessel and cargo, to say nothing of life, would build a dozen light-houses along that coast.

I cannot understand why this committee for the first time in years has been parsimonious in these small appropriations for light-houses. It may possibly be that most of the members are from interior States, and that they do pass through the dews and fogs of the prairies without personal danger to themselves, and do not appreciate the necessities of light-houses, and of fog-whistles on the ocean. It is not dangerous on the prairies. What are called prairie schooners and prairie steamers pass along without any special necessity for light-houses, or for lighted buoys, but I had hoped the gentlemen upon the committee, although they live in the interior, although they never may have seen the ocean or dared its terrors, would be liberal enough to give these appropriations for the States that are bounded by the ocean and by the lakes. I should like to know why they did not do it.

Mr. ALLISON. The Committee on Appropriations hear fog-horns and fog-whistles pretty often, even if they do live on the prairies. The Senator from Michigan seems to think that unless we appropriate for every projected light-house on the Atlantic and Pacific coasts and on the coast of the Gulf of Mexico and on every river in the United States in a single year, we are parsimonious. The Senator from Florida tells us that a portion of the Florida coast is lighted up as by the light of day; and I am very much mistaken if the whole of Lake Michigan and Lake Superior is not lighted up very much in the same way, because if I have any recollection with reference to appropriations neither of the Senators from Michigan is especially modest in that direction, and they are no more virtuous than the rest of us with reference to this class of subjects. Although they live a little nearer the ocean than I do, I do not think they visit it much oftener than I do.

To be serious about this business, we have in this bill nearly \$100,000 more than was appropriated last year for the light-house service. Yet the Senator from Michigan is innocent enough to think we are parsimonious about it. He does not look at past appropriations. If he looks at those he will find that we have nearly \$100,000 in the bill with the committee amendments more than was appropriated last year for the same service.

Mr. CONGER. It is the same committee, parsimonious last year, almost as much so this year, with all the warning of the people.

Mr. ALLISON. It is perhaps the same committee; but I have seen new faces in the committee. But there is one trouble about these light-houses: we have not had the light of the Committee on Commerce on the subject. If they would throw their electric light on the subject the way would be clear.

Mr. CONGER. The Committee on Commerce have recommended these very appropriations; they have referred the matter to the Light-House Board and have had an affirmative answer to their inquiries, and then they reported to the Committee on Appropriations, and that committee struck them out.

Mr. ALLISON. This Mosquito Inlet light-house was never referred to the Committee on Appropriations by the Committee on Commerce. They have not given us the benefit of the researches and intelligence of the Senator from Michigan on this subject or of the Senator from Florida. We have been groping in the dark; we have not had this electric light thrown on the subject until just now by the Senator from Michigan.

Mr. JONES, of Florida. Did not this item come from the House?

Mr. ALLISON. Of course it came from the House. Where else could it come from? I will say to the Senator that these appropriation bills come from the House. This bill is from the House of Representatives.

Mr. JONES, of Florida. Let me ask the Senator one more question.

Mr. ALLISON. Certainly.

Mr. JONES, of Florida. I presume, in view of the well-recognized economy of the House, they would certainly not have put a provision in the bill for Mosquito Inlet unless the Light-House Board did recommend it. The Senator knows very well that with respect to light-house appropriations they stand upon a footing different from all others. There is a special, a conscientious, and a highly scientific board set apart by authority of law to inquire into the necessities of commerce along the coast, and in every instance provided for by the House they recommend these appropriations.

Mr. ALLISON. They do. They recommend an appropriation and have recommended it for some years at Mosquito Inlet, and they say the work will cost \$200,000. The Senator from Florida finds fault because we have omitted to begin this work this year, but instead of it we have provided for the San Blas light, which is a very important one, appropriating about the same amount of money. This is not a river and harbor bill, where we are giving to States.

Mr. JONES, of Florida. I know that, and that is why I speak as I do.

Mr. ALLISON. We are not dividing up among States.
Mr. JONES, of Florida. But I say, instead of doing two meritorious things you only propose to do one.

Mr. ALLISON. That is all, because we cannot do two. I should be glad to appropriate \$1,000,000 for light-houses; a great many of them are needed; but we must go along with some sort of decorum in this business. The Senator from Georgia, [Mr. BROWN,] in his quiet, decorous way, asked me how much this bill was an increase over the appropriation of last year. I know the significance of that question. When my friend from Florida gets on the stump, after we finish up this bill, we shall be held up and gibbeted by the Senators on the other side of the Chamber, notably by my friend from Indiana, [Mr. VOORHEES,] for having largely increased these appropriations over last year. They will say, "Look at the economy and virtue of the Democratic Congress and compare it with the extravagance of this Republican Senate;" and thus we shall be held up.

In order to keep these appropriations down to some reasonable sum—the bill is nearly \$26,000,000 now—we are providing economically for the necessary and essential works, and we are turning over to next year or some reasonable future the things which can be got along without. We have a right to ask our friends on the other side of the Chamber to help us in this economy, instead of retarding us at every stage and step, and then going out and charging us as Republicans with being extravagant in these appropriations.

Mr. VOORHEES. I am utterly amazed. I got up to make the most comfortable motion that a man can make in this body, and that was to adjourn, and the Senator from Iowa drags me into this matter.

Mr. ALLISON. I withdraw my remarks.

Mr. VOORHEES. It is too late; it must stand for a minute at any rate. The Senator may search my record, whether it is long or short, conspicuous or the reverse, and he will never find where I attacked the liberal expenditure of public money for objects of this kind—never in the world.

I sympathize with the Senator from Michigan, and I have been voting with him, although as a rule I vote with the committee. But I have been voting for the most liberal expenditures of money, and I do not expect to attack my own votes when I go before the people.

If I thought the Senator from Iowa could throw more light this evening on the subject I would be very glad to stay here and hear it done. We are discussing the question of light, but it seems to me the better mode would be to adjourn and take this question up to-morrow. We have been here a long time; it has been a hard day's work, a very full day's work.

Mr. ALLISON. I had hoped that we should be able to dispose of that part of the bill relative to light-houses this evening. I did not intend to ask the Senate to stay very much after six o'clock. If it is possible I would rather finish the question of light-houses down to "the Coast and Geodetic Survey."

Mr. VOORHEES. We can finish the bill to-morrow. I move that the Senate adjourn.

Mr. ALLISON. I ask the Senator from Indiana to yield to me a moment that I may present a matter that I had forgotten.

Mr. VOORHEES. Certainly.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1883, and for other purposes, having met, after full and free conference have been unable to agree.

W. B. ALLISON,
H. L. DAWES,
H. G. DAVIS,
Managers on the part of the Senate.
J. G. CANNON,
FRANK HISCOCK,
J. D. C. ATKINS,
Managers on the part of the House.

The PRESIDENT *pro tempore*. The question is on concurring in the report.

The report was concurred in.

Mr. ALLISON. I move that another committee be appointed, as requested by the House.

The motion was agreed to.

The PRESIDENT *pro tempore* having been, by unanimous consent, authorized to appoint the conferees on the part of the Senate, Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia, were appointed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 997) for the relief of Ella Carroll, formerly Ella Long.

The message also announced that the House had passed the bill (S. No. 101) for the relief of G. W. Thompson and others, with amendments, in which it requested the concurrence of the Senate.

Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and thirteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, July 31, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that that body disagreed to the amendments of the House to the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, and asked for a conference on the disagreeing votes of the two Houses, and had appointed Mr. SAUNDERS, Mr. DAWES, and Mr. PENDLETON as managers of said conference on its part.

It also announced the passage of the following bills and joint resolutions, without amendment:

A bill (H. R. No. 6722) to regulate the carriage of passengers by sea;

A bill (H. R. No. 6677) to regulate immigration;

A bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes;

A joint resolution (H. R. No. 274) to continue the provisions of a joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government;"

A joint resolution (H. R. No. 270) for the relief of Sarah J. S. Garnett, widow of Henry H. Garnett, late minister to Liberia; and

A joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in reckoning longitude and regulation of time throughout the world.

It further announced the passage of the following bills and joint and concurrent resolutions, in which concurrence was requested:

A bill (S. No. 2151) to provide for the publication of the Tenth Census;

A bill (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia, and for the relief of the Little Sisters of the Poor;

A joint resolution (S. R. No. 74) for printing 5,000 copies of the official report of the Atlanta cotton exposition; and

A concurrent resolution that there be printed 7,500 additional copies of the report of the Chief Signal Officer for the use of the Signal Office.

HELEN M. SCHOLEFIELD.

Mr. PRESCOTT. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table for present consideration Senate bill No. 249, for the relief of Helen M. Scholefield. A House bill of the same kind has been reported favorably.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, I hope some rule will be adopted regarding unanimous consent, so that all may have an opportunity to ask for it.

Mr. PRESCOTT. What does the gentleman suggest?

Mr. TOWNSHEND, of Illinois. That the rule be that each member in the order in which his name appears on the roll shall be permitted to ask for one unanimous consent. In that way every member will have an opportunity, and we will avoid the ill-feeling growing up by reason of special recognitions.

The SPEAKER. The Chair will be glad to have some rule adopted in reference to the matter.

Mr. TOWNSHEND, of Illinois. Then I move, Mr. Speaker, that the roll be called, and that each member, as his name is called, be allowed to ask one unanimous consent.

The SPEAKER. That can only be adopted by unanimous consent.

Mr. O'NEILL. It will take four years to get through the roll.

Mr. HOLMAN. I object.

Mr. PRESCOTT. I hope the gentleman will not object to my case. Mr. TOWNSHEND, of Illinois. I think the gentleman had better wait until the States are called for the introduction of bills.

Mr. PRESCOTT. This is in reference to a poor widow and has been reported favorably.

The SPEAKER. Objection is made.

PUBLIC BUILDING AT MONROE, LOUISIANA.

Mr. KING, by unanimous consent, was granted leave to print some remarks in the RECORD in relation to a public building at Monroe, Louisiana. [See Appendix.]

EXPLANATION.

Mr. HISCOCK. I am requested to announce that Mr. McCook was paired on the river and harbor appropriation bill on Tuesday last, but by an oversight the pair was not announced. Mr. McCook, if present, would have voted against said bill at all stages.

REPORT OF THE CHIEF SIGNAL OFFICER.

The SPEAKER, by unanimous consent, laid before the House concurrent resolution of the Senate that there be printed 7,500 additional

copies of the report of the Chief Signal Officer for the use of the Signal Office; which was referred to the Committee on Printing.

FORT BENTON MILITARY RESERVATION.

Mr. TOWNSHEND, of Illinois. Let us have the regular order of business.

The SPEAKER. The regular order of business being demanded, the House resumes the unfinished business under the Pound rule, which is the bill (H. R. No. 5222) to restore the Fort Benton military reservation to the public domain, and for other purposes, which was called up by the gentleman from Montana [Mr. MAGINNIS] under instruction of the Committee on Military Affairs, and for which he moved an amendment in the nature of a substitute, in substance the same as the Senate bill on the same subject.

Mr. HOLMAN. I hope the bill will be reported.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of War is hereby directed to restore to the Secretary of the Interior the custody and control of the military reservation at Fort Benton, Montana. The Secretary of the Interior shall dispose of the same under the public-land laws, and such actual settlers as are now on said tract in pursuance of military authority shall be entitled to the first right of entry: *Provided,* That the following-described portion of said tract shall be disposed of under the provision of section 2387 of the Revised Statutes of the United States, relating to town-sites on public lands, to-wit: beginning at the northeast corner of lot numbered 3, in section 14, township 24 north, of range 8 east of the principal meridian; running thence due east eighty chains; thence due south to the Missouri River; thence along the northern bank of said Missouri River to the intersection of the eastern line of lot 3 in section 23 of said township; thence due north along the line of the town site of Fort Benton to the place of beginning, as an addition to and a part of the present town-site of Fort Benton: *And provided further,* That there is reserved from said described tract of land to Mrs. Sarah E. Eastman, widow and administratrix of Francis Henry Eastman, and William S. Wetzel, the land on which the fur-trading post known as Old Fort Benton stands, and the land inclosed and occupied by them, as described on plats on file in the War Department, the same being six acres, more or less, to which they shall have the prior right of entry, and that the same be conveyed to them by the proper authorities upon their compliance with law. The county judge of the county in which said town-site is situated shall cause to be made a survey and plat of said tract of land, and the said plat thereof shall be filed in the office of the register of the proper land office within ninety days from and after the passage of this act; and thereupon it shall be lawful for the county judge, as trustee of said town-site, to make entry of said tract of land at the local land office, and to dispose of the same to occupants in the same manner as if the same had been a part of the original town-site of Fort Benton.

Mr. HOLMAN. I ask that the report accompanying the bill be read.

The SPEAKER. The Chair will state that the report has been printed in the RECORD of the morning of July 28. Under the modification of the rule the report may be read for five minutes.

Mr. HOLMAN. I hope the gentleman from Montana will state how many acres are affected by this bill; how many acres are embraced in the reservation, and also the necessity for the passage of the bill.

Mr. MAGINNIS. Mr. Speaker, some years ago it was deemed advisable to establish a military post at the site of old Fort Benton, an old fur-trading post, and a reservation about three miles long and two miles wide was withdrawn from the operation of the land laws. At that time it was contemplated to establish a military post at this point. Afterward the idea of establishing a military post and building a garrison was abandoned, and the buildings of the old fur company, which had been rented, were directed to be turned over to the owners by the Government. The most of the land embraced in this reservation is of the ordinary character and value of the public lands of the country, mostly high table lands, and by this act they are restored to the public domain under the ordinary provisions of the public land laws. The committees of the House and the Senate, however, have made two exceptions to this general disposition of the lands in the reservation. That portion on the river bottom under the bluff, amounting to one hundred and sixty acres or thereabout, and adjoining the town of Fort Benton, are to be disposed of by the Secretary of the Interior under the provisions of the United States Statutes governing town-sites, and, as the gentleman knows that under the provisions of the general town-site act the lots will be disposed of to actual settlers only, another exception in favor of the owners of the old fur-trading establishment at Fort Benton is made. The owners are given the first right of entry on six acres of ground or thereabout, which has been occupied by their establishment for thirty years or more, and on which their buildings stand. Their first right of entry is protected to this six acres.

Mr. HOLMAN. Why is that?

Mr. MAGINNIS. Because they were the first settlers upon the land, and it was only deemed just and proper that they should have the first right to it. They occupied it long before there were any white people in that country. They were in a very marked way the first settlers, and it is only right that they should have the privilege in preference to other people. They claimed forty acres, that being the smallest legal sub-division of public lands, but the committee allowed only six, which had been actually fenced and claimed from the beginning.

Mr. HOLMAN. This is a part of the town-site?

Mr. MAGINNIS. No, sir; it is a part of the reservation, just below the town site.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MAGINNIS. I move now, Mr. Speaker, to substitute the bill

which has been read for the House bill, the substitute being the exact language of the Senate Committee on Military Affairs, with the amendments reported by that committee.

The SPEAKER. The gentleman from Montana moves to strike out all after the enacting clause of the House bill and insert the bill which has been read by the Clerk as an amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BAYNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL CHASE BARNEY.

The Committee on Naval Affairs was called.

Mr. TALBOTT. I am instructed by the Committee on Naval Affairs to move to discharge the Committee of the Whole House on the Private Calendar from the further consideration of the bill (H. R. No. 660) for the relief of Samuel Chase Barney, and ask that the same be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That Samuel Chase Barney, late a lieutenant in the United States Navy, be, and he is hereby, restored to the retired list; and that from and after the passage of this act he be entitled to the pay of a retired Navy officer of the grade which he held at the date of his dismissal.

Mr. HOLMAN. Is there a report accompanying this bill?

Mr. TALBOTT. Yes, sir.

Mr. HOLMAN. Let the report be read.

The SPEAKER. The report may be read, under the modification of the rule, for five minutes before objections are called for.

Mr. TALBOTT. This is quite a lengthy report.

Mr. HOLMAN. I believe that five minutes are allowed for debate for and against the measure; if so, the additional five minutes' time allowed in opposition may be also consumed in reading the report.

The SPEAKER. That time does not apply, however, until the question is submitted as to whether or not there is objection to the consideration of the bill.

Mr. McMILLIN. I hope there will be unanimous consent to the reading of the report.

The SPEAKER. The Chair will first submit the question, Is there objection to the consideration of the bill?

There was no objection.

The Clerk proceeded to read the report.

Mr. BURROWS, of Michigan. There are five or six pages of this report, and it will take at least twenty or twenty-five minutes to read it. It will be much more satisfactory to the House if the gentleman in charge of the bill will state briefly the gist of the matter.

The SPEAKER. The report is being read in the time allowed in opposition to the measure.

Mr. BURROWS, of Michigan. I know that; but it cannot be read in twenty minutes. It gives the House no information. I simply make the suggestion that the gentleman in charge shall explain briefly the measure.

Mr. HOLMAN. I prefer to have the report read.

The Clerk proceeded to read the report.

Before concluding,

The SPEAKER. The time allowed in opposition to the measure has been exhausted.

Mr. ROBINSON, of Massachusetts. I wish to make a parliamentary inquiry. Under the rule these reports may be read for five minutes; but in many instances, as in the present case, it will be impossible to conclude the reading of the report in that time, or even in the entire time allowed for debate under the operation of the present rule. I desire to ask, therefore, if only such parts of the report as have been read will appear in the RECORD, or if the entire report will be printed?

The SPEAKER. It will be printed only by unanimous consent. The practice has been, where no objection is made, to allow the reports to be printed.

Mr. ROBINSON, of Massachusetts. It is a matter of some importance that there should be a ruling upon the point for the information of the reporters, who would not feel authorized to put the entire report in the RECORD unless it was read, and I ask the question now with a view to determining what their duties would be when only a part of the report has been read and no affirmative action is taken directing the printing of the whole of it.

The SPEAKER. The reporters should not print the whole report unless it has been so indicated.

Mr. HOLMAN. I ask unanimous consent that the entire report be printed in the RECORD.

The SPEAKER. Without objection, that will be ordered.

There was no objection.

Mr. HOLMAN. I offer the amendment which I send to the desk to be added to the bill.

The Clerk read as follows:

But the said Samuel Chase Barney shall not receive any pay or allowances for the period between said dismissal and the date of the passage of this act.

Mr. TALBOTT. I have no objection to that.

The amendment was agreed to.

Mr. BURROWS, of Michigan. As it has not been possible to hear the reading of the report in this part of the Hall, I ask the gentleman who calls up the bill to state what it is.

Mr. HOLMAN. Is it understood that the balance of the report besides what has been read will be printed in the RECORD?

The SPEAKER. In the absence of objection the entire report will be printed in the RECORD.

Mr. HISCOCK. But that will not give us information upon which to vote.

Mr. HOLMAN. I do not want to have one part of the report printed and not the whole of it.

Mr. TALBOTT. I will explain briefly the nature of this bill. This petitioner, Samuel Chase Barney, was in the United States Navy and served in the Florida war and in the Mexican war. He contracted a disability while in the line of duty in those two wars which incapacitated him for actual sea service, and he was placed on the retired list. He was on the retired list during the administration of President Lincoln, while Mr. Welles was Secretary of the Navy. He had some family difficulty in relation to the guardianship of his children. It was a matter of litigation, and the court—I do not remember exactly what court it was, some court of the District of Columbia—passed an order as to the custody of the children. He took his children and left the District of Columbia, and was considered by the court in contempt of court. His case being taken to the court of appeals was finally adjudicated, and he gained his case upon every substantial point. He was held not to be in contempt of court. I do not remember whether it was the orphans' court or one of the district courts from which he took his appeal.

Pending that litigation, the fact that he had been adjudged in contempt of court was brought to the attention of Secretary Welles, and he summarily dismissed Mr. Barney from the retired list of the Navy.

From that day until now he has been endeavoring to get back on the retired list from which he was summarily and without sufficient cause dismissed. Every Committee on Naval Affairs to which this matter has been referred has given him a unanimous report. The difference between all former reports and the reports of the Forty-sixth and Forty-seventh Congresses is that all former reports gave him pay between the time of the dismissal and the granting of relief. The Committee on Naval Affairs of this Congress, at my suggestion, left that part out of the bill, and by the pending bill he only gets pay as lieutenant on the retired list from the date of the passage of the act. I think it is a very meritorious case for the House to act upon.

Mr. ROBESON. May I ask the gentleman from Maryland a question?

Mr. TALBOTT. Certainly.

Mr. ROBESON. Is not the state of the case just this: that this officer was dropped from the rolls of the service on account of charges which when judicially investigated turned out not to be true?

Mr. TALBOTT. That is the case exactly.

Mr. ROBESON. And that when they turned out not to be true he was found to be still out of the Navy, and this puts him back on the retired list?

Mr. TALBOTT. Yes, sir; and the bill does not do him complete justice, because it does not give any back pay.

Mr. HOLMAN. I ask unanimous consent, as only a part of it has been read, that the entire report be omitted from the record.

The SPEAKER. If there be no objection that order will be made. There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MILITARY RESERVATION AT FORT SMITH, ARKANSAS.

The Committee on the Post-Office and Post-Roads was called, but presented no measure for consideration.

The Committee on the Public Lands was called.

Mr. CRAVENS. I am directed by the Committee on the Public Lands to call up for present consideration the bill (S. No. 521) donating a part of the abandoned military reservation at Fort Smith, Arkansas, to the city of Fort Smith, for the use and benefit of the free public schools thereof, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That so much of the abandoned military reservation at Fort Smith, Arkansas, as is occupied by Garrison avenue of the city of Fort Smith, and by the wharf of said city, be, and the same is hereby, donated to said city, to be used by it for the purposes of an avenue and wharf. That an amount of said reservation not exceeding nine acres, to be selected by the city on such part of said reservation as is hereby granted as it may desire, be, and the same is hereby, granted to said city, to be used by it for the erection of public buildings and county courthouse for the Fort Smith district of Sebastian County, Arkansas, thereon, and for a public park. That all the remainder of said military reservation, except the streets, alleys, and avenues hereinafter mentioned, and except the national cemetery and one hundred feet around the walls of the same, and except, further, all the ground included within the exterior line of the walls of the fort, together with all

of said walls and ten feet around said walls, be, and the same is hereby, granted to said city of Fort Smith, to be held in trust by said city for the use and benefit of the free public schools of the single school district of Fort Smith.

SEC. 2. That the said city shall, as soon as may be after the passage of this act, cause the said reservation hereby granted to be divided into lots and blocks corresponding as near as possible with the plat of said city; that all streets, alleys, and avenues laid out on such part of said reservation as is hereby granted be, and the same are hereby, granted to said city, to be held by it as streets, alleys, and avenues for the use of the public: *Provided*, That the said city shall lay off and for all time keep in repair a street or avenue sixty feet in width leading to the front gate of the national cemetery, and a street or avenue from Garrison avenue, one hundred feet wide, to the entrance of said fort fronting on said Garrison avenue; and if the said city shall fail to so lay off and keep in repair the said streets or avenues the nine acres of ground hereby granted to her shall revert to the United States. That the said city shall, within ten years from the date of the passage of this act, cause all that part of said reservation granted by this act to it in trust for the use of the free public schools of the single school district of Fort Smith to be sold in single lots, at public sale, for cash, to the highest bidder, the city when such sale is made and the purchase-price paid, to make a deed to the purchaser for the same; and as soon, and from time to time, as the purchase-price is paid the same shall be paid to the treasurer of the school board of the single school district of Fort Smith, to be used by said board in the erection of school-houses and for the pay of teachers and the maintenance of the public schools in said district.

SEC. 3. That all persons having fractional lots fronting on Garrison avenue in said city of Fort Smith, and extending back to the northeastern boundary line of said military reservation, shall have the right to purchase, at private sale, of said city, within two years from the date of the passage of this act, so much of said reservation as shall be necessary to extend their respective fractional lots back to a distance of one hundred and forty feet, so that said lots will be one hundred and forty feet in depth, at the rate per square foot that the lot on the reservation nearest to each respective lot may sell for; and the said city, on the payment of the purchase-money, shall make the purchasers a deed therefor.

SEC. 4. That the Secretary of the Interior shall, as soon as possible after the passage of this act, issue to the city of Fort Smith a patent for all said reservation hereby granted to it for its own use and benefit, and also a separate patent for all of said reservation hereby granted to it in trust for the use and benefit of the free public schools of the single school district of Fort Smith; and said last-named patent shall recite that the lands so granted are held in trust by said city for the use and benefit of said school district.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. I ask that the report be read before objections are called for.

The SPEAKER. Under the modification of the rule the report may be read previous to asking for objections, if the reading does not take more than five minutes.

Mr. CRAVENS. I have the report here of the Committee on the Public Lands accompanying the corresponding House bill. I ask that the portion which I have marked be read. The reading of that portion will not occupy more than five minutes.

The Clerk read as follows:

It is proposed by this bill to permanently reserve the national cemetery grounds, now thus in the custody of the War Department, with additional grounds, and also all the grounds within lines drawn around parallel with and ten feet from the walls of the fort, and to donate the remainder to the city of Fort Smith for a public park and the use of the common schools of said city. Your committee have taken great pains to communicate with the Departments of the Government to learn and know whether or not the proposed permanent reservations are sufficient for its uses or purposes. From information received from the Departments of Justice, War, and the Interior it is believed they are ample, not only for all present, but prospective uses as well, and are of as much value to the Government as the whole reservation would be should it be retained. It is ascertained that the city of Fort Smith has no public park and no public buildings, and that the Fort Smith district of Sebastian County, the courts of which are held at Fort Smith, has no courthouse. To supply grounds for the needed park and buildings the bill proposes the grant of nine acres for that purpose and for a forfeiture thereof should the city fail to lay off, under the direction of the Secretary of War, and for all time keep in repair an avenue one hundred feet in width leading to the front gate of the national cemetery.

Roadways to national cemeteries are constantly costing the Government much money in laying off and keeping them in repair; and, considering the needs of the city in conjunction with the obligation upon it to keep in repair the avenue above mentioned, the grant of nine acres for the purposes aforesaid meets with the full approval of your committee. A glance at the map of the city of Fort Smith discloses the fact that there must have been some misapprehension as to the line between it and the reservation, and that its principal avenue, evidently intended to run parallel with and equidistant from said line, as it approaches the river encroaches upon the reservation, and that a portion of the city wharf is located thereon. For these reasons the provisions of the bill granting to the city so much of the reservation as is occupied by Garrison avenue and said wharf, and allowing fractional-lot owners to make purchases of adjoining lands to fill out their lots so as to conform in size to the full-sized lots lying between the avenue and the reservation, are regarded as highly proper.

The only remaining provision of the bill worthy of comment is that donating the remainder of the reservation to the city of Fort Smith, to be held in trust for the use and benefit of the free public schools thereof. This commends itself with more force to your committee than any other provision of the bill. The school board of the city represents that, by the census taken in August, 1881, there were in it children of school age, 1,221, nine hundred and thirty-seven whereof are white, and the remainder, two hundred and forty-eight, colored; and that since that date there has been an increase in numbers of at least one hundred; that by a levy of taxes to the full extent of the law, (seven mills on the dollar,) they have been able to raise enough money only for the pay of teachers, to maintain three public schools, poorly accommodating five hundred pupils, eight months in the year, nine teachers being employed and paid from \$5,743.94, the sum thus raised; that while the three schools have been maintained ten months in the year the money for thus continuing them has been raised by private subscriptions; that of the buildings used for these schools only one belongs to the school district, which cannot properly accommodate more than two hundred pupils. For the others the school board is dependent upon and indebted to the kindness of the Catholic bishop, Edward Fitzgerald, and the colored missionary Baptist society.

While it appears that the people of Fort Smith are poor, and in great need of additional buildings and means for the payment of teachers to accommodate their entire school population, resulting from their poverty, yet they exhibit a zeal in that direction worthy of the great cause of education, and far beyond that of the wealthy in many localities of our country. A people thus struggling in so noble a work deserve encouragement.

In many instances in early times out-lots and commons of towns were granted

to them for school purposes. Later, large cities have been given properties of great value, schools of high grade have received munificent donations, and railroads and other corporations have fattened and grown rich from the magnificent, if not profligate, grants made to them from the public domain.

Reviewing the history of grants made from the public domain nothing is found to condemn the proposed grant of a portion of this reservation to Fort Smith for the purpose aforesaid, but such review rather strengthens your committee in the opinion that the grant ought to be made.

The SPEAKER. Is there objection to the present consideration of this bill?

Five members rose.

The SPEAKER. Five gentlemen objecting, the bill is not before the House for consideration.

EUGENE B. ALLEN.

Mr. SPAULDING. I am directed by the Committee on Indian Affairs to call up from the Speaker's table for consideration at this time the bill (S. No. 1120) for the relief of Eugene B. Allen.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay to Eugene B. Allen, of Leavenworth, Kansas, the sum of \$25,753.94 for losses sustained by said Allen growing out of a contract made on the 24th day of June, in the year 1878, between the said Eugene B. Allen and E. A. Hayt, Commissioner of Indian Affairs, by which said Allen agreed to furnish and deliver beef cattle at Red Cloud and Spotted Tail agencies, in the Territory of Dakota.

Mr. HOLMAN. I trust the report will be read.

Mr. SPAULDING. I have here a report accompanying House bill No. 2338 for the same purpose. The bill was originally introduced in the House, referred to the Committee on Indian Affairs, and by that committee reported back to the House with amendments. That amended bill was subsequently introduced in the Senate and passed that body, and is the bill which has just been read. I have in my hand the report of the Committee on Indian Affairs of the House.

Mr. HOLMAN. Let that report be read.

The report, which was read in part, is as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 2338) for the relief of Eugene B. Allen, respectfully report:

On the 24th day of June, 1878, the said Allen entered into contract with the Commissioner of Indian Affairs to furnish and deliver 6,000,000 pounds of beef cattle on the hoof, at Red Cloud agency, at 2.33 cents per pound, and 6,500,000 pounds at Spotted Tail Agency, Dakota Territory, at 2.39 cents per pound; delivery to be made at such times as the Commissioner should designate, and subject to inspection by Army officers or otherwise as said Commissioner should deem necessary.

By the second article of the contract, the Commissioner reserved the right to require a greater or less quantity, not exceeding 25 per cent. in either case. On the 20th day of August, 1878, the Commissioner elected, and so advised Allen in writing, to increase the amount the full 25 per cent., thus making the number of pounds to be delivered at Red Cloud 7,500,000, and at Spotted Tail 8,125,000 pounds.

Article 74 of the contract provides that the Commissioner will receive, at such times as may thereafter be determined, a sufficient number of cattle for a four months' supply at said agencies for freezing or herding, and if for herding there shall be a deduction in price of ten cents per one hundred pounds. On the 26th day of November, 1878, the Commissioner in writing directed Allen to deliver on or about December 15 following, for herding, cattle enough at Red Cloud to make not exceeding 2,300,000 pounds of beef, and at Spotted Tail to make not exceeding 2,500,000 pounds of beef, for a four months' supply. Prior to the 13th day of December Allen delivered the required number of cattle at Red Cloud, for which he has been paid, and on that day his agents arrived at Spotted Tail with 3,100 head of cattle, enough to make the required 2,500,000 pounds of beef, and tendered them to the Indian agent, who refused to receive them, alleging as a reason for his refusal that there was no Army officer there to inspect them. Tender was repeated and acceptance refused each day till the 16th, when Allen himself arrived at the agency and made tender on the two days following, and was met with refusal for like reason as his agents.

On the latter day, in consequence of a furious snow-storm and the intense cold, the mercury ranging from 20° to 42° below zero, the cattle broke from their keepers and scattered over the country for shelter, food, and water. Had the agent received the cattle on their arrival at the agency they could have been weighed and delivered within three days. A delivery of the cattle was commenced on the 21st of December, and by January 3 following 2,392 head had been regathered and delivered; one hundred and nine head were subsequently found by Allen and turned over; the remainder, five hundred and ninety-nine head, were never recovered. When the cattle arrived at the agency they were in good condition, fully up to the contract, and of the average weight of the cattle just delivered at Red Cloud—eight hundred and twelve pounds. The shrinkage on the cattle in consequence of the intense cold and their inability to obtain food and water was found to be an average of eighty-six pounds per head. Allen kept the contract on his part, and the cattle belonged to the United States, not to him, after his tender as aforesaid.

The Commissioner recommends payment to Allen as follows on this branch of his claim:

Shrinkage on 2,392 head of cattle, eighty-six pounds per head, making a total shrinkage of 205,712 pounds, at 2.29 cents \$4,710 80
Five hundred and ninety-nine head of cattle lost, at an average weight of eight hundred and twelve pounds, making a total of 486,388 pounds, at 2.29 cents 11,138 28

Total 15,849 08

It is claimed by Mr. Allen, and it is believed correctly, that having furnished the four months' supply as called for by the Commissioner, he was relieved from further call under his contract till April 15. But early in March the Commissioner called upon him to make at once further delivery at each agency. Allen replied that he was under no contract obligation to do so until the expiration of the four months, and that if he furnished the cattle he should not be held by the contract price. In reply to this the Commissioner directed the Indian agent to receive the cattle. Before delivery Allen filed with the agent a protest and notice that he should demand payment for all cattle furnished within the said four months at the rate of \$4 per one hundred pounds. The number so delivered was as follows:

At Red Cloud 682 head, weighing 540,315
Spotted Tail 738 head, weighing 573,718

Total, 1,420 head, weighing 1,114,033

For this number he received payment, under protest, at the contract price. Cattle at this season of the year are not easily found, and owners do not care to sell.

It resulted that Allen procured the cattle with difficulty at various points in the States of Nebraska and Colorado and the adjoining Territories, and paid for them off the range more than the contract price.

Your committee are of the opinion that the contract did not hold him to a further delivery till April 15, and that for his March delivery he is entitled to the market value of the cattle at the respective agencies. This is found from the evidence to be \$3.25 per hundred pounds, an excess of ninety-two cents per hundred over the Red Cloud contract, and of eighty-six cents over the Spotted Tail contract. In this view Allen is entitled to recover on this branch of his claim as follows:

For 540,315 pounds delivered at Red Cloud, at 92 cents per hundred in excess of amount already paid him \$4,970 90
For 573,718 pounds delivered at Spotted Tail, at 86 cents per hundred in excess of amount already paid him 4,933 96

Add amount found due him on December delivery 9,904 86
Total 15,849 08

Total 25,753 94

He makes a further claim of \$3,197.62 for forty horses frozen to death in hunting the scattered cattle in December and January, and for hire of men and supplies for men and horses in hunting cattle from December to June. This claim your committee decline to recognize. It is not proved that this expense was authorized by any officer of the Government, or that at the time it was made Allen expected reimbursement.

It is recommended that the words "thirty-seven thousand three hundred and six dollars and eighty cents" be stricken out of the bill, and the words "twenty-five thousand seven hundred and fifty-three dollars and ninety-four cents" be inserted therefor, and that as so amended it do pass.

Mr. HOLMAN. Before the question of objection is settled I would ask the gentleman from Michigan [Mr. SPAULDING] to explain the bill.

The SPEAKER. That can be done only by unanimous consent. The first question is, Are there objections to considering this bill at the present time? [After a pause.] Only one member objects; and the bill is before the House.

Mr. SPAULDING. As I stated just now, this bill was originally introduced in the House, referred to the Committee on Indian Affairs, and by that committee was reported back to the House with amendments reducing the amount from \$37,306.80 to \$25,753.94. That amended bill was introduced in the Senate, and passed.

It seems that in 1878 Mr. Allen made a contract with Mr. Hayt, Commissioner of Indian Affairs. In accordance with that contract he delivered in November the cattle he was called on to deliver at Red Cloud agency; and the cattle he was to deliver at Spotted Tail he tendered on the 17th of December. The Indian agent evidently did not want to receive them, and made the excuse that no Army officer was there to inspect them. For three days he refused to receive them, and on the 16th Mr. Allen himself arrived and again made tender of them, and they again were refused. On the 18th a furious snow-storm came on; it was intensely cold, and the cattle broke away and scattered to obtain food and shelter.

It turns out from an investigation made by the Commissioner of Indian Affairs that between the time the cattle broke away and the 3d day of January Mr. Allen, with the assistance of a large number of men and the use of some forty horses, recovered some 2,392 head of the cattle. Subsequently he recovered 109 more and turned them over. But 591 head were never recovered.

Mr. HOLMAN. Allow me a moment. I think there is not the same difficulty with the first item that there is with the second. As to the second item I would inquire of my friend if he thinks that where cattle were furnished under a contract, but at an earlier time than required, the Government should be asked to pay the additional sum here allowed beyond the terms of the contract?

Mr. SPAULDING. I do not think I quite understand the gentleman.

Mr. HOLMAN. The second lot of cattle were furnished, as my friend will notice, under the contract, but at an earlier time than required by the Government.

Mr. SPAULDING. Do you mean the March delivery?

Mr. HOLMAN. The last delivery; the second lot of cattle. They were delivered at an earlier time than required by the contract. The contractor was paid the price fixed by him and the Government in the first instance, the price fixed by the contract. This bill proposes to pay him an additional sum.

Mr. SPAULDING. I am coming to that.

Mr. HOLMAN. I think that is the main point in the case.

Mr. SPAULDING. It was recommended by the Committee on Indian Affairs to allow this sum. Allow me to say further in reference to this contract that it differs from other contracts. The contracts made by the Indian Office are generally made upon printed blanks. In this case, in addition to the printed contract, there was written in the margin an additional provision of contract.

The SPEAKER. The time of the gentleman has expired.

The bill was ordered to a third reading, read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HALL OF RECORDS, DISTRICT OF COLUMBIA.

Mr. SHALLENBERGER. I am directed by the Committee on Public Buildings and Grounds to call up in this hour Senate bill No. 817, making appropriations for the purchase of ground and the erec-

tion thereon in the city of Washington of a building to be used as a hall of records.

The bill was read.

Objections being called for, six members objected.

The SPEAKER. Objection being made, the bill is not before the House.

REORGANIZATION OF THE PATENT OFFICE.

Mr. YOUNG. I am directed by the Committee on Patents to call up for consideration at this time the bill (H. R. No. 6753) amendatory of sections 440 and 447 of the Revised Statutes of the United States.

The bill was read.

Objections being called for, five members objected.

The SPEAKER. Objection being made, the bill is not before the House.

WILLIAM F. MARTIN.

Mr. OATES. I am directed by the Committee on Claims to call up for consideration at this time the bill (H. R. No. 2151) to pay William F. Martin, of Mobile, Alabama, the value of one hundred half boxes of tobacco illegally seized and sold by the collector of internal revenue at New Orleans.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to William F. Martin, of Mobile, Alabama, the sum of \$5,621.06, the value of one hundred half boxes of tobacco, the property of said Martin, which were illegally seized and sold by the collector of internal revenue on account of not being stamped, and the proceeds of which were paid into the Treasury of the United States.

Mr. HOLMAN. I call for the reading of the report accompanying this bill.

The report was read in part.

Mr. BURROWS, of Michigan. Has not the hour expired?

The SPEAKER. It has just expired.

Mr. BURROWS, of Michigan. I suppose the right of objection will remain?

The SPEAKER. It will.

Mr. ROBINSON, of Massachusetts. I ask that the entire report be printed in the RECORD.

There was no objection, and it was ordered accordingly.

The report is as follows:

The facts relating to the claim of William F. Martin, as they appear in the paper evidence submitted to your committee, are as follows:

In the month of April, 1869, William F. Martin & Co., of Mobile, Alabama, purchased in Augusta, Georgia, of Blair, Smith & Co., four hundred and eighteen packages of tobacco, weighing 22,909 pounds, on which the internal-revenue tax was \$7,330.88.

The internal-revenue collector of Augusta gave to Blair, Smith & Co., the sellers, permission to transport said tobacco to Mobile, Alabama, and deliver it to the collector there, upon the execution by them of the requisite bond. The bond was executed and the tobacco accordingly taken to Mobile and delivered to and received by the collector. The tobacco was unstamped when it arrived in Mobile, it being the intention of the parties to have the stamps affixed there; but there was no bonded warehouse at Mobile, and the collector had no stamps and could only hold the tobacco as custodian for the protection of the Government and the collector at Augusta. He promptly informed the collector at Augusta of this and procured from him the necessary amount of stamps to be affixed, for which the claimant paid to the collector at Mobile the sum of \$7,330.88, that being the full tax on the four hundred and eighteen packages.

Before the stamps were, however, received by the collector at Mobile he gave his permission to William F. Martin & Co. to take to New Orleans one hundred half boxes of the tobacco to be placed in a Government warehouse, and as soon as the stamps were received by him sent to the collector at New Orleans the number necessary to pay the tax on these half boxes. All this action on the part of the collector at Mobile was approved by the collector at New Orleans and also by the Commissioner of Internal Revenue at Washington.

Notwithstanding the tax had been fully paid, and the stamps had been placed in the hands of the collector at New Orleans to be affixed to the packages in his possession, and he had authority under the law to affix them and cancel them, he sued out a libel against the one hundred half boxes and had them seized for a violation of law in not having them stamped. The libel was sustained and the tobacco forfeited to the United States and sold and the proceeds placed in the Treasury.

The case, then, is this: The Government has the money paid by the claimant for the stamps, retains the stamps also, and also has the proceeds of the sale of the tobacco. The claim is for the value of the tobacco, and it seems to your committee that the claim is just, inasmuch as the claimant fully complied with every requirement of the officers of the Government and was guilty of no attempt to evade the payment of the tax, and they report the same back to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. ROBESON. Mr. Speaker, I desire to ask whether it is now in order to move to go to business on the Speaker's table?

The SPEAKER. It is not. After the regular morning hour that motion will be in order.

COMMITTEE ON CIVIL-SERVICE REFORM.

Mr. ORTH. As I am not able to remain here, I ask unanimous consent to offer for adoption a resolution which I present under instruction from the Committee on Civil-Service Reform.

The Clerk read as follows:

Resolved, That the Committee on Reform in the Civil Service have leave to sit during the recess of Congress at any time after the 24th day of November next.

Mr. COX, of New York. There is great need of that, I think.

There being no objection, the resolution was considered and adopted.

Mr. ORTH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLICATION OF TENTH CENSUS.

On motion of Mr. SPRINGER, by unanimous consent, the bill (S. No. 2151) to provide for the publication of the Tenth Census was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

ATLANTA COTTON EXPOSITION.

On motion of Mr. SPRINGER, by unanimous consent, the joint resolution (S. No. 74) for printing 5,000 copies of the official report of the Atlanta cotton exposition was taken from the Speaker's table, read a first and second time, and referred to the Committee on Printing.

COLLECTION DISTRICT IN TEXAS.

Mr. REAGAN. I ask unanimous consent to report from the Committee on Commerce and have put upon its passage a bill relating to the collection districts of Texas. This bill, which is a substitute for one referred to our committee, provides for the creation of a single collection district. It is recommended by the Secretary of the Treasury. I have here his letter, which I will send up to be read.

The bill was read.

Mr. HOLMAN rose.

Mr. REAGAN. If the gentleman from Indiana will allow me to explain—

Mr. HOLMAN. I reserve the right to object.

Mr. REAGAN. This bill provides simply for a collector at Sabine Pass; the other provisions of the bill are merely copied from the existing law.

The SPEAKER. Is there objection?

Mr. HOLMAN. I object.

Mr. MCCOID. I ask unanimous consent— [Cries of "Regular order!"]

Mr. REAGAN. If the gentleman from Indiana will allow me to make a statement—

Mr. HOLMAN. I am objecting upon the assumption, in the absence of explanation, that this bill makes an increase of officers. I infer that there is an increase in the number of collectors. What is the fact?

Mr. REAGAN. The bill provides for only one additional officer. The copying of the provisions of the old law makes the bill long, but all it does is to establish the collection district of Sabine Pass, where a number of railroads center and where there is considerable business. There have been repeated applications for a collection district there, and I have here a letter of the Secretary of the Treasury recommending this measure.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN] object?

Mr. HOLMAN. I object to any increase of officers.

Mr. REAGAN. This provides for only one additional officer. [Cries of "Regular order!"]

Mr. O'NEILL. I think that this bill ought to be printed, so that we may understand it if it should be called up again.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of States and Territories for the introduction of bills, joint resolutions, resolutions of inquiry, and resolutions of State and Territorial Legislatures for reference.

ELECTION OF SENATORS BY POPULAR VOTE.

Mr. TOWNSEND, of Illinois, introduced a joint resolution (H. R. No. 276) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the people of the States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COLLECTION OF DUTIES.

Mr. MORRISON introduced a bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, "Collection of Duties on Imports;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DR. CRAWFORD W. LONG.

Mr. SPEER introduced a bill (H. R. No. 6846) to express the appreciation of this Government for the services of Dr. Crawford W. Long, of Georgia, in the discovery and first use of anesthesia in surgical operations; which was read a first and second time, referred to the Committee on Public Health, and ordered to be printed.

JOHN FELAND.

Mr. MCKENZIE introduced a bill (H. R. No. 6847) for the relief of John Feland; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

T. J. FITZER.

Mr. WHITE introduced a bill (H. R. No. 6848) for the relief of T. J. Fitzer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE BAYLES.

Mr. WHITE also introduced a bill (H. R. No. 6849) for the relief of Jesse Bayles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMILY HUGHES, ALIAS BURCH.

Mr. WHITE also introduced a bill (H. R. No. 6850) granting a pension to Emily Hughes alias Burch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF MAJOR JOHN C. EVERSOLE.

Mr. WHITE also introduced a bill (H. R. No. 6851) granting a pension to the widow of Major John C. Eversole; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLONEL JOHN DILS, JR.

Mr. WHITE also introduced a bill (H. R. No. 6852) for the relief of Colonel John Dils, jr.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATHANIEL D. CHASE.

Mr. DINGLEY introduced a bill (H. R. No. 6853) granting a pension to Nathaniel D. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DENNIS B. MUNSEY.

Mr. DINGLEY also introduced a bill (H. R. No. 6854) granting a pension to Dennis B. Munsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAFAYETTE CARVER POST, VINALHAVEN, MAINE.

Mr. MURCH introduced a bill (H. R. No. 6855) to authorize the Secretary of War to issue fifty Springfield rifles to Lafayette Carver Post, Grand Army of the Republic, of Vinalhaven, Maine; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES DISTRICT COURT, BANGOR, MAINE.

Mr. REED introduced a bill (H. R. No. 6856) to change the time of holding United States district court at Bangor, Maine; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

VICTOR BEAUBOUCHER.

Mr. REED also introduced a bill (H. R. No. 6857) for the relief of Victor Beauboucher; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

SARAH A. REDMOND.

Mr. URNER introduced a bill (H. R. No. 6858) for the relief of Sarah A. Redmond; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CHRISTIANA H. BRASHEAR.

Mr. URNER also introduced a bill (H. R. No. 6859) for the relief of Christiana H. Brashear; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY BISER.

Mr. URNER also introduced a bill (H. R. No. 6860) for the relief of Henry Biser; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. T. BRYAN.

Mr. HOBLITZELL (for Mr. COVINGTON) introduced a bill (H. R. No. 6861) for the relief of R. T. Bryan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES HEALY.

Mr. DUNNELL introduced a bill (H. R. No. 6862) for the relief of James Healy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUFACTURERS OF CIDER AND CIDER-VINEGAR.

Mr. HAZELTINE (by request) introduced a bill (H. R. No. 6863) for the relief of fruit growers and manufacturers of cider and cider-vinegar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANSON ATWOOD.

Mr. ROSS introduced a bill (H. R. No. 6864) for the relief of Anson Atwood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WALLACE M. VAIL.

Mr. ROSS also introduced a bill (H. R. No. 6865) for the relief of Wallace M. Vail; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PERSECUTION OF JEWS.

Mr. COX, of New York, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Whereas the Government of the United States should exercise its influence with the Government of Russia to stay the spirit of persecution as directed against the Jews, and protect the citizens of the United States resident in Russia, and seek redress for injuries already inflicted, as well as secure by wise and en-

lightened administration the Hebrew subjects of Russia and the Hebrew citizens of the United States resident in Russia against the recurrence of wrongs: Therefore,

Resolved, That the President of the United States, if not incompatible with the public service, report to this House any further correspondence in relation to the Jews in Russia not already communicated to this House.

Mr. COX, of New York. Mr. Speaker, I ask by unanimous consent to print some remarks in connection with that resolution.

There was no objection, and it was ordered accordingly. [See Appendix.]

JOSEPHINE F. T. STRATTON.

Mr. ROBINSON, of New York, introduced a bill (H. R. No. 6866) granting a pension to Mrs. Josephine F. T. Stratton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVE H. MINTURN.

Mr. LE FEVRE introduced a bill (H. R. No. 6867) for the relief of Olive H. Minturn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONDEMNED CANNON, HONESDALE, PENNSYLVANIA.

Mr. JADWIN introduced a bill (H. R. No. 6868) to authorize the Secretary of War to turn over to Captain James Horn Post No. 198, Grand Army of the Republic, four condemned cannon and four cannon-balls; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMPENSATION OF HOUSE TELEGRAPH OPERATOR.

Mr. BAYNE, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the compensation of the telegraph operator of the House of Representatives shall be, from and after July 1, 1882, \$1,200 per annum, and a sufficient sum is hereby appropriated out of the contingent fund of the House to pay the difference between \$720 and \$1,200.

EDWARD W. HORN.

Mr. MUTCHLER introduced a bill (H. R. No. 6869) granting an increase of pension to Edward W. Horn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. M. C. HENDERSON.

Mr. DEZENDORF introduced a bill (H. R. No. 6870) to authorize the Court of Claims of the United States to ascertain the amount of special damages sustained by Mrs. M. C. Henderson by a change of the grade on M and Twenty-fourth streets, in the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HENRY DOUGLAS.

Mr. DEZENDORF also introduced a bill (H. R. No. 6871) for the relief of Henry Douglas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. SIMMS.

Mr. BRENTS introduced a bill (H. R. No. 6872) for the relief of John A. Simms; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

E. J. NORTHCUTT.

Mr. BRENTS also introduced a bill (H. R. No. 6873) for the relief of E. J. Northcutt; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BENJAMIN SKIPPER.

Mr. OATES introduced a bill (H. R. No. 6874) for the relief of Benjamin Skipper; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY VOTH.

Mr. FORD introduced a bill (H. R. No. 6875) granting a pension to Henry Voth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories for the introduction of bills and joint resolutions is now concluded.

Mr. HISCOCK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HISCOCK. Has the morning hour been exhausted?

The SPEAKER. The morning hour proper has not yet been entered upon. The Pound hour has been exhausted, and the call of States and Territories has been concluded.

OMAHA INDIAN RESERVATION, NEBRASKA.

Mr. HASKELL. I rise to make a privileged motion. I move to take up the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, with a view to moving that the House insist upon its amendment disagreed to by the Senate, and agree to the committee of conference asked for on the part of the Senate thereon.

The motion was agreed to.

Mr. HASKELL moved to reconsider the vote by which the House

insisted upon its amendment to the said bill; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the said bill Mr. HASKELL, Mr. SPAULDING, and Mr. JONES of Arkansas.

SAMUEL NOBLE.

Mr. MANNING. I desire, Mr. Speaker, by direction of the Committee on the Judiciary, to have printed my own views as to the memorial and evidence presented to that committee in reference to the claim of Samuel Noble, to be printed for the use of the committee.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. WILLITS. I desire to call up for present consideration the joint resolution (H. R. No. 223) to define the boundary between the Indian Territory and the State of Texas.

Mr. McKENZIE. I call for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. LYNCH. I move to dispense with the morning hour for the call of committees.

The question being taken, the morning hour was not dispensed with, two-thirds not voting in favor thereof.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. No. 740) to establish ports of delivery at Kansas City and Saint Joseph, in the State of Missouri;

A bill (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes;

Joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross;

Joint resolution (H. R. No. 270) for the relief of Sarah J. S. Garnet, widow of Henry H. Garnet, late minister to Liberia;

Joint resolution (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian, to be used in the reckoning of longitude and in the regulation of time throughout the world; and

Joint resolution (H. R. No. 274) to continue the provisions of a joint resolution entitled a "Joint resolution to provide temporarily for the expenditures of the Government."

Mr. WEST, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 6677) to regulate immigration.

SOLDIERS' HOME AT HAMPTON, VIRGINIA.

Mr. BROWNE. I desire to be recognized to ask for unanimous consent. I hold in my hand charges, serious charges, made by sundry soldiers against the management of the soldiers' home at Hampton, Virginia. I present the petitions making these charges with an accompanying resolution, and ask to have the resolution and petitions referred to the Committee on Military Affairs.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

SEAMEN IN MARINE SERVICE.

Mr. CANDLER, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. No. 4316) for the relief and improvement of seamen in the merchant service by changing the system of advance wages; which was referred to the House Calendar, and the accompanying report ordered to be printed.

VENEZUELA MIXED COMMISSION.

Mr. RICE, of Massachusetts, from the Committee on Foreign Affairs, reported a joint resolution (H. R. No. 277) providing for a new mixed commission in accordance with the treaty of April 25, 1866, with the United States of Venezuela; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. RICE, of Massachusetts. It may be that there will be minority views to be presented. If so I desire to protect the rights of the gentlemen who may desire to present those minority views. I have been instructed by the committee to move to make this a special order for the 18th of December.

The SPEAKER *pro tempore*, (Mr. UPDEGRAFF, of Iowa.) That motion cannot be entertained at this time. In the absence of objection the minority of the committee will have leave to report their views.

LOSS OF EXPLORING STEAMER JEANNETTE.

Mr. HARRIS, of Massachusetts, from the Committee on Naval Affairs, reported a joint resolution (H. R. No. 278) instructing the

Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CHIRIQUI COALING STATION.

Mr. HARRIS, of Massachusetts, also, from the same committee, reported back with an adverse recommendation a resolution calling on the Secretary of the Navy for papers and correspondence relative to the Chiriqui coaling station; which was laid on the table, and the accompanying report ordered to be printed.

JOSEPH N. ABBEY.

Mr. DAWES, from the Committee on Invalid Pensions, reported back with an amendment the bill (S. No. 1264) to increase the pension of Joseph N. Abbey; which was referred to the Committee of the Whole House on the Private Calendar, and the amendment and report ordered to be printed.

ANNE ELIZABETH RODGERS.

Mr. DAWES also, from the same committee, reported back with a favorable recommendation the bill (S. No. 1925) granting a pension to Anne Elizabeth Rodgers; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZABETH H. SPOTTS.

Mr. DAWES also, from the same committee, reported back with a favorable recommendation the bill (S. No. 1796) for the relief of Elizabeth H. Spotts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN ELLIS.

Mr. TAYLOR, from the Committee on Claims, reported a bill (H. R. No. 6876) for the relief of John Ellis; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH M. CUMMING AND OTHERS.

Mr. TAYLOR also, from the same committee, (for Mr. CROWLEY,) reported, as a substitute for House bill No. 4734, a bill (H. R. No. 6877) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SCHOOL FARM-LANDS IN SOUTH CAROLINA.

Mr. SMITH, of Pennsylvania, from the Committee on War Claims, reported back the joint resolution (H. R. No. 39) to provide for the redemption and sale of school farm-lands in South Carolina; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Education and Labor.

The motion was agreed to.

FRANCIS KILBURN.

Mr. SMITH, of Pennsylvania, also, from the same committee, reported a bill (H. R. No. 6878) for the relief of Francis Kilburn; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM W. SUTHARD.

Mr. SMITH, of Pennsylvania, also, from the same committee, reported, as a substitute for House bill No. 1781, a bill (H. R. No. 6879) for the relief of William W. Suthard; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS OF WILLIAM R. DOWNING.

Mr. SMITH, of Pennsylvania, also, from the same committee, reported, as a substitute for House bill No. 1508, a bill (H. R. No. 6880) for the relief of the heirs-at-law of William R. Downing, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. SMITH, of Pennsylvania, also, from the same committee, reported back with adverse recommendations the following petitions and bills; and the same were laid on the table, and the accompanying reports ordered to be printed:

The petition of heirs of Tilghman Weaver;

A bill (H. R. No. 1725) for the relief of Washington L. Parvin and Henry A. Greene;

A bill (H. R. No. 5285) for the relief of Benjamin Routzahn;

A bill (H. R. No. 5923) for the relief of George E. Payne;

The petition of Jesse M. Corn;

A bill (H. R. No. 4190) for the relief of John A. Coan;

A bill (H. R. No. 6430) for the relief of the owners of the schooner Chesapeake Trader; and

The petition of W. W. Jackson.

SPECIAL ASSESSMENT CERTIFICATE NO. 130, DISTRICT OF COLUMBIA.

Mr. NEAL, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. No. 6714) to provide for the redemption of special assessment certificate No. 130; which was referred to the Committee of the Whole House on the state of Union, and the accompanying report ordered to be printed.

QUIETING TITLE IN DISTRICT OF COLUMBIA.

Mr. NEAL also, from the same committee, reported back with an amendment the bill (H. R. No. 5965) to provide for the quieting of the title of the United States in certain lands therein described and for the reclamation of the marshes in the Potomac River; which was placed on the House Calendar, and, with the accompanying report, ordered to be printed.

REDEMPTION OF OUTSTANDING CERTIFICATES, DISTRICT OF COLUMBIA.

Mr. NEAL also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6277) to redeem all the outstanding certificates of indebtedness issued under the acts of the late Legislative Assembly of the District of Columbia, approved August 10, 1871, and May 29, 1873, respectively, which are not held by the Treasurer of the United States as *ex officio* sinking-fund commissioner of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

INDEXING LAND RECORDS OF DISTRICT OF COLUMBIA.

Mr. URNER, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. No. 2934) providing for an improved system of indexing the land records of the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

DANIEL DONOVAN.

Mr. URNER also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 5614) for payment of Daniel Donovan for additional labor and services rendered the District of Columbia; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

COLLECTION OF ARREARS OF GENERAL TAXES.

Mr. URNER also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 6276) to provide for the collection of arrears of general taxes in the District of Columbia, and to increase the securities for the payment of the 8 per cent. certificates issued under the act of the Legislative Assembly of the District of Columbia, approved May 29, 1873, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

PENSIONS TO WIDOWS AND MINOR CHILDREN.

Mr. CURTIN, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back with a favorable recommendation the bill (H. R. No. 3919) to amend section 4702, title 57, Revised Statutes of the United States; which was placed on the House Calendar, and the accompanying report ordered to be printed.

PENSIONS.

Mr. CURTIN also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2713) to extend the provisions of the act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. CURTIN also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 2464) to amend section 4693 of the Revised Statutes of the United States; which was placed on the House Calendar, and the accompanying report ordered to be printed.

LIEUTENANT JOHN G. KYLE.

Mr. HENDERSON, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. No. 5485) for the payment of the funeral expenses of Lieutenant John G. Kyle; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DONATIONS OF CONDEMNED CANNON, ETC.

Mr. HENDERSON also, from the same committee, reported back with amendments the following bills; which were referred to the Committee of the Whole House on the state of the Union, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 6776) granting condemned cannon and cannonballs to Post No. 208, Grand Army of the Republic, at New Brighton, Pennsylvania, for monumental purposes; and

A bill (H. R. No. 6779) donating condemned cannon and other munitions of war to G. H. Barnes Post No. 175, Grand Army of the Republic, Department of Pennsylvania.

HENRY N. HALSTEAD.

Mr. PRESCOTT, by unanimous consent, introduced a bill (H. R. No. 6881) granting an increase of pension to Henry N. Halstead; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REGULATION OF NEWSPAPERS.

Mr. PRESCOTT also (by request) introduced a bill (H. R. No. 6882) to suppress newspaper license and forgery; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DIGEST OF CONTESTED-ELECTION CASES.

Mr. ATHERTON. The Committee on Elections have instructed me to report a joint resolution to provide for preparing a digest of contested-election cases in the Forty-fifth and Forty-sixth Congresses; and I am authorized by the Committee to ask for its consideration at this time.

The joint resolution (H. R. No. 279) was received and read a first and second time.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. RANDALL. Let it be read.

The joint resolution was read, as follows:

Resolved, &c., That there be printed for the use of the Senate and House the usual number of copies of the digest of contested-election cases in the Forty-fifth and Forty-sixth Congresses, together with a full index of the same, to be prepared by the clerk of the Committee on Elections; for the preparation and superintendence of which there shall be paid said clerk by the Clerk of the House of Representatives the sum of \$1,000, and not more than \$500 shall be paid before the work is completed.

Mr. RANDALL. I think under the law this matter is required to go to the Committee on Printing. The amount is in excess of \$500.

The SPEAKER. If there is objection to the present consideration, the joint resolution will be referred.

Mr. RANDALL. I object.

The SPEAKER. The joint resolution will be referred to the Committee on Printing.

RIGHT OF WAY AT SANDY HOOK, NEW JERSEY.

Mr. FLOWER, (by Mr. RANDALL,) by unanimous consent, introduced a bill (H. R. No. 6883) granting the right of way through grounds belonging to the United States at Sandy Hook, New Jersey, to Morris C. Mengis, his associates, successors, or assigns, for the construction of a railroad; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HISCOCK. Mr. Speaker, what is the regular order?

The SPEAKER. The morning hour has expired—

Mr. HISCOCK. I move, then, to proceed to the consideration of business on the Speaker's table.

Mr. HASKELL. I ask whether the regular order is not the further consideration for fifteen minutes of business from the Committee on Indian Affairs?

Mr. HISCOCK. If there is unexpired time belonging to the Committee on Indian Affairs I do not wish to antagonize that committee.

The SPEAKER. The gentleman from Kansas calls up business of the Committee on Indian Affairs. The Chair understands that there are fifteen minutes of unexpired time belonging to that committee.

Mr. HASKELL. I yield to my colleague on the committee, the gentleman from Michigan, [Mr. SPAULDING.]

Mr. SPAULDING. I call up for consideration Senate bill No. 1939.

Mr. RANDALL. How does this come up? Has the Indian Committee any time remaining?

Mr. SCALES. I understand that the whole time of that committee was exhausted, if the time occupied in calling the roll be counted; and it must of course be counted.

Mr. HASKELL. Mr. Speaker, the call of the roll was under the operation of the previous question, coming over from the preceding day. By the rules of the House when the previous question is ordered upon a bill in the morning hour or any other special hour the bill is taken out of the operation of that hour and is voted upon in the time of the House. That was the condition of affairs in reference to the bill from the Committee on Indian Affairs. The roll was called, not in the time devoted to the business of our committee, but in the time of the House, and therefore not chargeable to our committee.

Mr. RANDALL. It does not matter whether time was consumed in the calling of the yeas and nays or otherwise; if upon business of the Indian Committee it is to be counted.

The SPEAKER. The present occupant of the chair was not in the chair at the time this question arose, but is quite willing the House should act upon the matter if there is any doubt about it.

Mr. HASKELL. We claim only fifteen minutes.

The SPEAKER. While it is true that the operation of the previous question gave preference to the bill in question immediately after the reading of the Journal on the following day, still it would seem to the Chair that the time occupied in disposing of the bill was a part of the time of the committee.

Mr. HASKELL. When the roll is actually called in any portion

of an hour set apart for special business it of course counts as part of the time; but when at the expiration of that hour, under the previous question, the roll is called outside of the hour, it is never taken out of the morning hour or any special hour.

The SPEAKER. The Chair does not think the roll was called in the morning hour; it took precedence of the morning hour, because the previous question was operating. The Chair will submit the question to the House for unanimous consent. The gentleman from Kansas [Mr. HASKELL] asks twenty minutes' further time for consideration of business from the Committee on Indian Affairs under the order which has been operating. Is there objection? The Chair hears none.

RIGHT OF WAY THROUGH PAPAGO INDIAN RESERVATION, ARIZONA.

Mr. SPAULDING. I call up for present consideration the bill (S. No. 1959) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation, in Arizona.

The bill was read, as follows:

Be it enacted, &c., That a right of way not exceeding two hundred feet in width through the Papago Indian reservation, in the Territory of Arizona, shall be, and is hereby, granted to the Arizona Southern Railroad Company, a corporation duly organized under the laws of the Territory of Arizona, according to the plans of route and survey of the said company now on file in the Department of the Interior, which said plans of route and survey have been approved by the Secretary of the Interior, except as to that portion running through said reservation: *Provided,* That the consent of the Indians occupying said reservation be first obtained, and such compensation as may be fixed by the Secretary of the Interior be paid to him by the said railroad company, to be expended by him for the benefit of the said Indians.

Sec. 2. That whenever said right of way shall cease to be used for the purposes of the said railroad company the same shall revert to the United States.

Mr. SPAULDING. Mr. Speaker, this bill has received the unanimous approval of committees of both Houses. It is recommended by the Secretary of the Interior and by the Indian Office. The distance through this reservation is only eight miles. The railway company has the right of way on both sides, and has partially constructed its road. The Indians are in favor of granting the right of way, and have asked for it. The Department is also in favor of it.

Mr. HOLMAN. I believe there is some provision in the bill in regard to compensation for this right of way.

Mr. MAGINNIS. The bill provides that the consent of the Indians shall be obtained and that the railroad company shall pay for the right of way.

Mr. SPAULDING. Payment is to be made to the Secretary of the Interior for the benefit of the Indians.

Mr. HOLMAN. Is it to be reserved as part of the Indian fund?

Mr. OURY. Mr. Speaker, the bill called up for consideration at this time granting the right of way to the Arizona Southern Railroad Company is one of great importance to the general commercial interests of the Territory, giving as it does a direct railroad communication to the whole of the Territory north and west of the city of Tucson with the city of Guaymas, on the Gulf of California. The consent of the Indians over whose reservation the right of way is asked has been obtained. The provisions of the bill require that the company shall pay to the Secretary of the Interior such an amount as he may indicate as a compensation to the Indians for such right of way. The bill meets with the approval of the Secretary of the Interior as well as that of the Commissioner of Indian Affairs, was passed by the Senate without a dissenting vote, and has been considered by the House Committee on Indian Affairs and unanimously reported favorably. Every possible precaution has been taken to guard the interests of the Indians and the Government, and there is absolutely nothing in the bill that can by any possibility provoke objection upon the part of any member of this House, and I hope the same will be allowed to pass. The people of my Territory have received but little from the present session of Congress, and the passage of this bill as a matter of justice to the Territory should be accorded without a dissenting voice.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SPAULDING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of a joint resolution (H. R. No. 270) to furnish the CONGRESSIONAL RECORD to each State and Territorial library, with an amendment, in which concurrence was requested.

It further announced the passage of the following joint resolutions without amendment:

A joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department; and

A joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department.

It further announced the passage of a bill (S. No. 1000) to prevent and punish counterfeiting within the United States of notes, bonds, or other securities of foreign governments, in which concurrence was requested.

It further announced concurrence of the Senate in the amendments of the House to bills of the following titles:

A bill (S. No. 979) regulating fees and the practice in extradition cases; and

A bill (S. No. 1845) to authorize the Postmaster-General to extend the mail service in certain cases.

DIGEST, CONTESTED-ELECTION CASES.

Mr. ATHERTON. Mr. Speaker, I rise to a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. ATHERTON. A joint resolution reported by me from the Committee on Elections and which was referred to the Committee on Printing, I notice in looking at the matter just now, should not go to the Committee on Printing at all. There does not seem to me any reason why it should be referred to that committee.

The SPEAKER. The Chair did not carefully examine the joint resolution at the time.

Mr. ATHERTON. It is not a resolution for printing, but a joint resolution looking to an appropriation for a report which may hereafter be ordered to be printed.

The SPEAKER. Was the subject referred to the Committee on Elections?

Mr. ATHERTON. The Committee on Elections assumed to make the report to the House.

The SPEAKER. Was it referred to the Committee on Elections?

Mr. COX, of New York. It was a joint resolution providing for printing, and under the rules was necessarily referred to the Committee on Printing.

Mr. RANDALL. It must go under the law to the Committee on Printing if it involves an expense of over \$500.

Mr. SPRINGER. The resolution provided that there should be printed for the use of the Senate and House the usual number of copies, &c., to be prepared in the way indicated, and it properly belongs to the Committee on Printing.

The SPEAKER. The Chair thinks the reference of the joint resolution was a proper one.

Mr. RANDALL. All printing over \$500 under the law must be referred to the Committee on Printing, and I am advised this will cost over \$1,000.

Mr. CALKINS. What reference was given to the joint resolution?

The SPEAKER. It was referred to the Committee on Printing, which is authorized to report at any time.

SUPPLIES FURNISHED THE SIOUX INDIANS.

Mr. RICE, of Massachusetts. Mr. Speaker, I am directed by the Committee on Indian Affairs to call up a bill (S. No. 36) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, and to move that the same be put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to investigate and determine the amounts due licensed traders, citizens of the United States, for supplies furnished, in the course of trade and business, to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the outbreak and massacre by said Indians in August, 1862, and for which damages were not awarded by the commissioners appointed under the act entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, for the reason that said act limited the action of said commissioners to claims arising from depredations, and did not authorize them to act upon claims arising upon contract or upon accounts for supplies furnished; and the said claims, when ascertained, shall be paid by the Secretary of the Interior out of the money hereby appropriated.

Sec. 2. That for the purpose of enabling the Secretary of the Interior to carry out the provisions of the foregoing section, the sum of \$120,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. Mr. Speaker, is not this bill subject to the point of order that it makes an appropriation and must have its first consideration in the Committee of the Whole House on the state of the Union? The last order of the House granting time to the Committee on Indian Affairs certainly did not suspend the general rules of the House.

The SPEAKER. Unanimous consent was accorded to the Committee on Indian Affairs, extending its time twenty minutes under the previous order of the House and under the same restrictions.

Mr. HOLMAN. That certainly did not suspend the rule of the House affecting bills making appropriations. The House suspended the rules originally to fix the time for the consideration of business coming from the Indian Committee.

The SPEAKER. The Chair holds that this is not subject to the point of order that it appropriates money and must be referred to the Committee of the Whole on the state of the Union.

Mr. HOLMAN. Does the Chair hold that under the recent order giving the committee twenty minutes it must not under the rules go to the Committee of the Whole House as it makes appropriation?

The SPEAKER. The Chair thinks not under the order. The time of the committee was merely extended by unanimous consent, and the Chair thinks this bill has the same privilege as if it came up under the original order.

Mr. RICE, of Massachusetts. Mr. Speaker, I desire to say that

this bill is simply to authorize the Secretary of the Interior to investigate what amounts are due to these traders who furnished supplies to the Sioux Indians under the advice and at the request of Major Galbraith in 1862, when they were waiting for the annuities which were overdue to them at the posts, these supplies being necessary to keep them quiet and peaceable until their annuities became available. They were accordingly furnished supplies by the traders, but before the annuities arrived the supplies were exhausted. The Indians became dispirited and restless under this treatment and broke out in an insurrection which resulted in a war, after which the funds belonging to them and in the possession of the Government were confiscated to an amount exceeding \$5,000,000, leaving therefore nothing out of which to pay the traders who had furnished the supplies for these Indians for two months preceding the outbreak of the war, and who were relying upon these annuities, out of which they were assured they should receive payment for the material they had furnished. This bill has been carefully examined by the committee and unanimously reported by them. It also, I believe, unanimously passed the Senate.

Mr. WASHBURN. I desire to say but a single word upon this bill. If there was ever a just bill presented to the House of Representatives this bill reported by the Committee on Indian Affairs is, in my judgment, an eminently just and proper one. In 1862, at the time of the terrible massacre in our State, where eight hundred innocent people lost their lives, or immediately after the massacre, some \$6,000,000 that belonged to these Sioux Indians was confiscated by the Government to pay the expenses of the war which they had inaugurated. In order to preserve peace or prevent an outbreak of the Indians, which as I have said did subsequently occur, the traders furnished goods and provisions to the Indians to keep them from starvation, and by so doing procrastinated or delayed the final outbreak and massacre which afterward occurred. Now this bill, as I understand it, proposes out of these confiscated funds to pay the Indian traders who furnished the supplies. It is therefore only a just and proper measure, and one which I trust will be passed. It is an act of justice to these people, who supplied the Indians during the time that their annuities were not available. It passed the Senate after a careful investigation, and was reported unanimously, I believe, by the Senate committee, as it has been by the House committee.

Mr. HISCOCK. I wish to ask if this bill appropriates any money? Mr. WASHBURN. It appropriates the necessary amount out of this confiscated fund, such as the Secretary of the Interior shall find to be due to these parties.

Mr. WILLIS. What is the amount involved?

Mr. WASHBURN. About \$120,000.

Mr. HISCOCK. What bill is before the House for consideration?

The SPEAKER. The Senate bill is before the House.

Mr. HISCOCK. Has that bill been referred to the Committee on Indian Affairs?

Mr. WASHBURN. Yes, sir; reported unanimously by the committee.

Mr. HISCOCK. But this I understand is the Senate bill?

The SPEAKER. The point of order would not lie against it for that reason.

Mr. HISCOCK. But the consideration is now being given to the Senate bill?

Mr. WASHBURN. The House bill is an identical bill—

Mr. RICE, of Massachusetts. This is the Senate bill which the committee authorize to be passed.

The SPEAKER. Under the special order the Committee on Indian Affairs is at liberty to call up any bill for consideration.

Mr. RICE, of Massachusetts. I move the previous question on the passage of the bill.

Mr. ATKINS. I wish to make a parliamentary inquiry. Does this bill make an appropriation of money?

The SPEAKER. The Chair thinks it does.

Mr. ATKINS. Out of the Indian funds?

Mr. WASHBURN. Out of the confiscated fund. To make the matter plain I will repeat that in 1862, after the Indian outbreak, the fund of near six millions of dollars belonging to these Indians was confiscated and went into the Treasury. Now it is proposed by the present provision of law to pay the claims of these traders who furnished supplies to the Indians out of this fund which has been so confiscated.

Mr. HISCOCK. I ask that the second section of the bill be again read.

The SPEAKER. The Clerk will read.

The second section was again reported.

Mr. HISCOCK. It seems to me that there should certainly be an amendment to the bill providing that this \$125,000 is to be paid out of this confiscated Indian fund; and I suggest that as an amendment, or that a similar amendment be inserted in the bill.

Mr. WASHBURN. It is not necessary; it must be paid out of this confiscated fund.

Mr. HASKELL. There is no Sioux Indian fund—

Mr. RICE, of Massachusetts. I demand the previous question. It seems to me that it would make no difference if the amendment suggested by the gentleman from New York were adopted. This fund has been covered into the Treasury, and it is just the same thing. It

is simply taking out or paying out of that which has been already covered into the Treasury.

Mr. HISCOCK. Do I understand the gentleman refuses to allow an amendment?

Mr. HASKELL. I do not think it is necessary.

Mr. HISCOCK. Then a quorum will be necessary.

Mr. ATKINS. Has this bill been referred to the Committee on Claims, or does it come from the Committee on Indian Affairs?

The SPEAKER. From the Committee on Indian Affairs.

Mr. HISCOCK. There have been at least \$12,000,000 of these Indian claims or depredation claims filed; and, so far as I am concerned, I want to know what fund they are to be paid from before I am willing to give my assent to such a measure as this.

Mr. ATKINS. And so far as I am concerned, I want the bill to go to the Committee on Claims, where it belongs.

Mr. HASKELL. Just one word. There is not a particle of depredation claim about this bill; nothing of the kind. Before that war the Indians had \$5,000,000 of their own money. This claim is brought in here by men who furnished them food upon their credit and clothing on their own credit.

Mr. ATKINS. Will the gentleman allow me—

Mr. HASKELL. Wait a moment. When that war broke out that entire fund of \$5,000,000 was confiscated to the United States. The Indians could not pay the money because the Government had secured it all, and it was in the Treasury. This bill simply tells the Secretary of the Interior to find out how much those men furnished those Indians, and pay whatever is their due. That is all there is of it. There is no depredation claim about it, no raid upon the Treasury. It is agreed to by the Senate and the House committees, has been repeatedly so agreed to without a single murmur of objection.

Mr. RICE, of Massachusetts. I call for the previous question.

Mr. ATKINS. I wished to ask the gentleman from Kansas a question for information, but he did not seem disposed to give it.

Mr. HASKELL. I am not in control of the bill.

Mr. ATKINS. I rose two or three times to ask the gentleman a question, but he continued to occupy the floor. I wish to know how far back these claims date.

Mr. HASKELL. They date back to 1862.

Mr. ATKINS. Exactly.

Mr. HASKELL. They are old claims.

Mr. ATKINS. Very old.

Mr. HASKELL. But before they are to be paid a commission is to go and see what is due, and then it will be paid out of the \$5,000,000 taken from the Sioux.

Mr. HISCOCK. Gentlemen talk about paying this from the \$5,000,000 taken from the Sioux, but they are unwilling the bill should be amended to have the amount appropriated paid from what was taken from the Sioux.

Mr. HASKELL. That amendment cannot be admitted because there is no separate Sioux fund. It has been converted.

Mr. HISCOCK. If that amendment were put in the bill I think they would be able to find that money.

The SPEAKER. The question is on ordering the previous question.

The question being taken, there were—ayes 32, noes 30.

Mr. ATKINS. No quorum.

The SPEAKER. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Tennessee, Mr. ATKINS, and the gentleman from Massachusetts, Mr. RICE.

The House again divided; and the tellers reported—ayes 37, noes 51.

Mr. ATKINS. I withdraw the point as to a quorum.

So (further count not being called for) the previous question was not ordered.

ORDER OF BUSINESS.

The SPEAKER. The twenty minutes given to the Committee on Indian Affairs by unanimous consent as an extension of the special order have now expired.

Mr. HISCOCK. I move that the House proceed to the consideration of business on the Speaker's table.

Mr. HOLMAN. The House is very thin. I move that the House adjourn.

Mr. RANDALL. I ask the gentleman to yield to me for a moment, that I may submit a joint resolution to which I am sure there will be no objection.

Mr. HOLMAN. I yield to the gentleman from Pennsylvania.

LOAN OF TENTS TO WASHINGTON LIGHT INFANTRY.

Mr. RANDALL, by unanimous consent, introduced a joint resolution (H. R. No. 280) authorizing the Secretary of War to loan seventy tents to the Washington Light Infantry Corps of the District of Columbia; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c. That the Secretary of War be, and he is hereby, authorized to loan to the Washington Light Infantry Corps of the District of Columbia, if they can be conveniently spared, seventy tents, to be used by them for encampment purposes during the month of August, 1882: *Provided*, That ample security be given to the Secretary of War, to be judged of by him, that the said tents shall be returned in good condition to him after their use as aforesaid.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. Does the gentleman from Indiana insist on his motion, that the House do now adjourn?

Mr. HOLMAN. I do.

The question being taken, there were—ayes 22, noes 57.

So the motion was not agreed to.

Mr. HOLMAN. I move that the House take a recess for one hour.

Mr. SPRINGER. If the gentleman will give way, I desire to present a matter of printing which I think will be interesting to every one.

Mr. HOLMAN. I call for a division on the motion of a recess.

The question being taken, there were—ayes 22, noes 52.

Mr. HOLMAN. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from New York, Mr. HISCOCK, and the gentleman from Indiana, Mr. HOLMAN.

The House again divided; and the tellers reported ayes 12.

Before the negative vote was counted,

Mr. HOLMAN said: I withdraw the point as to a quorum.

So (further count not being called for) the motion for a recess was not agreed to.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] moves that the House proceed to the consideration of business on the Speaker's table.

Mr. KLOTZ addressed the Chair.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. KLOTZ. I desire to call up Senate bill No. 297.

The SPEAKER. The House is dividing.

The question being taken on Mr. HISCOCK's motion, there were—ayes 50, noes 2.

So (further count not being called for) the motion was agreed to; and the House proceeded to consider business on the Speaker's table.

F. G. SCHWATKA, SR., AND WIFE.

The first business on the Speaker's table was the bill (S. No. 51) for the relief of F. G. Schwatka, sr., and wife.

The bill was read.

Mr. HISCOCK. I make the point of order that the bill should be referred.

Mr. HENDERSON. I move that the bill be referred to the Committee on Military Affairs.

Mr. HOLMAN. I make the point of order that the bill makes an appropriation of money and should go to the Committee of the Whole House on the state of the Union.

Mr. GEORGE rose.

The SPEAKER. Does the gentleman from Oregon desire to be heard on the point of order?

Mr. GEORGE. Yes, sir. This bill has been before the House once before. Objection at that time was made to its consideration, but was subsequently withdrawn. I would ask unanimous consent that the bill, which is a very meritorious one, be put on its passage.

The SPEAKER. The point of order is made that this bill must receive its first consideration in Committee of the Whole, and the Chair thinks that point should be sustained. The bill may be referred to the appropriate standing committee of the House.

Mr. GEORGE. I ask unanimous consent that this bill be allowed to remain on the Calendar. I introduced a similar measure in the House, which was referred to the Committee on Claims and by that committee favorably reported to the House. I ask that this bill be passed over for the present, retaining its place on the Speaker's table.

There was no objection, and it was so ordered.

UMATILLA INDIAN RESERVATION.

The next business on the Speaker's table was the bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian Reservation, and for other purposes; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed and laid out into lots and blocks so much of the Umatilla Indian reservation, in the State of Oregon, lying and being contiguous to or in the vicinity of the town of Pendleton, as may be necessary to allow said town proper and needful extension and growth, not exceeding six hundred and forty acres. That the lands so authorized to be laid out into town lots shall, in the plan and survey thereof, correspond as near as may be to the plans and survey of the said town of Pendleton, as laid out and established. That at the time of the said survey the Secretary of the Interior shall cause the said lots and blocks to be appraised by three disinterested persons, to be appointed by him, who, after taking and subscribing an oath before the county clerk of Umatilla County, Oregon, to faithfully and impartially perform their duty as appraisers of said lots and blocks under the provisions of this act, which oath shall be returned with their appraisal, shall go in person upon the ground and determine the value of each lot and parcel thereof, making lists thereof particularly describing each lot, block, and parcel, with the appraised value thereof as by them determined; which said list shall be

verified by the affidavit of at least two of said appraisers, made before the said clerk of Umatilla County, Oregon, to the effect that said list is a correct list of the said lots, blocks, and parcels appraised by them, and that the appraisements thereof are the true value of each parcel appraised, and that the same were determined by them after due and full inspection of each and every parcel thereof.

SEC. 2. That upon the return of said survey and the appraisal of said lands, if the same shall be approved, the Secretary of the Interior shall cause said lands to be offered for sale at public auction at the door of the court-house in the town of Pendleton, which sale shall be advertised for at least thirty days in such manner as the said Secretary shall direct. The said sale shall be open, public, and to the highest bidder, and shall continue from day to day until all of the said lands shall have been sold or offered for sale. The said lands shall be offered in single lots and parcels, and no bid shall be received for any lot or parcel less than the appraised value of the same. Payment shall be made as follows: one-third at the time of sale, one-third in one year, and one-third in two years; but no patent shall issue until full payment shall have been made. All lots, blocks, and parcels of said lands not sold at said public sale shall thereafter be subject to private entry at the appraised value thereof. Upon a failure of any purchaser to make any of the deferred payments upon any lot or parcel of said land sold at public auction for the period of thirty days after demand, the same shall be subject to private entry as unsold lots or parcels, and all payments made thereon shall be forfeited to the fund for the use and benefit of said Indians as hereinafter provided: *Provided*, That the title to so much of said lands as is covered by a patent issued by the United States to Moses E. Goodwin, on the 20th day of August, 1869, for the north half of the northeast quarter of section 10, the southwest quarter of the southwest quarter of section 2, and the northwest quarter of the northwest quarter of section 11, township 2 north, range 32 east of the Willamette meridian, be, and the same is hereby, confirmed to the heirs and legal representatives of said Moses E. Goodwin, now deceased, and to their assigns, upon compliance with the following condition, and not otherwise: the heirs and legal representatives of the said Moses E. Goodwin, or their assigns, shall pay for the use of said Indians the value of the said lands at the time of Goodwin's settlement thereon, which value shall be determined by the persons who shall be appointed to appraise the lots and blocks by this act authorized to be laid out and appraised; and the said appraisers shall certify and return their action in this respect in the same manner and at the same time as they do their action in respect of the lands laid out into town lots: *And provided further*, That any right heretofore acquired by the Oregon Railway and Navigation Company for right of way for a line of railway and to lands for use and occupancy by said company for station or depot purposes shall not be affected by this act.

SEC. 3. That the funds arising from the sale of said lands, after deducting the expenses of the survey, appraisal, and sale of the same, shall be deposited in the Treasury of the United States to the credit of the Indians belonging on said reservation, and shall bear 5 per cent. per annum interest; and the Secretary of the Interior shall expend, from time to time, for the benefit and support of an industrial school for said Indians on said reservation, so much of the principal and accrued interest thereon as he shall see fit.

SEC. 4. That the Secretary of the Interior shall make all needful rules and regulations requisite to carry this act into effect, shall determine the compensation to be allowed the appraisers for their services in appraising said lands, and also the compensation of the surveyor for his services in laying out said lands into town lots.

SEC. 5. That before the Secretary of the Interior shall execute any part of the provisions of this act he shall obtain the full and free consent of the Indians upon the said reservation to the sale and disposition of the said lands in the manner and for the purposes in this act provided.

SEC. 6. That the sum of \$3,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying this act into effect, which said sum, or so much thereof as may be expended, shall be reimbursed to the Treasury out of the sales of said lands.

SEC. 7. That the interior lines of the land by this act authorized to be laid out in town lots, and separating the same from the lands of said reservation, shall, from the date of the approval of said survey by the Secretary of the Interior, be and constitute the line of said reservation between the same and the town of Pendleton.

Mr. HOLMAN. I desire to reserve the point of order on this bill that it must receive its first consideration in Committee of the Whole. Without knowing anything of the facts, and admitting that the measure may perhaps be a meritorious one, I think the appropriation for making the survey contemplated is too large. If the gentleman from Oregon [Mr. GEORGE] will consent to an amendment reducing the amount one-half, I will not press the point of order.

Mr. GEORGE. I will consent to the amendment.

Mr. HOLMAN. Then I move to strike out of section 6, "\$3,000" and insert in lieu thereof "\$1,500."

The amendment was agreed to.

The bill as amended was then ordered to a third reading, read the third time, and passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORT LARNED MILITARY RESERVATION.

The next business on the Speaker's table was the bill (S. No. 346) to provide for the disposition of the Fort Larned military reservation; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized to relinquish and turn over to the Department of the Interior, for restoration to the public domain, the Fort Larned military reservation, in the State of Kansas.

SEC. 2. That the Commissioner of the General Land Office is hereby directed to have said public lands, when transferred as provided for in section 1, surveyed in like manner as other public lands, and shall thereupon cause the same to be appraised by three disinterested competent persons; and after such appraisal shall have been approved by the Secretary of the Interior the land shall be sold to actual settlers only, at the appraised price and as nearly as may be in conformity to the provisions of the pre-emption laws of the United States: *Provided*, That no person shall be permitted to purchase more than one quarter section of said land: *And provided further*, That the Commissioner may, in his discretion, cause the section of said reservation on which improvements are situated to be appraised in a body, together with such improvements, and may then sell the same at public or private sale, as he may deem to the best advantage of the Government, except that it shall not be sold at less than the appraised price.

Mr. RYAN. If there is no objection I will ask that this bill be now considered and passed.

The bill was ordered to a third reading, read the third time, and passed.

Mr. RYAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES P. CHOUTEAU.

The next business on the Speaker's table was the bill (S. No. 184) for the relief of Charles P. Chouteau; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Court of Claims be authorized to grant a rehearing in the case of Charles P. Chouteau, surviving partner of Chouteau, Harrison & Valle, and William A. Steele, against the United States, with jurisdiction to hear and determine the amount, if any, due under the contract for the construction of the iron-clad vessel Etah, by reason of the delays occasioned in such construction by the acts of the Government beyond the period specified in the contract, or for extras beyond what was provided therein. If upon such rehearing a receipt dated April 24, 1866, shall be given in evidence, the court may give judgment for such sum as shall be justly and equitably due, notwithstanding such receipt: *Provided*, That nothing in this act contained shall be construed as any admission of any facts whatever by the United States.

Mr. HISCOCK. I move that that bill be referred to the Committee on Naval Affairs.

Mr. HENDERSON. It should be referred to the Committee on the Judiciary, I think.

Mr. REED. I understand that the Committee on Claims has charge of a similar bill.

Mr. HOLMAN. A House bill of the same character was very fully considered by the House and rejected. I move to lay this bill on the table.

Mr. BUCKNER. I hope that will not be done.

Mr. HISCOCK. If it is true that a House bill of the same character has been laid on the table, I will withdraw my motion in order to allow the gentleman from Indiana [Mr. HOLMAN] to move to lay this bill on the table.

Mr. BUCKNER. I hope that will not be done. The bill should be referred to the Committee on Claims.

The SPEAKER. The motion to lay on the table is not debatable. The motion of Mr. HOLMAN was agreed to, and the bill was accordingly laid on the table.

STATE AND TERRITORIAL LIBRARIES.

The SPEAKER laid before the House the amendment of the Senate to the House joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library.

The amendment was, to add to the joint resolution the following: And the Public Printer is directed to print 50 additional copies of the same to meet the requirements of this joint resolution.

Mr. PRESCOTT. I move that the amendment of the Senate be concurred in.

The motion was agreed to.

DR. DANIEL M. APPEL.

The next business on the SPEAKER's table was the bill (S. No. 668) to authorize Dr. Daniel M. Appel, of the United States Army, to receive pay for discharging the duties of physician to the Mescalero Apache Indian agency, New Mexico; which was read a first and second time.

The bill was read, as follows:

Whereas Dr. Daniel M. Appel, assistant surgeon in the United States Army, did, from January 1, 1877, to March 31, 1879, discharge the duties of physician at the Mescalero Apache Indian agency, New Mexico, at the request of the then agent of said agency, at the rate of \$50 per month, in the absence of and the impossibility of getting a regular physician, said Dr. Appel being then stationed at Fort Stanton, thirty-six miles distant, the vouchers for which services have been rejected by the accounting officers of the Treasury: Therefore,

Be it enacted, &c., That Dr. Daniel M. Appel, assistant surgeon in the United States Army, be, and he is hereby, authorized to receive the pay authorized or contracted to be paid by the agent of the said Mescalero Apache agency, New Mexico, to wit, \$50 per month from January 1, 1877, to March 31, 1879, for services as physician at said agency, notwithstanding the provisions of section 1765 of the Revised Statutes; and that the proper accounting officers of the Treasury are hereby authorized and directed to allow his vouchers for same, already on file.

Mr. HISCOCK. I make the point of order on this bill.

Mr. WILLITS. A similar bill has been favorably reported to the House by the Committee on Indian Affairs and is now on the Calendar. I have the report of the committee here.

The SPEAKER. Does the gentleman desire to have the report read?

Mr. WILLITS. I do not; it is the unanimous report of the committee.

Mr. HAZELTON. I ask to have it read.

The SPEAKER. The report will be read.

Mr. HOLMAN. The point of order is reserved.

Mr. HISCOCK. I withheld it to hear the statement of the gentleman from Michigan, [Mr. WILLITS.]

Mr. HOLMAN. I am willing it shall be withheld, but I do not want it withdrawn.

The SPEAKER. The report will be read.

The report was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. No. 773) for the relief of Dr. Daniel M. Appel, respectfully report:

This bill has passed the Senate at the present session, and the report of the Sen-

ate Committee on Military Affairs is adopted by your committee. Attention is also invited to the accompanying statements of Lieutenant-Colonel Dudley and Captain Purington, of the Ninth Cavalry.

"This is a bill to authorize Assistant Surgeon Daniel M. Appel, of the United States Army, to receive pay for services rendered as a physician at the Mescalero Apache Indian agency, New Mexico, from January 1, 1877, to March 31, 1879, at the rate of \$50 per month.

"From the evidence presented it appears—

"1. That the services were rendered in good faith by Dr. Appel under an agreement with the agent at the Mescalero Apache Indian agency.

"2. That it was impracticable to obtain the services of any other physician, and that Dr. Appel was compelled to travel thirty-five or forty miles from his regular station, Fort Stanton, New Mexico, through a dangerous country, at his own expense, in order to render this service.

"3. That notwithstanding this arduous service, Dr. Appel at no time neglected his duty as a medical officer of the Army, but made professional visits to the Indian agency only at such times as would not interfere with his duties at Fort Stanton, and always with the permission and approval of the commanding officer of that post.

"The just and equitable right to payment for such services has already been recognized and determined by Congress in similar claims of Assistant Surgeon Thomas F. Azpell, United States Army, by act approved January 16, 1877, and Assistant Surgeon J. A. Fitzgerald, United States Army, by act approved March 1, 1879.

"The Army regulations, which are sanctioned by and have the effect of law, prescribe the duties of medical officers of the Army as follows:

"Medical officers, where on duty, will attend the officers and enlisted men and the servants and laundresses authorized by law, and at stations where other medical attendance cannot be procured without great expense or inconvenience, and on marches, the hired men of the Army and the families of officers and soldiers."

"The committee recommend that the claim of Dr. Appel be allowed, as, in addition to all of the duties devolving upon him as a medical officer of the Army, he responded to the calls made upon him for his professional services at the Indian agency, thirty-five or forty miles distant from his station, in the same manner as any private physician would have responded, and as medical officers are frequently called upon when serving at frontier posts in cases of emergency and in the interests of humanity.

"The location or residence of the nearest private physician to the Mescalero agency was about one hundred and forty miles distant.

"The services rendered by Dr. Appel, at great personal risk and at his own expense, and for which this moderate compensation is asked, would have cost the Government at the lowest calculation twice the amount claimed if a physician had been appointed for service at the agency, and at the least calculation five times the amount had the nearest private physician been called.

"For all these reasons it seems just that the bill should pass, and Dr. Appel be allowed to receive the pay agreed upon, notwithstanding the provisions of section 1765 of the Revised Statutes."

FORT STANTON, NEW MEXICO,
July 21, 1879.

I hereby certify that I was in command of the post of Fort Stanton, New Mexico, from April 5, 1878, until March 8, 1879, and that during that time Assistant Surgeon D. M. Appel was my post surgeon; that Acting Assistant Surgeon W. B. Lyon was absent during the great part of said time, and that, to my knowledge, there was no other physician within over one hundred miles of the post.

"That during that time Dr. Appel was frequently called to attend patients at the Mescalero Apache Indian agency, and as his services were urgently required, and I deemed it an act of humanity, I gave him permission to go whenever it did not interfere with his duties; that on these visits he was required to travel alone, at all hours of the day and night, through an unsettled and dangerous region, over a distance of seventy-six miles, using his own private conveyance; and that, in my opinion, his visits to the agency were just such professional visits as he would make to other patients not belonging to the Army, and he is unquestionably entitled to compensation for his extra services."

N. A. M. DUDLEY,
Lieutenant-Colonel Ninth Cavalry.

FORT BAYARD, NEW MEXICO, January 2, 1880.

I certify that during the years 1876, 1877, and 1878 Dr. D. M. Appel was post surgeon at Fort Stanton, New Mexico. During this time he was sent for frequently to visit the Mescalero Indian agency for the purpose of attending sick and wounded Indians. The distance between the post and the agency (forty miles) was traveled by Dr. Appel at all hours of the day and night and during inclement seasons of the year and through a very dangerous country. There being no other physicians in the country but Army surgeons, great suffering would have resulted if Dr. Appel had not responded to these calls. These visits were made in the doctor's own conveyance and at his own expense. None of his duties at the post were neglected on account of these visits.

GEO. A. PURINGTON,
Captain Ninth Cavalry.

Mr. HOLMAN. This bill involves the idea of double payment to a public officer, and I think it should be first considered in Committee of the Whole.

Mr. WILLITS. I hope the gentleman will withdraw his point of order. The Government really saved \$600 a year by the services of this officer.

Mr. HOLMAN. The bill involves double payment to a public officer, which is always objectionable.

Mr. WILLITS. It has received the favorable consideration of a committee of this House as well as of the last House.

Mr. BUCHANAN. This bill is against public policy.

The SPEAKER. The question is on the point of order. The Chair understood the gentleman from Indiana [Mr. HOLMAN] to reserve the right to make the point of order until after the report was read. The point of order having been made, the Chair will be obliged to sustain it.

Mr. WILLITS. I ask that the bill be passed over and allowed to remain upon the Speaker's table.

There was no objection, and it was so ordered.

MAJOR G. W. CANDEE.

The next business on the Speaker's table was the bill (S. No. 480) for the relief of Major G. W. Candee; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That there be paid to Major G. W. Candee, paymaster, United States Army, out of any money in the Treasury, the sum of \$2,650, being the amount stolen from him at Fort Arbuckle, Indian Territory, in the fall of 1869, without fault or negligence on his part, and restored by him out of private funds.

Mr. HENDERSON. I would suggest that a House bill of the same character as this has been considered, and I think was laid on the table. I will not myself move to lay this bill on the table.

Mr. HAMMOND, of Georgia. I make the motion.

The motion was agreed to; and the bill was accordingly laid on the table.

GENERAL U. S. GRANT.

The next business on the Speaker's table was the bill (S. No. 59) to place Ulysses S. Grant, late General and ex-President of the United States, upon the retired list of the Army.

Mr. HENDERSON. I move that this bill be referred to the Committee on Military Affairs.

Mr. MCKENZIE. I move that it be laid on the table.

Mr. SPRINGER. Let it go to the Committee on Military Affairs.

The SPEAKER. Does the gentleman from Kentucky insist on his motion to lay on the table?

Mr. MCKENZIE. I do.

Several MEMBERS, (to Mr. MCKENZIE.) Withdraw it.

The question being taken on the motion of Mr. MCKENZIE, there were—ayes 33, noes 43.

Mr. MCKENZIE. I demand the yeas and nays.

The yeas and nays were ordered, there being ayes 26; more than one-fifth of the last vote.

Mr. SPRINGER. I do not think the yeas and nays will be insisted upon.

The SPEAKER. They have been ordered.

Mr. SPRINGER. I move to reconsider the vote by which the yeas and nays were ordered.

The motion to reconsider was not agreed to, there being—ayes 13, noes 37.

The question was taken; and there were—yeas 77, nays 83, not voting 129; as follows:

YEAS—77.

| | | | |
|-----------------|------------------|------------------|--------------------|
| Armfield, | Dawes, | Jones, George W. | Rosecrans, |
| Atkins, | Dibrell, | Jones, James K. | Ross, |
| Belmont, | Dowd, | Kenna, | Scales, |
| Berry, | Ellis, | King, | Simonton, |
| Blackburn, | Ermentrout, | Klotz, | Singleton, Otho R. |
| Blanchard, | Evins, | Leedom, | Talbot, |
| Blount, | Ford, | Le Fevre, | Thompson, P. B. |
| Buchanan, | Forney, | McKenzie, | Townsend, R. W. |
| Buckner, | Fulkerson, | McMillin, | Turner, Henry G. |
| Cabell, | Gunter, | Miller, | Turner, Oscar |
| Caldwell, | Hammond, N. J. | Mills, | Upson, |
| Carlisle, | Hardenbergh, | Muldrow, | Vance, |
| Clements, | Harris, Henry S. | Murch, | Warner, |
| Colerick, | Haseltine, | Mutcler, | Wellborn, |
| Converse, | Hatch, | Oates, | Whitthorne, |
| Cox, Samuel S. | Herrndon, | Phelps, | Williams, Thomas |
| Cox, William R. | Hobbitzell, | Reagan, | Wise, George D. |
| Cravens, | Hoge, | Rice, Theron M. | |
| Culbertson, | Holman, | Ritchie, | |
| Curtin, | House, | Robertson, | |

NAYS—83.

| | | | |
|--------------------|------------------|-------------------|-------------------|
| Aldrich, | Fisher, | Page, | Springer, |
| Anderson, | George, | Parker, | Stone, |
| Bayne, | Guenther, | Payson, | Strait, |
| Brewer, | Harris, Benj. W. | Peelle, | Thomas, |
| Briggs, | Haskell, | Peirce, | Townsend, Amos |
| Brown, | Hazelton, | Pound, | Tyler, |
| Buck, | Henderson, | Prescott, | Updegraff, J. T. |
| Burrows, Julius C. | Hiscock, | Randall, | Updegraff, Thomas |
| Butterworth, | Horr, | Ray, | Urner, |
| Campbell, | Hubbell, | Reed, | Valentine, |
| Candler, | Jacobs, | Rich, | Van Aernam, |
| Cannon, | Jadwin, | Robeson, | Wait, |
| Carpenter, | Ketcham, | Robinson, Geo. D. | Ward, |
| Crapo, | Lewis, | Ryan, | Washburn, |
| Cullen, | Lord, | Shallenberger, | Watson, |
| Davis George R. | Lynch, | Sherwin, | Webber, |
| Deering, | Mackey, | Smalls, | West, |
| De Motte, | McKinley, | Smith, A. Herr | White, |
| Dunnell, | McLane, | Spaulding, | Willits, |
| Errett, | Morey, | Speer, | Young, |
| Farwell, Sewell S. | O'Neill, | Spooner, | |

NOT VOTING—129.

| | | | |
|------------------|-------------------|-------------------|----------------|
| Aiken, | Caswell, | Dwight, | Hooker, |
| Atherton, | Chace, | Farwell, Chas. B. | Houk, |
| Barbour, | Chapman, | Flower, | Hubbs, |
| Barr, | Clardy, | Frost, | Humphrey, |
| Beach, | Clark, | Garrison, | Hutchins, |
| Belford, | Cobb, | Geddes, | Jones, Phineas |
| Beltzhoover, | Cook, | Gibson, | Jorgensen, |
| Bingham, | Cornell, | Godshalk, | Joyce, |
| Bisbee, | Covington, | Grout, | Kasson, |
| Black, | Crowley, | Hall, | Kelley, |
| Blair, | Cutts, | Hammond, John | Kuati, |
| Bliss, | Darrall, | Hardy, | Lacey, |
| Bowman, | Davidson, | Harner, | Ladd, |
| Bragg, | Davis, Lowndes H. | Heilman, | Latham, |
| Brunn, | Deuster, | Hepburn, | Lindsey, |
| Burrows, Jos. H. | Dezendorf, | Herbert, | Lowe, |
| Calkins, | Dingley, | Hewitt, Abram S. | Manning, |
| Camp, | Dugro, | Hewitt, G. W. | Marsh, |
| Cassidy, | Dunn, | Hill, | Martin, |

| | | | |
|-----------|---------------------|--------------------|--------------------|
| Mason, | Norcross, | Scoville, | Tucker, |
| Matson, | Orth, | Scranton, | Van Horn, |
| McClure, | Pacheco, | Shackelford, | Van Voorhis, |
| McCoid, | Paul, | Shultz, | Wadsworth, |
| McCook, | Pettibone, | Singleton, Jas. W. | Walker, |
| Miles, | Phister, | Skinner, | Williams, Chas. G. |
| Money, | Ranney, | Smith, Dietrich C. | Willis, |
| Moore, | Rice, John B. | Smith, J. Hyatt | Wilson, |
| Morrison, | Rice, William W. | Sparks, | Wise, Morgan R. |
| Morse, | Richardson, D. P. | Steele, | Wood, Benjamin. |
| Mosgrove, | Richardson, Jno. S. | Stephens, | Wood, Walter A. |
| Monlton, | Robinson, Jas. S. | Stockslager, | |
| Neal, | Robinson, Wm. E. | Taylor, | |
| Nolan, | Russell, | Thompson, Wm. G. | |

So the motion to lay on the table was not agreed to.

The following pairs were announced from the Clerk's desk:

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MCCOID with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. BARR with Mr. DAVIDSON.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. DWIGHT with Mr. HARDY.

Mr. YOUNG with Mr. CLARDY.

Mr. BOWMAN with Mr. SPARKS.

Mr. HOUK with Mr. COVINGTON.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. SCRANTON with Mr. BEACH.

Mr. CORNELL with Mr. LATHAM.

Mr. HAMMOND, of New York, with Mr. PHISTER.

Mr. GEDDES with Mr. NEAL.

Mr. GUENTHER with Mr. DEUSTER.

Mr. MASON with Mr. MONEY.

Mr. FARWELL, of Illinois, with Mr. STOCKSLAGER.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. UPDEGRAFF, of Iowa, with Mr. RICHARDSON, of South Carolina.

Mr. STEELE with Mr. COBB.

Mr. CASWELL with Mr. MOULTON.

Mr. BELTZHOVER with Mr. MCCOOK.

Mr. RUSSELL with Mr. SPEER.

Mr. HILL with Mr. STEPHENS.

Mr. CHACE with Mr. SCOVILLE.

Mr. MOORE with Mr. MATSON.

Mr. BINGHAM with Mr. KNOTT.

Mr. SMITH, of Illinois, with Mr. MORSE.

Mr. PETTIBONE with Mr. ATHERTON.

Mr. MORRISON with Mr. KELLEY.

Mr. GODSHALK with Mr. AIKEN.

Mr. CALKINS with Mr. BARBOUR.

Mr. HOLMAN. My colleague [Mr. STOCKSLAGER] is confined to his room by sickness.

The result of the vote was announced as above stated.

Mr. HENDERSON. I now move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

ENROLLED BILL SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 6722) to regulate the carriage of passengers by sea; when the Speaker signed the same.

CAROLINE MOTT.

The next business on the Speaker's table was the bill (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That there shall be paid to Mrs. Caroline Mott, administratrix of the estate of Danford Mott, late of Alburgh, in the State of Vermont, deceased, the sum of \$2,707.92, out of any money appropriated for the payment of judgments rendered against the United States; the same being the amount found due and allowed to said Danford Mott in his lifetime by the Court of Claims for expenses incurred in defending a suit brought against him for acts done as an officer of the United States.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES BURKE.

The next business on the Speaker's table was the bill (S. No. 138) for the relief of James Burke; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the sum of \$180.40 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to enable the Secretary of War to reimburse to James Burke, superintendent of the national cemetery at Salisbury, North Carolina, the amount of a judgment, costs, and disbursements, which judgment was obtained against said Burke in the circuit court of

Pulaski County, Kentucky, at a suit of William H. Logan, for an alleged trespass by said Burke, committed while in discharge of his duty as said superintendent, which said Burke defended but was by said court condemned in damages and costs for the aforesaid sum of \$180.40.

Mr. ARMFIELD. This has been approved by the committee of the House as well as by the committee of the Senate.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ARMFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT FRANK P. GROSS.

The next business on the Speaker's table was the bill (S. No. 83) for the relief of Lieutenant Frank P. Gross; which was read a first and second time. The bill was read *in extenso*.

Mr. HOLMAN. I reserve the point of order that as this bill makes an appropriation it should have its first consideration in Committee of the Whole House, until I know from the Committee on Military Affairs what has been the action in this House on this bill.

Mr. HENDERSON. I move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

EDWARD P. VOLLUM.

The next business on the Speaker's table was the bill (S. No. 293) for the relief of Edward P. Vollum; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and required to ascertain the value of the property lost by Assistant Surgeon Edward P. Vollum, of the United States Army, who, while under orders of the War Department, was on board the brig Fawn, bound for Fort Umpqua, Oregon Territory, when she was wrecked on the 21st of November, 1856; and the amount so ascertained shall be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That no allowance be made for any property except what was useful, necessary, and proper for such an officer while on the voyage and engaged in the public service, and that the aggregate amount allowed shall not exceed the sum of \$700.

Mr. CARLISLE. I move the bill be referred to the Committee on Military Affairs.

Mr. OATES. That is an improper reference, as the gentleman from Kentucky will know when he is informed that this claim was referred to the Committee on Claims of this House and that that committee reported it back adversely. I move that it be laid upon the table.

The SPEAKER. The motion to lay upon the table takes precedence.

The motion was agreed to.

ALONZO GESNER.

The next business on the Speaker's table was the bill (S. No. 53) for the relief of Alonzo Gesner; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to approve for payment, if on examination he finds the surveys were made in accordance with the report and approval of the surveyor-general of the State of Oregon of date December 1, 1877, certain surveys of the public lands made by Deputy Surveyor Alonzo Gesner, to wit: Townships 16, 17, 18, 19, and 20 south, range 16 east of Willamette meridian, making fifty-four miles and three and nine hundredths chains of township lines and three hundred miles and sixty-one and ninety-two hundredths chains of section lines, at the rate of \$7 per mile for township and \$6 per mile for section lines, amounting in all to \$2,182.91.

Mr. GEORGE. Mr. Speaker, I move that that bill be put on its passage.

Mr. HISCOCK. I make the point of order that that bill must have its first consideration in Committee of the Whole House, as it makes appropriation out of the Treasury.

Mr. GEORGE. It has been reported favorably by the committee of the House as well as by the committee of the Senate.

Mr. STRAIT. There has been a unanimous report of the House committee.

Mr. HOLMAN. I insist on the point of order if the gentleman from New York withdraws it.

The SPEAKER *pro tempore*. (Mr. CALKINS in the chair.) The point of order being made, the bill will be referred to the Committee of the Whole House.

LIEUTENANT FRANK P. GROSS.

Mr. YOUNG. Senate bill No. 83, for the relief of Lieutenant Frank P. Gross, was referred to the Committee on Military Affairs. I ask by unanimous consent that there be a change of reference and that the bill be referred to the Committee on Claims.

Mr. CARLISLE. During the last Congress that bill, or a similar one, was referred to the Committee on Military Affairs. A question was afterward made whether it ought not to go to the Committee on Claims. That was submitted to the House, and the House decided it was properly referred to the Committee on Military Affairs. So far as I am concerned I have no preference between the two committees.

Mr. YOUNG. I withdraw my request.

JOAB SPENCER AND JAMES R. MEAD.

The next business on the Speaker's table was a bill (S. No. 412) for the relief of Joab Spencer and James R. Mead; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to pay, or cause to be paid, to Joab Spencer and James R. Mead, late of the firm of Spencer & Mead whatever sum, if any, he may find due, not exceeding the sum of \$7,509.83, out of any money due and owing the Kansas tribe of Indians, in the State of Kansas, from the proceeds arising from the sale of lands owned by said tribe of Indians in said State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.

Mr. HASKELL. This bill has been reported favorably by every committee of the House and Senate which has had charge of it since 1874, and recommended by the Department of the Interior. I was requested to put it on its passage. It is to pay for supplies furnished the Indians.

Mr. COX, of New York. All the business of this Congress has been about Kansas, Indians, and lands. [Great laughter.]

Mr. HASKELL. Never an adverse report.

Mr. COX, of New York. But you have no right to monopolize the business of this Congress.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HASKELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARCOS RADICH.

The next business on the Speaker's table was the bill (S. No. 619) for the relief of Marcos Radich.

The bill was read a first and second time.

Mr. BURROWS, of Michigan. Let that be referred to the Committee on Claims.

Mr. HOLMAN. The Committee on War Claims is the proper committee to which it should be referred.

Mr. BURROWS, of Michigan. Very well, then, let it go to the Committee on War Claims.

The motion was agreed to; and the bill was referred to the Committee on War Claims.

Some time subsequently,

Mr. THOMPSON, of Kentucky. This bill for the relief of Marcos Radich I think has been improperly referred to the Committee on War Claims. The same bill has been reported favorably by the War Claims Committee of the House, is now upon the Calendar, and I ask unanimous consent to set aside the order referring it to that committee, and let it retain its place upon the Speaker's table.

There was no objection, and it was ordered accordingly.

ALONZO GESNER.

Mr. GEORGE. I wish to inquire, Mr. Speaker, whether the effect of the objection of the gentleman from Indiana to the bill (S. No. 53) for the relief of Alonzo Gesner is to send it to the Calendar of the Committee of the Whole?

The SPEAKER *pro tempore*. That is the effect of the objection, and that order has been made.

Mr. GEORGE. Then I ask unanimous consent to vacate that order, and that it be passed over informally and be allowed to retain its place upon the Speaker's table.

There was no objection, and it was so ordered.

Mr. MILLS. What difference is there between this bill and the one just sent to the Committee of the Whole on a point of order?

NAVAL HISTORY OF THE WAR.

The next business on the Speaker's table was the bill (S. No. 885) to authorize the compilation and printing of the naval documentary history of the war.

The bill was read a first and second time.

Mr. DINGLEY. I move the reference of that bill to the Committee on Printing.

The motion was agreed to.

MAJOR WILLIAM M. MAYNADIER.

The next business on the Speaker's table was the bill (S. No. 254) for the relief of Major William M. Maynadier, a paymaster in the United States Army.

The bill was read a first and second time.

Mr. McMILLIN. I make the point of order upon that.

Mr. HOLMAN. Reserving the question of order, I wish to state that this bill, or one of a similar character, was considered by the House in the early stage of the session, and my recollection is that it was laid on the table.

Mr. DAVIS, of Illinois. I move that this bill be laid upon the table.

The motion was agreed to.

H. A. MYERS.

The next business on the Speaker's table was the bill (S. No. 472) for the relief of H. A. Myers; which was read a first and second time.

Mr. McMILLIN. I make the point of order upon that bill that it should be referred to the Committee on Military Affairs.

The SPEAKER *pro tempore*. Without objection, it will be so referred.

There was no objection.

TITLE TO CERTAIN LANDS, NAPA COUNTY, CALIFORNIA.

The next business on the Speaker's table was the bill (S. No. 801) authorizing the claimants to the Rancho de Napa, in Napa County, California, to prove up their title.

Mr. HOLMAN. I move the reference of this bill to the Committee on Private Land Claims.

Mr. PAGE. I think, Mr. Speaker, it should go to the Committee on the Judiciary. Without reading the bill carefully, it seems to me the probabilities are that it should go to the Committee on the Judiciary, as it seems legal questions are involved.

The SPEAKER *pro tempore*. The Chair cannot determine that question until the bill has been read.

The bill was read a first and second time.

Mr. PAGE. I do not think, after hearing the bill read, that it should go to the Committee on the Judiciary. Let it go to the Committee on Private Land Claims.

The bill was referred to the Committee on Private Land Claims.

ALCOHOLIC LIQUOR TRAFFIC.

The next business on the Speaker's table was the bill (S. No. 861) to provide for a commission on the subject of the alcoholic liquor traffic; which was read a first and second time.

Mr. CONVERSE. I make the point of order upon that bill.

Mr. DINGLEY. As a similar bill has been reported from the special committee and referred to the Committee on the Calendar of the Whole House on the state of the Union, I ask unanimous consent that this bill may take the same course.

Mr. CONVERSE. I object.

The SPEAKER *pro tempore*. The bill will go there under the point of order.

Mr. CONVERSE. I make the point of order upon the bill; let it go to the committee.

Mr. DINGLEY. It has already been considered by the special committee.

Mr. REED. Perhaps the gentleman from Ohio would consent to have it considered now.

Mr. CONVERSE. No; I want it to go to the special committee raised for the consideration of this subject.

Mr. DINGLEY. But the committee has already reported the bill.

Mr. CONVERSE. Not this bill; they may have reported some other bill, but not this one.

Mr. HOLMAN. The point of order would carry it to the Committee of the Whole, would it not?

The SPEAKER *pro tempore*. (Mr. CALKINS.) The Chair was about to suggest that if the point of order was made it would take the bill to the Calendar.

Mr. DINGLEY. I ask that the bill be referred to the Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore*. If the gentleman from Maine makes the point of order it will go there necessarily.

Mr. HASKELL. I hope we may have the consideration of this question now.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. CONVERSE] moves to refer this bill to the Select Committee on Alcoholic Liquor Traffic.

Mr. HASKELL. If that motion be voted down will the bill then be before the House for consideration?

Mr. COX, of New York. I make the point of order on the bill.

Mr. ANDERSON. What point of order?

Mr. RANDALL. The gentleman from Ohio [Mr. CONVERSE] made the point of order.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. CONVERSE] moves to refer.

Mr. RANDALL. But when he rose he made the point of order.

Mr. CONVERSE. I did.

The SPEAKER *pro tempore*. The point of order being made, the bill goes to the Committee of the Whole House on the state of the Union.

Mr. REED. I thought the Democratic side would succeed in making the point of order on that topic.

WIDOW OF GEORGE W. FLOOD.

The next business on the Speaker's table was the bill (S. No. 356) for the relief of the widow of George W. Flood; which was read a first and second time.

The bill was read, as follows:

Be it enacted, etc., That there be allowed and paid, out of any money in the Treasury not otherwise appropriated, to M. J. Flood, widow of George W. Flood, for his services as a clerk in the Bureau of Topographical Engineers from the 1st day of December, 1854, to the 16th day of September, 1856, at the rate of the compensation or salary of a clerk of the first class, after deducting the amount received by him for services in said office during the period aforesaid, to wit, the sum of \$575.50.

Mr. TYLER. I ask that the bill be put upon its passage.

Mr. BURROWS, of Michigan. I wish to inquire if this matter has been considered by any committee of the House.

Mr. TYLER. The bill has twice passed the Senate—once before the present session. It has been considered by the Committee on Claims of the House at this session, and I hold in my hand a unanimous report of the committee in its favor.

Mr. BURROWS, of Michigan. That is all I wanted to know.

Mr. TYLER. The money is due to a poor woman in this city. The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

WILLIAM G. BUDLONG.

The next business on the Speaker's table was the bill (S. No. 375) for the relief of William G. Budlong; which was read a first and second time.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Patents be, and he is hereby, authorized to hear and determine the application of William G. Budlong for the extension for the further term of seven years of the letters patent for improvement in shoe-pegging machines granted to him the 12th day of May, 1863, and antedated the 30th day of June, 1862, and reissued upon an amended specification the 29th day of February, 1876, the form of such application and the mode of proceeding under it to be in all respects the same as was provided by the act of Congress approved the 8th day of July, 1870, entitled "An act to revise, consolidate, and amend the statutes relating to patents and copyrights, for the extension of patents granted prior to March 2, 1861;" and if, upon such hearing the Commissioner should be satisfied that the said William G. Budlong, without neglect or fault upon his part, has failed to obtain from the use or sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the time of the patent should be so extended, the said Commissioner shall make a certificate upon said reissue patent renewing and extending the same to the said William G. Budlong, his executors, administrators, or assigns, for the term of seven years from June 30, 1879: *Provided*, That no person shall be held liable for the infringement of said patent, if extended, for making use of said invention between the time of the expiration of the extended term of said letters-patent and prior to the date of extension: *And provided further*, That no prior assignee or purchaser of an interest, legal or equitable, in said patented invention, shall acquire any interest therein by virtue of an extension of said patent under this act.

Mr. ERRETT. I move that the bill be referred to the Committee on Patents.

Mr. SPOONER. I ask that the bill be placed on its passage. A precisely similar bill was referred to the House Committee on Patents, and that committee unanimously reported in favor of the bill something over three months ago. It is a meritorious case. The report of the House committee is very brief. If the House desires to hear it I ask that it may be read. It will take but three minutes.

Mr. COX, of New York. I do not believe in extending any of these patents. I am in favor of the motion to refer to the Committee on Patents. But if I have the floor, I move to lay the bill on the table.

The SPEAKER *pro tempore*. The motion to lay the bill on the table takes precedence.

Mr. SPOONER. Before the vote is taken I ask unanimous consent that the report be read.

Objection was made.

The question being taken on the motion to lay the bill on the table, there were—ayes 44, noes 49.

So (further count not being called for) the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Pennsylvania to refer the bill to the Committee on Patents.

Mr. ERRETT. I withdraw the motion.

Mr. COX, of New York. Is that motion debatable?

The SPEAKER *pro tempore*. It is.

Mr. COX, of New York. I yield to the gentleman from Rhode Island to have the report read, simply saying this—

Mr. VALENTINE. The motion to refer is withdrawn.

Mr. McMILLIN. I renew the motion to refer the bill.

Mr. COX, of New York. I will deal fairly with my friend from Rhode Island, and am willing the report should be read; but I wish to say this in advance of the reading of the report—

Mr. SIMONTON. Is the motion to refer debatable?

The SPEAKER *pro tempore*. The motion to refer is debatable.

The SPEAKER *pro tempore*. The gentleman from New York yields to the gentleman from Rhode Island to allow him to have the report read.

Mr. COX, of New York. I want to say one thing in advance before I yield. It is this: a law exists as to patents. Every one knows what that law is. Some seventeen years have elapsed since this patent was granted. It is in the interest of the people of this country, especially the men who use inventions, that there should be no extension of patents of any kind. I never voted for one. In 1865 I reported a code extending the time for all patents two and a half years more. It was intended by that code and that law at that time that no more extensions should be granted by Congress. There might be cases evoked here and there where equities come in, but all equities should be determined under a general law. Therefore, whatever may be the nature of this report, however much of equity may appear in the case, I believe on these matters in standing upon a principle and refusing by special legislation to extend these patents.

Mr. McMILLIN. It has been nineteen years instead of seventeen years, as the gentleman from New York stated, since the patent was granted.

Mr. SPOONER. I ask that the report be now read.

The Clerk read the report, as follows:

The Committee on Patents, to whom was referred the bill (H. R. No. 4095) for the relief of William G. Budlong, have considered the same, and report:

William G. Budlong, of Providence, Rhode Island, a mechanic, obtained letters patent on the 12th of May, 1863, for an improvement in shoe-pegging machinery. As shown by his statement, which is corroborated as to the main facts by other evidence, the invention is one of great ingenuity, value, and importance.

It consists in an apparatus to drive the peg by a blow similar to the one given by a hammer in the hands of a shoemaker.

Up to the time of this invention the most approved method was to press the peg by means of a cam into the hole previously made, the diameter of which had to be equal to the square of the peg used, to prevent the peg when so forced from breaking or brooming. The leather which formed the sole was required to be in a damp or wet state; consequently the only holding power was caused by shrinkage of the leather as it became dry, which caused a friction or adhesion to the sides of the peg.

When the sole became dry the shrinkage of the leather often displaced the peg so much as to separate it completely from the inner sole and cause the peg to project beyond the sole.

This patent was reissued February 29, 1876. Budlong, from lack of means, was unable to bring his invention into general use, and failed to induce others to assist him.

He used all reasonable efforts to introduce it, but without success, putting into the invention and expending in his efforts to realize from the same his entire earnings for the past twenty years, except the amount absolutely required for the support of his family.

The entire right in the patent is vested in said Budlong, who now has assurance of assistance to manufacture and introduce his invention if the patent is extended.

No machine of his is in operation, and the public has never been taxed for the improvement.

A favorable report on this application was made to the House of Representatives at the last session.

We think the inventor should derive a reasonable reward for the benefit he has conferred upon the public, and therefore recommend the passage of the bill.

Mr. SPOONER. I simply want to say in reply to the gentleman from New York [Mr. Cox] that I agree with him that the general rule he has stated may be a correct one. I am sure I express the feeling of the Committee on Patents of this House when I say they join with me in that conviction. It has been the policy of that committee to scrutinize critically each of these applications for an opportunity to seek an extension of a patent. The committee has proceeded very carefully in the consideration of each of those cases, and has in no case been inclined to grant the application unless it has seemed to be a singularly meritorious one. That this case is of that character, and founded upon the strongest equities, is abundantly shown by the report which has just been read. Were it not of that character, neither I nor the committee would have urged its favorable consideration.

In this case Mr. Budlong is a poor mechanic of my native city, who invented this machine, which is now believed is well adapted for the purpose for which it was intended. It produces excellent work of a durable character. Mr. Budlong was unable to obtain assistance whereby to manufacture these machines and put them upon the market. As is stated in the report, the public has never been taxed for this invention; it has paid nothing for it, and this inventor has received nothing from the sale of his invention. He has expended all his spare earnings in order to bring it to a point where it might be a successful invention. I trust the House will consider this bill upon its merits, and not say because the general principles enunciated by the gentleman from New York [Mr. Cox] are correct that therefore this meritorious inventor should not be permitted to have the relief which is sought to be given by this bill.

The SPEAKER *pro tempore*. The question is upon the motion to refer the bill to the Committee on Patents.

The question was taken; and upon a division there were—ayes 57, noes 38.

So (no further count being called for) the bill was accordingly referred to the Committee on Patents.

SURVEYORS AND INSPECTORS.

The next business on the Speaker's table was the bill (S. No. 376) to amend section 2763 of the Revised Statutes, relating to the use of steam-launches in going on board of vessels; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That section 2763 of the Revised Statutes be, and is hereby, amended by inserting after the word "boats" the words "or steam-launches."

Mr. ROBINSON, of Massachusetts. Let somebody tell us about this bill.

Mr. McMILLIN. I want to hear the report read or some explanation of the bill.

Mr. WARD. I move that the bill be referred to the Committee on Commerce.

Mr. McMILLIN. That is right.

Mr. ROBINSON, of Massachusetts. If anybody knows anything about the bill and will explain it, it may be that we would all be willing to pass it. I suggest that the section of the statutes proposed to be amended be read, in order that we may understand what the bill is about.

The Clerk read as follows:

The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small open row and sail boats, and persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in getting on board of vessels and otherwise for the better detection of fraud.

Mr. ROBINSON, of Massachusetts. I suppose the words "or steam-launches" are to be inserted after the words "row and sail boats."

Mr. WARD. I think the bill had better be referred.

The motion was agreed to; and the bill was accordingly referred to the Committee on Commerce.

CREEK ORPHAN FUND.

Mr. DEERING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill of the Senate No. 126, to reimburse the Creek Orphan fund, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House to said bill, and agree to the same with the following amendments, namely:

Strike out in line 1 of said amendment "fifty-one thousand" and insert in lieu thereof "forty-seven thousand five hundred."

Strike out in line 11 of said amendment the words "Creek orphans" and insert in lieu thereof "Creeks who were orphans on the 24th day of March, 1832."

Insert after the word "act," in line 21 of said amendment, the following: "Unless in the judgment of the President it shall be for the best interest of said orphans or their heirs that the same, in whole or in part, be deposited in the Treasury to their credit, as now provided by law for Indian trust funds, and the interest thereon only to be paid to the actual beneficiaries under this act."

And add at the end of said amendment the following: "But nothing in this act contained shall be construed to prevent the United States from asserting its right to be reimbursed by the Creek Nation in any future settlement therewith the further sum of \$106,799.68, expended by the United States out of the Creek orphan fund for the support of loyal Creek refugees;" and the House agree to the same.

N. C. DEERING,

D. C. HASKELL,

OLIN WELLBORN,

Managers on the part of the House.

JAMES H. SLATER,

H. L. DAWES,

Managers on the part of the Senate.

Mr. HOLMAN. I hope there will be some explanation of this report.

Mr. DEERING. There is a written statement accompanying the report of the committee of conference, which I ask to have read.

The statement was read, as follows:

The conferees on the part of the House submit the following statement:

The first amendment reduces the original amount named in the bill in the sum of \$3,493, this sum having been recently credited by the Government to the Creek orphan fund.

The second amendment is simply a change of phraseology.

The third amendment leaves it discretionary with the President to pay the entire amount to the orphans or only the interest as it shall accrue.

The fourth amendment states that it is not the purpose of the bill to prevent the United States from asserting its rights to be reimbursed by the Creek Nation in any future settlement therewith in case it shall appear that the \$106,799.68 expended for the Creek refugees should be paid by said Indians.

N. C. DEERING,

D. C. HASKELL,

OLIN WELLBORN.

The report of the committee of conference was adopted.

Mr. DEERING moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AGRICULTURAL COLLEGE LANDS, COLORADO.

The next business on the Speaker's table was the bill (S. No. 25) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands, and to secure to the State of Colorado the benefit of the act of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts."

The bill was read in full.

Mr. ANDERSON. I move that that bill be now put on its passage.

Mr. HOLMAN. I make a point of order on the bill.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. The bill conveys lands which under existing law would not accrue to the State of Colorado. I make the point of order that it must be considered by the appropriate committee of the House.

The SPEAKER *pro tempore*. The Chair thinks the point of order is well taken.

Mr. RYAN. I ask that the bill be allowed to remain on the Speaker's table, as the Representative from Colorado is not now present.

Mr. VALENTINE. Let the bill be passed over for the present.

There was no objection, and it was ordered accordingly.

WILLIAM L. WHITE.

The next business on the Speaker's table was the bill (S. No. 146) for the relief of William L. White.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to audit and allow the claim of William L. White for actual services performed by him as a clerk in the land office at Oregon City, Oregon, under contract with the register and the receiver thereof, to the amount of \$1,333.33, the balance due on said contract, and the Secretary of the Treasury is hereby authorized to pay the same out of any moneys in the Treasury not otherwise appropriated.

Mr. RANDALL. I make a point of order on that bill.

Mr. GEORGE. I hope the gentleman will not insist upon his point of order, but allow the bill to pass.

The SPEAKER *pro tempore*. The point of order being made—

Mr. GEORGE. I ask that the bill be allowed to retain its place upon the Speaker's table.

There was no objection.

HELEN M. SCHOLEFIELD.

The next business on the Speaker's table was the bill (S. No. 249)

for the relief of Helen M. Scholefield; which was read a first and second time.

Mr. RANDALL. I make a point of order on this bill.

Mr. PRESCOTT. I ask for the present consideration of the bill. If the gentleman will hear a statement, or will listen to the reading of the report, I think he will not make a point of order.

Mr. RANDALL. I am willing to reserve the point until the report is read.

Mr. RAY. I send to the desk the report on a House bill similar to this.

Mr. PRESCOTT. I have here the Senate report.

The Clerk read the report.

Mr. RANDALL. I must insist on my point of order.

Mr. PRESCOTT. If the gentleman will not withdraw the point of order, I ask unanimous consent that the bill retain its place on the Speaker's table.

The SPEAKER *pro tempore*. Is there objection to allowing the bill to retain its place on the Speaker's table?

Mr. RANDALL. There is.

The SPEAKER *pro tempore*. The point of order is sustained, and the bill will be referred to the Committee of the Whole House on the Private Calendar.

Mr. MILLS. I move that the House adjourn.

Mr. HISCOCK. I hope the House will not adjourn.

The motion was not agreed to, there being—ayes 43, noes 68.

AMENDMENT OF REVISED STATUTES.

Mr. SPRINGER, by unanimous consent, reported back from the Committee on Printing the bill (H. R. No. 6800) to amend section 3709 of the Revised Statutes; which, with the accompanying report, was ordered to be printed, and recommitted.

Mr. KLOTZ. I ask unanimous consent to offer a resolution for reference. [Cries of "Regular order!"]

JOHN M. MCCLINTOCK.

The next business on the Speaker's table was the bill (S. No. 672) for the relief of John M. McClintock; which was read a first and second time.

Mr. McLANE. I ask for the present consideration of this bill.

The bill was read.

Mr. HOLMAN. I make a point of order on the bill.

Mr. McLANE. There is a unanimous report from the Committee on Ways and Means of this House.

The SPEAKER *pro tempore*. The gentleman from Indiana makes a point of order on the bill.

Mr. TALBOTT. It is too late.

The SPEAKER *pro tempore*. The Chair thinks the point of order does not come too late. The gentleman will state his point of order.

Mr. HOLMAN. It is that the bill makes an appropriation, and must receive its first consideration in Committee of the Whole.

Mr. McLANE. Does the gentleman from Indiana know what the bill is? It is simply to refund taxes illegally paid. It has not been the practice to make points of order on any bills of this character.

Mr. HOLMAN. I think my friend from Maryland misapprehends this bill a little.

Mr. McLANE. Oh, no; I do not. If the gentleman from Indiana, before insisting upon his point of order, will allow me a word, I wish to say that I introduced and had referred to the Committee on Ways and Means a bill similar to this. It is to refund taxes paid by a baggage expressman who was assessed as an expressman. The decision of the Treasury Department in all such cases has been that a baggage expressman is not liable to such taxation; and wherever the tax has been assessed and paid it has been refunded. No question has ever been made as to refunding to these baggage expressmen taxes assessed upon them as expressmen.

The SPEAKER *pro tempore*. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. I trust that the bill will be again read, reserving the right to make the point of order.

Mr. McLANE. I do not wish to have any difficulty with my friend from Indiana, and therefore I am perfectly willing that the bill be again read; but I submit to him and to the Chair that as a matter of right it is too late for him to make the point of order.

Mr. HOLMAN. I have been reserving it all the time.

Mr. RANDALL. The gentleman made the point of order as soon as the bill was read.

The SPEAKER *pro tempore*. The Chair holds that the point was made in time. The gentleman from Indiana sought the floor at the same time with the gentleman from Maryland. If the gentleman insists upon his point of order the Chair is ready to rule upon it.

Mr. HOLMAN. As a matter of fairness to the gentleman from Maryland, perhaps, as well as to myself, I am willing that the bill be again read, reserving the right to make the point of order.

The SPEAKER. The gentleman from Indiana asks that the bill be again read, reserving the right to make the point of order. The Chair hears no objection.

The bill was again read.

The SPEAKER *pro tempore*. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. I thought I might have misapprehended the char-

acter of this bill, but I find I did not. I must insist on the point of order.

The SPEAKER *pro tempore*. If the gentleman insists on the point of order, the bill is clearly liable to it, and must go to the Committee of the Whole House on the Private Calendar. It is so referred.

COMPENSATIONS OF INSPECTORS OF HULLS, ETC.

The next business on the Speaker's table was the bill (S. No. 843) amending section 4414, of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the districts of Michigan and Superior, within the State of Michigan; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c. That section 4414 of the Revised Statutes of the United States is hereby amended by striking out the fourth paragraph of said section, and by inserting in the fifth paragraph the words "Michigan, Superior," after the word "Memphis;" also by striking out the seventh paragraph of said section the word "Superior."

Mr. RANDALL. I reserve the point of order until I can know something about it.

Mr. HUBBELL. Allow me to make a statement.

Mr. RANDALL. I reserve the right to make the point of order until I hear from the gentleman from Michigan.

Mr. COX, of New York. Is there any report on the subject?

Mr. HUBBELL. There is.

Mr. COX, of New York. Suppose we have it read; otherwise we cannot understand the bill.

Mr. HUBBELL. A similar bill has been before the Committee on Commerce and it was favorably reported by that committee. I would like to have that report read.

The Clerk read as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 6237) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the districts of Michigan and Superior, within the State of Michigan, having considered the same, submit the following report:

The object of this bill is to increase the salaries of the local inspectors of steamboats in the district of Michigan and Superior, in the former of which the salary now allowed by law is \$900, and in the latter \$800, per annum. An examination into the salaries paid for this service will show, first, that they are unequal, and that in the cases above mentioned they are not adequate compensation for the service performed. The committee, to substantiate this statement, attach hereto letters from the Secretary of the Treasury and from the supervising inspector-general, which so clearly make the fact above stated appear, and so clearly show the necessity of the legislation proposed, that without further comment they report the bill back to the House with a recommendation that it do pass.

TREASURY DEPARTMENT, June 26, 1882.

SIR: In accordance with the request contained in your letter of the 24th instant, I transmit herewith copies of Department letter, dated March 14, 1882, and letters of the supervising inspector-general of steam-vessels, dated January 14 and 19, 1882, respectively, all addressed to Senator FERRY, of Michigan, and referring to proposed legislation increasing the salaries of the local inspectors of steam-vessels in the districts of Michigan and Superior.

Very respectfully,

CHARLES J. FOLGER,
Secretary.

Hon. JAY A. HUBBELL, *House of Representatives.*

—
TREASURY DEPARTMENT, March 14, 1882.

SIR: I transmit copies of letter heretofore sent to you by one of the heads of divisions in this Department.

It is apparent that the duties required of these inspectors call for mechanical skill, for education in theory, and for integrity of character, and these qualities should have an adequate compensation. I will not undertake to say that \$1,500 is that, or is less, or is more than that. I will say that the pay of this class of officers in different districts is unequal, and should be made alike, either by a reduction of that of some or an increase of that of others.

Respectfully, &c.,

CHARLES J. FOLGER,
Secretary.

Hon. T. W. FERRY, *United States Senate.*

—
TREASURY DEPARTMENT,
OFFICE SUPERVISING INSPECTOR-GENERAL OF STEAMBOATS,
Washington, D. C., January 14, 1882.

SIR: In response to the request you made verbally to me for my opinion upon the salaries of the local inspectors of steam-vessels in the district of Michigan, I have the honor to inform you that in the annual report from this office for the fiscal year ending June 30, 1881, I expressed the following general opinion, which appears to be specially applicable to the subject of your request:

"This being a service (steamboat inspection) involving life and death, integrity in its officers should be encouraged by proper remuneration, and no officer capable of satisfactorily performing the duties it requires should receive a compensation less than \$1,500 per annum."

According to said report the district of Michigan inspected for the year 1881 one hundred and thirty-nine vessels, at salaries of \$900 per annum, while there are five districts at salaries of \$2,000, and three at \$1,500, in each of which fewer vessels are inspected than in the Michigan district.

These facts appear to be conclusive as to the justice and propriety of the amendment you propose to section 4414, Revised Statutes, placing Michigan in the list of \$1,500 salaries.

Very respectfully,

JAS. A. DUMONT,
Supervising Inspector-General.

Hon. T. W. FERRY, *United States Senate.*

—
TREASURY DEPARTMENT,
OFFICE SUPERVISING INSPECTOR-GENERAL OF STEAMBOATS,
Washington, D. C., January 19, 1882.

SIR: In response to the request you made verbally to me for my opinion upon the salaries of the local inspectors of steamboats in the district of Superior, I have the honor to inform you that in the annual report from this office for the fiscal

year ended June 30, 1880, I expressed the following general opinion, which appears to be specially applicable to the subject of your request:

"This being a service (steamboat inspection) involving life and death, integrity in its officers should be encouraged by proper remuneration, and no officers capable of satisfactorily performing the duties it requires should receive a compensation less than \$1,500 per annum."

According to the report for the year ended June 30, 1881, the Marquette or Superior district, at salary of \$800 per annum, inspected during said year sixty vessels, which is one more than a district which receives \$1,500 salaries, and but two less than another district which receives \$2,000 salaries.

These facts appear to be conclusive as to the justice and propriety of the amendment you propose in section 4414, Revised Statutes, placing the Superior district in the list of \$1,500 salaries.

Very respectfully,

JAS. A. DUMONT,
Supervising Inspector-General.

Hon. T. W. FERRY, United States Senate.

Mr. RANDALL. I insist on the point of order.

The SPEAKER *pro tempore*. It is liable to the point of order; and if insisted on it will have to go to the Committee of the Whole House on the state of the Union.

Mr. HUBBELL. I ask that it be allowed to remain on the Speaker's table.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill will remain on the Speaker's table.

ELLA CARROLL, FORMERLY ELLA LONG.

The next business on the Speaker's table was the bill (S. No. 997) for the relief of Ella Carroll, formerly Ella Long; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That all the right, title, and interest of the United States in and to the following-described real estate, situate, being, and lying in the city of Washington and District of Columbia, known and designated on the public plat or plan of said city as lot numbered 3, in square numbered 530, be, and the same hereby are, granted and conveyed to Ella Carroll, formerly Ella Long, illegitimate child of Daniel Long, deceased, her heirs and assigns forever.

Mr. BRIGGS. I ask the consideration of that bill at the present time. It has been considered by the Committee on the Judiciary of the House, and I will send the report to the Clerk's desk to be read, as it will explain the facts. It has been passed by the Senate several times.

The report was read, as follows:

The Committee on the Judiciary, to whom was referred the memorial of Ella Carroll, formerly Ella Long, having had the same under consideration, submit the following report:

On the 30th of November, 1869, lot numbered 3, in square numbered 530, in the city of Washington, District of Columbia, was purchased and caused to be conveyed by Daniel Long in fee-simple to Jeremiah D. Long, who died unmarried, intestate, and without issue. Said Jeremiah D. Long and Ella Long, (now Ella Carroll) were children of Daniel Long and Margarite Haggerty, who cohabited as man and wife for nineteen years, but were never married. The parents are both dead.

Under the law obtaining in the District of Columbia, illegitimate children have no heirs except those of their own body, and this property has escheated to the United States.

The memorialist asks that the right, title, and interest of the United States thus acquired to the land in question may be conveyed to her, she being the natural sister of said Jeremiah D. Long, and the only living child or representative of the said Daniel Long and Margarite Haggerty.

Your committee are of the opinion that the prayer of said memorialist should be granted, and they submit the accompanying bill, with a recommendation that it do pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. BRIGGS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACCEPTED DRAFTS, ETC., IN THE DEPARTMENT OF STATE.

The next business on the Speaker's table was joint resolution (S. R. No. 28) relative to certain accepted drafts and other papers in the Department of State; which was read a first and second time:

Resolved, &c., That the Secretary of State be, and he hereby is, directed to deliver to the person justly entitled to the possession thereof one draft for the sum of \$8,950, dated New York, August 2, 1859, and drawn by Santiago Vidauri, governor of Nuevo Leon and Coahuila, by Ignacio Gulinda, agent, on J. M. Mata, Mexican minister, Washington, District of Columbia, and accepted by said J. M. Mata and made payable at the Bank of the Republic, New York, and all other papers relating to said draft, the same having been deposited in the Department by error: *Provided*, That a copy of said draft, with all the indorsements and protests, if any, thereon, shall be retained by the Secretary of State.

Mr. HOLMAN. I wish to reserve the point of order until there has been some explanation of this joint resolution. I hope if there be any gentleman in charge of the bill he will explain the facts. As it reads it is impossible to understand it.

The SPEAKER *pro tempore*. The Chair does not understand this joint resolution is liable to a point of order.

Mr. HOLMAN. We could not understand why these drafts are in the State Department and why they are to be returned.

The SPEAKER *pro tempore*. The Chair is informed that a similar bill was reported by a committee of this House and is on the Private Calendar. It is to restore a draft deposited in mistake in the Department of State.

Mr. HOLMAN. Does the bill provide for filing a duplicate draft?

The SPEAKER *pro tempore*. It does not.

Mr. HOLMAN. Does it require the filing of a bond? Let the last proviso be read.

The proviso was read, as follows:

Provided, That a copy of said draft, with all the indorsements and protests, if any, thereon, shall be retained by the Secretary of State.

Mr. HOLMAN. I move the joint resolution be referred to the Committee on Foreign Affairs.

The motion was agreed to.

G. W. THOMPSON AND OTHERS.

The next business on the Speaker's table was the bill (S. No. 101) for the relief of G. W. Thompson and others; which was read a first and second time.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to consider the claims of G. W. Thompson & Co., of Pennsylvania; J. M. Atherton & Co., C. Miller & Bro., and W. S. Hume, of Kentucky; Harrison & Small, of Tennessee; C. Dodsworth, of Ohio, and N. S. Chouteau, surety for H. H. Bodemann, of Missouri, for tax paid on excess of materials, or for deficiency, and to refund the same, or such parts thereof as fall within the principles of the decision of the Supreme Court in the case of *Stoll vs. Pepper*, and in accordance with the provisions of section 6 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879: *Provided*, That the aggregate amount allowed and paid under the provisions of this act shall not exceed \$8,654.40.

Mr. TOWNSHEND, of Illinois. I make the point of order that that bill should have its first consideration in the Committee of the Whole House on the state of the Union.

Mr. CARLISLE. I will say to the gentleman from Illinois that this bill has been considered by the Committee on Ways and Means in the last Congress and also in the present Congress, and I believe it passed the House once.

Mr. HUBBELL. It passed the Senate twice.

Mr. CARLISLE. It is a very proper bill, and I think it ought to be passed.

The SPEAKER *pro tempore*. Does the gentleman from Illinois insist upon the point of order?

Mr. TOWNSHEND, of Illinois. Let the bill be again reported; I did not catch the exact wording of it from the reading of the Clerk, and would like to have it read.

The bill was again read.

Mr. WILLIS. I hope the gentleman from Illinois will withdraw the point of order.

Mr. TOWNSHEND, of Illinois. Is that reported by the Committee on Ways and Means?

Mr. HUBBELL. It was the unanimous report of the Committee on Ways and Means.

Mr. TOWNSHEND, of Illinois. Such bills have been sent to the Committee of the Whole heretofore on the point of order. If no other gentleman desires to raise an objection to the bill I will withdraw the point of order upon it so far as I am concerned.

Mr. ERRETT. I want to amend the bill by adding to it the name of Henry Large, jr., and increasing the total amount to \$9,121.08.

Mr. TOWNSHEND, of Illinois. I make the point of order against the amendment.

Mr. WHITE. Would it be in order to have an explanation of this bill?

Mr. TOWNSHEND, of Illinois. Unless there is some explanation given of this amendment I shall make the point of order against it. It strikes me that the bill itself ought to have a full explanation.

The SPEAKER *pro tempore*. The Chair thinks it is too late to object now, as the bill is before the House for consideration.

Mr. TOWNSHEND, of Illinois. But the objection can be made to the amendment. Now here is an amendment that is proposed to be inserted without explanation or any evidence that it has been considered at all.

Mr. ERRETT. But it has been.

Mr. TOWNSHEND, of Illinois. It strikes me that it would be a very improper system to legislate upon if we allowed such amendments as this to come in here without explanation or without favorable action from some committee.

Mr. HUBBELL. If the gentleman will let the report of the committee be read an explanation will be found in that which I am sure will be satisfactory.

Mr. WILLIS. There is no objection to the bill, as I understand it, which is already before the House for consideration. The objection of the gentleman from Illinois applies only to the amendment.

Mr. HUBBELL. Let the report be read.

Mr. TOWNSHEND, of Illinois. Unless there has been favorable action by some committee upon that amendment, I make the point of order upon it. I also make the point of order that there is a bill of similar nature pending before the House, introduced, I believe, by the gentleman from Pennsylvania himself.

Mr. ERRETT. It stands precisely on the same basis as the pending bill. It has been considered and favorably reported upon by the Committee on Ways and Means.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania will submit his amendment in writing.

Mr. ERRETT. Then I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "company," in the fifth line, insert the words "and Henry Large, jr." Also at the close of the bill, strike out "\$8,654.40" and insert "\$9,121.08."

Mr. TOWNSHEND, of Illinois. Upon that amendment I make the point of order, but will reserve it to hear any explanation the gentleman may see proper to make in connection with it.

Mr. VALENTINE. This is not a general appropriation, and the point of order is not good.

Mr. TOWNSHEND, of Illinois. I am perfectly willing to hear the gentleman from Pennsylvania.

Mr. ERRETT. All of these claims provided for in this bill arise under a decision of the Supreme Court decided in the case of *Soll vs. Pepper*, where it was held that the assessments were illegal and should have been refunded. In this case an assessment was made against the party for the use of eight distilling tubs when only six were employed. The Supreme Court decided that the tax was illegal, being upon an excess of material; but the claim for refunding was not made until after the two years allowed by law, and therefore the money could not be paid back by the Commissioner of Internal Revenue.

Mr. TOWNSHEND, of Illinois. Has this amendment been considered by any committee of the House?

Mr. ERRETT. Yes; the Committee on Ways and Means.

Mr. TOWNSHEND, of Illinois. Did they make a favorable report upon it?

Mr. ERRETT. They did report it favorably and unanimously?

Mr. TOWNSHEND, of Illinois. Then why is it not incorporated in the bill?

Mr. ERRETT. Because this bill has not been before the Committee on Ways and Means at all. A similar bill was before the Committee on Ways and Means, on which they reported.

Mr. TOWNSHEND, of Illinois. If the amendment stands upon the same footing as the other items embodied in the bill, I withdraw the objection.

Mr. WHITE. I would like to have some explanation of this matter. If I correctly heard the bill read, there is a clause in the bill which gives this \$8,000 practically on account of a law passed in 1879. Now, if I understand it, the claim antedates this law, and these whisky men are coming here to take advantage of a Democratic law passed in 1879. I think the Committee on Ways and Means therefore ought to explain the facts in connection with this matter a little more fully.

Mr. CARLISLE. Mr. Speaker, my colleague is mistaken—I was about to say as usual; but he is certainly mistaken. The claims embraced in this bill have no reference whatever to the law of 1879.

Mr. WHITE. The bill so reports. I ask the Chair to allow it to be again read.

Mr. CARLISLE. The law of 1879, which he says seems to have a connection with this matter, made provision or allowance for leakage and evaporation in warehouses. But these parties were assessed and compelled to pay tax on account of an "excess of material" used. That is to say it was found that they had used more material than ought to have been required, according to the surveys of the distilleries, to produce the given amount of spirits. The United States Supreme Court decided in the case of *Stoll vs. Pepper*, 7 Otto, that under the law such an assessment was illegal and that the internal-revenue authorities had no right to compel a man to pay a tax on that which had not been produced.

That is all there is in this bill. It is simply to refund to these parties the amount of tax which they were compelled to pay by a decision of the Internal-Revenue Department upon spirits which had not even been produced at the distilleries at all; and it has no connection with the statute my colleague has alluded to.

Mr. WHITE. Why then say \$8,000 is to be paid out in accordance with the provisions of the statute of 1879?

Mr. CARLISLE. That is not the statute to which the gentleman refers.

Mr. WHITE. I do not refer to any particular statute.

Mr. CARLISLE. I understood the gentleman to say this was based on the provisions of some statute passed by the Democratic Congress in 1879; and I supposed he referred to the law which allowed for leakage.

Mr. WHITE. It seems it is the gentleman, my colleague, who has the leakage proposition in his mind. I said nothing about that. But I said this, and I adhere to it, that this bill asks us to give \$8,000 to the distillers largely on account of a law passed in 1879. Now their claim antedates that law. I make this point: Can the distillers come in here and ask us to pay them a certain amount under a law that was enacted after that amount was due the Government?

Mr. CARLISLE. The gentleman is mistaken. Does he hold it to be just and correct that these men should be compelled to pay taxes on spirits that never were produced?

Mr. WHITE. Not at all.

Mr. CARLISLE. That is all there is in this bill.

Mr. THOMPSON, of Kentucky. I can explain exactly the effect of the law of 1879. The law of 1879 referred to is not the leakage act but another. It provides "that no tax shall be remitted or refunded under the provisions of this section upon any assessment made prior to January 1, 1874." That is the law of 1879 found in a proviso in section 6 of that act which was approved March 1, 1879. This only extends the provisions of that law to those cases which occurred prior to the limitations fixed by the act of 1879, and where, according to the decision of the Supreme Court in the case of *Stoll vs. Pepper*, the assessments were erroneous and illegal.

The SPEAKER *pro tempore*. The question is on the amendment of the gentleman from Pennsylvania, [Mr. ERRETT.]

The amendment was agreed to.

The bill as amended was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. HUBBELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. ROBESON. I move that the House take a recess until eight o'clock this evening, the session of this evening being assigned to business of the Pensions Committees.

Mr. KLOTZ. I desire to introduce a resolution for reference. I ask the gentleman to yield to me.

Mr. ROBESON. I yield to the gentleman.

PAY OF CAPITOL POLICE.

Mr. KLOTZ, by unanimous consent, introduced a joint resolution (H. R. No. 281) to pay the Capitol police one month's extra pay; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

DEFICIENCY—FEES OF DISTRICT ATTORNEYS.

Mr. HISCOCK, from the Committee on Appropriations, reported a joint resolution (H. R. No. 282) making an appropriation to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882; which was read a first and second time.

Mr. HISCOCK. I demand the previous question on the passage of the joint resolution.

The joint resolution was read, as follows:

Resolved, &c. That to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882, the sum of \$60,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I trust there will be some information given about this.

Mr. HISCOCK. The explanation is this: the gentleman from Indiana will recall the law as to the payment of district attorneys. They are paid from their fees to a given amount; but the fees are turned into the Treasury, and the money has to be appropriated to pay district attorneys their compensation. The accounts for the year 1882 show clearly there is this amount of deficiency which is asked for in this joint resolution.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. HISCOCK. I desire to suggest in the event of the naval appropriation bill coming back with Senate amendments that an order be entered to print the bill as amended. I ask unanimous consent for that purpose.

Mr. RANDALL. I would suggest that the order for the business this evening be changed so as to allow that motion to be made. The gentleman cannot properly enter a motion to print those amendments until they are received.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York? [After a pause.] The chair hears none.

Mr. ROBESON. I wish to add to the suggestion of the gentleman from New York that by unanimous consent it be agreed that the naval bill, when it comes here from the Senate, be referred to the Committee on Appropriations.

Mr. RANDALL. It is not strictly in order to move to refer a bill that is not in possession of the House.

The SPEAKER *pro tempore*. The gentleman from New Jersey asks unanimous consent.

Mr. RANDALL. I think it would be better to vary the order for to-night's session, so that that motion may be made to-night.

Mr. ROBESON. Then we would have to come here to make the motion.

Mr. RANDALL. If the gentleman from New Jersey is not here to make the motion I will be here to make it for him.

The SPEAKER *pro tempore*. Will the gentleman from New Jersey state his request again?

Mr. ROBESON. It is that if the naval appropriation bill comes from the Senate this evening with amendments the amendments be printed, and the bill and amendments referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. Is there objection?

Mr. RANDALL. There is. [After a pause.] I withdraw my objection, but this is not a proper form of proceeding.

The SPEAKER *pro tempore*. The Chair will again ask if there is objection to the request of the gentleman from New Jersey.

There was no objection.

PUBLICATION OF THE TENTH CENSUS.

Mr. SPRINGER, from the Committee on Printing, reported back with a favorable recommendation the bill (S. No. 2151) to provide for the publication of the Tenth Census; which was recommitted to the Committee on Printing, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. WEST, for one week from August 1, on account of important business.
To Mr. ORTH, indefinitely, on account of ill health.

SALE OF PROPERTY IN WALLABOUT BAY.

On motion of Mr. BLISS, by unanimous consent, the Committee on Public Buildings and Grounds was discharged from the further consideration of the joint resolution (H. R. No. 29) providing for the sale of property in Wallabout Bay to the city of Brooklyn for market purposes; and the same was referred to the Committee on Naval Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. PEELLE, by unanimous consent, leave was given to withdraw (for C. McDougall) documents accompanying the bill to fix the rank and pay of medical purveyor second session, Forty-fifth Congress.

Mr. MORSE asked and obtained leave for the withdrawal from the files of the House of the petition and papers in the case of the heirs of Davidson and others.

PETER TARGARONA.

Mr. BUCHANAN, from the Committee on Claims, by unanimous consent, reported back with a favorable recommendation the bill (H. R. No. 1593) for the relief of Peter Targarona; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARY S. STONE.

Mr. BUCHANAN also, from the same committee, reported back with a favorable recommendation the bill (H. R. No. 4482) for the relief of Mrs. Mary S. Stone, administratrix; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

DR. WALTER REED.

Mr. BUCHANAN also, from the same committee, reported back adversely the bill (H. R. No. 4194) for the relief of Dr. Walter Reed; which was laid on the table, and the accompanying report ordered to be printed.

ROBERT RICHARDSON.

Mr. BUCHANAN. I now ask consent for the present consideration of a resolution introduced by the gentleman from Illinois [Mr. ALDRICH] for the relief of one of the employes of the House, and reported from the Committee on Claims with an amendment.

The SPEAKER *pro tempore*. The resolution as proposed to be amended will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and is hereby, authorized and directed to pay Robert Richardson for services as messenger in the Clerk's office, out of the contingent fund of the House of Representatives, the difference between the pay of laborer received by him and that of messenger, from the 21st day of January, 1876, to the 13th day of October, 1877, \$826.29.

Mr. HOLMAN. Is this reported by a committee of the House?
Mr. SPRINGER. It is a report from the committee without objection.

The resolution was adopted.

Mr. BUCHANAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM G. BUDLONG.

Mr. SPOONER. I ask consent that the order of the House made this afternoon, referring to the Committee on Patents Senate bill No. 375, for the relief of William G. Budlong, be vacated, and that the bill be allowed to remain on the Speaker's table.

Mr. RANDALL. I object; the bill is now in a safe place.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from New Jersey, [Mr. ROBESON,] that the House now take a recess until eight o'clock this evening.

Mr. KNOTT. I would like to have a definite understanding as to what business will be transacted at this evening's session.

The SPEAKER *pro tempore*. It is a regular evening session for the consideration of pension business.

Mr. KNOTT. If it is to be for pensions exclusively let us understand it.

The SPEAKER *pro tempore*. The Chair understands that the business set down for the evening session on Friday last was postponed until the session of to-night.

Mr. WILLIS. I desire to bring forward a merely formal matter for consideration, which has been reported on for four years.

Many MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is the motion for a recess.

The motion was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at eight o'clock p. m., the Speaker in the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate further insisted on its amendments, disagreed to by the House, to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; and requested a further conference on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

NAVAL APPROPRIATION BILL.

The SPEAKER. In pursuance of the order made to-day in reference to the naval appropriation bill, just received from the Senate with amendments, the Chair will direct that the bill with the Senate amendments numbered be printed and referred to the Committee on Appropriations.

E. G. HOFFMAN.

Mr. PARKER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 547) granting a pension to E. G. Hoffman, late a captain of the One hundred and sixty-fifth Regiment New York Volunteers.

Mr. BROWNE. I ask that that bill be now considered.

There was no objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers, and to pay him a pension at the rate of \$20 per month, to commence from the passage of this act, and to be in lieu of the pension he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BROWNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANN LEDDY.

Mr. PARKER also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 1680) granting a pension to Ann Leddy.

The bill was read, as follows:

Be it enacted, &c., That a pension be, and the same is hereby, granted to Ann Leddy, widow of Thomas Leddy, late of Company B, Sixty-ninth New York Volunteers, United States Army, subject to the rules of the office of the Commissioner of Pensions adopted in conformity with the laws.

Mr. PRESCOTT. That is a very peculiar bill. Is there a report accompanying this bill?

Mr. PARKER. There is the report of the Senate Committee on Pensions.

Mr. PRESCOTT. Let the report be read.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 1680) granting a pension to Ann Leddy, have had the same under consideration, and report: That Ann Leddy is the widow of Thomas Leddy, who was a captain of Company B, Sixty-ninth Regiment New York Volunteers.

The soldier was wounded in left arm at Fredericksburgh, Virginia, December 13, 1862; also was wounded at Malvern Hill June 1, 1862, in right and left breast. The physician who attended him in his last sickness certifies—

"That he has been the family physician of the soldier since 1866, and treated him during his last illness and at the time of his death; that he was wounded in the left arm and over the heart. He always complained of the wound in the arm, which made him quite nervous; also the wound over the heart caused him much uneasiness. He died at Fernandina, Florida, October 13, 1873, the immediate cause of his death being disease of the heart and lungs, which caused nervousness and weakness and general debility."

No other evidence was presented to the Pension Office, and the widow's claim was rejected on the ground that the evidence did not show the cause of death had its origin in the service. Additional evidence was filed with the committee by affidavit of James A. Reed, who says that he is by profession a "doctor of medicine in the city of New York," having "graduated as such at University of New York in 1848, and has since been actually engaged in his profession."

"That in 1862 he was the assistant and acting surgeon in the Sixty-ninth Regiment State Volunteers of New York and was in said service at the battle of Fredericksburgh, Virginia, in the month of December of that year, when said battle occurred; that he was acquainted with Thomas Leddy, a captain in said regiment, and who participated in said battle; that said Leddy was then and there wounded by a gunshot in his left arm, and also in the breast by a fragment of a shell; that deponent then and there attended said Leddy in his professional capacity; that the wound in the arm produced partial paralysis, which continued to the time of his death in Florida about eight years since; that this difficulty, together with the wound in the breast, which caused continuous spitting of blood, was the cause of Captain Leddy's death, as deponent verily believes."

Dr. Reed was the medical attendant of Leddy for several years after he left the Army, during which time Leddy was an inmate of St. Vincent's Hospital, New York City, in which he was a patient under treatment for his wounds and the disabilities incident to them.

From these additional facts your committee are clearly of the opinion that the cause of Leddy's death did have its origin in the service, and therefore they recommend that the bill do pass.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BROWNE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMOS CHAPMAN.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 1437) granting a pension to Amos Chapman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amos Chapman, of the Indian Territory, late a scout under the immediate command of Colonel Nelson A. Miles, United States Army, said pensioner to be allowed the same as a private soldier for the loss of a leg.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CULLEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH SHEA.

Mr. CULLEN also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 703) granting a pension to Sarah Shea.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Shea, widow of William Shea, late a private in Company A, Second Regiment United States Maryland Volunteers.

The bill was ordered to a third reading, read the third time, and passed.

Mr. CULLEN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANN ELIZABETH RODGERS.

Mr. DAWES. I move to take from the Private Calendar for present consideration the bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ann Elizabeth Rodgers, widow of the late Rear-Admiral John Rodgers, and pay her a pension of \$50 per month from and after the passage of this act.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH H. SPOTTS.

Mr. DAWES. I move to take from the Private Calendar for present consideration the bill (S. No. 1796) for the relief of Elizabeth H. Spotts.

There being no objection, the House proceeded to the consideration of the bill; which was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Elizabeth H. Spotts, widow of Rear-Admiral James H. Spotts, deceased, and pay her a pension of \$50 per month from the passage of this act.

Mr. HOLMAN. I call for the reading of the report.

The report was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. No. 1796) for the relief of Elizabeth H. Spotts, having considered the same, make the following report:

Rear-Admiral James H. Spotts died in service March 9, 1882, from disease traceable to his service, after forty-five years' active and faithful service. The claimant is his widow, and is left without adequate means of support for herself and son.

Congress has by special act granted pensions at the rate of \$50 per month to widows of naval officers of high rank, where the services of the deceased had been long and faithful, and where the widow's circumstances were necessitous. This case being similar to those in which such pensions have been granted, the passage of the bill is recommended with an amendment striking out all after the word "the," in line 7, and inserting the words "passage of this act."

Mr. HOLMAN. Mr. Speaker, this report, which is very brief, does not seem to give any reasons why this pension should be granted except that this lady is the widow of an officer of high rank. It is stated, to be sure, in general terms by way of conclusion that the husband's death was the result of his service in the United States

Navy; but this is a mere deduction or conclusion; there is no fact stated on which the reference is based. There is no reason given why this pension was not granted in regular course under the law by the Commissioner of Pensions. It seems to be assumed in this report as a matter of course that a pension should be granted to the widow of every officer of high rank in the Army or Navy.

I have always advocated the most liberal policy on the part of this Government in regard to pensions. I believe that the granting of a pension to the soldier or sailor himself or to his widow and orphan children, where disability or death has resulted from service in the Army or Navy, is one of the very highest duties resting upon the Government. But I have never been able to understand why in such a country as ours, where something like democratic or republican sentiment is supposed to underlie the fabric of Government, it is deemed proper to go even beyond the provisions of the general law and make such extraordinary discrimination between those who have served in the ranks and those who have been more fortunate and have held high grades of official position.

Indeed early in the war I insisted that this policy which up to that time had not been marked ought to be reversed, and that in providing for the widows of soldiers the Government should be equally considerate, whether the soldier was an officer or a private; that it was under just as much obligation morally and legally to provide for the comfortable maintenance of the widow of the private soldier as for the support of the widow of one of higher rank.

I can understand very well why, while the service in the Army or Navy continues, a discrimination should exist by reason of which the officer receives higher pay; and the democratic tendencies of our Government do not forbid this, for the officer necessarily incurs larger expenses, his time is more completely absorbed in the service, and his responsibilities are greater. But in providing for the support of the widow of a soldier, whether an officer or a private, this discrimination should not be unduly perpetuated. I have always insisted that if you would adopt a fairly reasonable schedule of compensation you might well increase the pensions of the widows of private soldiers. But on the contrary the tendency is to enlarge the pensions of the families of officers, who during their service have received ample compensation at the hands of the Government, while you make no increase in the pensions of the widows and children of private soldiers.

I concede this system of granting higher pensions almost indiscriminately to the widows of officers of high rank has come to be so interwoven that reform perhaps is now impossible; but I must say for one I should deem it much more in harmony with the character of our institutions if in the matter of pensions and providing for the widow and orphan children that great republican sentiment which pervades our institutions would apply and the Government would feel itself bound to provide for the maintenance of the widow and orphan children of a private soldier as it provides for the widow and orphan children of those occupying high positions. This is in perfect harmony with the idea that during the period of active service a difference of compensation will exist. We have taken these ideas from the British service. There it would be natural, after the period of service had expired, the government should crowd all the honors and all the considerations which flow from munificent gifts upon the head of a few; that would be in harmony with the British system of government and in harmony with their institutions; but it is not in harmony with ours. I know we cannot well discriminate when we commence this system; that having granted indifferently here to the admiral's widow, to the commodore's widow, to the major-general's widow, to the brigadier-general's widow, and so on, we cannot well stop, and therefore when a bill comes before the House providing for the widow of a meritorious officer who deserves well of his country it is taken for granted the pension is to be fixed at \$50 a month, although under the law it is only \$30 a month, and as a matter of course without reference at all as to whether the disability grew out of the service or not, because there is no attempt to show that the disability of this distinguished officer arose from exposure in the service.

Mr. DAWES rose.

Mr. PRESCOTT. I hope some gentleman of the committee will inform the House whether this party under the law would be entitled to any pension whatever.

Mr. DAWES. Yes; to a pension of \$30 per month.

Now, Mr. Speaker, this was the unanimous report of the Senate committee and also of the House committee, and it was the unanimous report exactly because it was in the line of the precedents established by this Congress and by previous Congresses. I recollect that a pension of \$50 a month was granted to the widow of Rear-Admiral Goldsborough. We have passed a bill also granting a pension of \$50 a month to Mrs. Rodgers, widow of the late Rear-Admiral Rodgers. Now, Rear-Admiral Spotts served forty-five years in the service of the United States.

Mr. HOLMAN. Receiving a handsome salary all the time.

Mr. DAWES. He served efficiently in the naval service of the United States for forty-five years. The case of his widow is exactly in line of the precedents already established by the action of this Congress.

The report of the committee states that his death was due to exposure in the service; it arose from disease contracted in the service. Here is a heroic and gallant officer who rose to the rank of rear-ad-

miral in the Navy of the United States, who devoted the whole of his life to the service of his country, and who died of disease contracted in that service. The Senate, following the line of precedents, and this was clearly in that line, did not feel it necessary to make a voluminous report, but the report, brief as it is, states all the necessary facts in the case. It is similar to the other cases which have been passed by Congress. There was a long report in the case of Rear-Admiral Goldsborough's widow, and the House committee as well as the Senate committee agreed unanimously in favor of the pending bill.

Mr. HOLMAN. The general law provides for the pension at \$30 a month?

Mr. DAWES. Yes, sir; for a pension of \$30 a month.

Mr. HOLMAN. That has been the law since 1862?

Mr. DAWES. Yes, sir.

Mr. HOLMAN. This report, notwithstanding what my friend has said, does not state as a fact, but merely as a conclusion, that this bill is framed upon the idea already mentioned, and that is that it has been customary to give pensions of \$50 a month in these cases. Will the gentleman now tell why the general law should not be changed? And let me state, before he proceeds to answer, that as late as the Fortieth Congress it was unusual to go beyond the limit prescribed by the general law, and was understood that a pension beyond \$30 up to \$50 should be limited to the widows of major and brigadier generals who had fallen on the field of battle. As a general classification it was agreed in regard to this matter of increased pension beyond \$30 a month it should be confined to such cases, and I believe there were only eight such cases.

A MEMBER. Exceptional cases.

Mr. HOLMAN. Yes, exceptional cases; and when that eight in number was filled it was supposed that policy had there terminated, and it would be only under remarkable circumstances Congress would be justified in making any case special and going beyond \$30 a month.

I come back again after stating these points to ask my friend from Ohio the question if, on a report like this, which does not detail any of the facts in the case, it is proper to grant a pension first, and in the second place to make it \$50 a month, in the absence of any facts except a general statement that this officer served for forty-five years, and a conclusion or deduction that the termination of his life resulted in some way from exposure in the public service, without giving any of the information on which that deduction is based? And, further, if that is to be the rule, why does not the Committee on Invalid Pensions bring forward a bill to establish a general law by which the widow of every major or brigadier general, admiral, rear-admiral, or commodore, shall be entitled to receive the highest grade of pensions? And if in his judgment that would not be better and more just than these occasional instances of discrimination; for there is no subject on which we are called to legislate where Congress is as little justifiable in making a case special or in making discriminations as in this matter of the granting of pensions to those who have served the country, whether in the ranks or in the higher grades of the service, and none where favoritism should be less tolerated.

Mr. DAWES. I do not think, Mr. Speaker, that the time of the House would be profitably occupied in undertaking to answer abstract questions or general interrogatories like those the gentleman from Indiana propounds.

The SPEAKER. The question is on the third reading of the bill.

Mr. CARLISLE. Before that I would like to ask a question for information. Is this bill one of that class of cases in which the Attorney-General has decided that an increase of pension entitles the beneficiary, who had been receiving a pension theretofore, to draw both pensions, or in other words a double pension? I have not seen the opinion myself, but I understand there has been a decision in the case of a person who was drawing one rate of pension under the general law and was afterward by a special act entitled to a higher rate, where it was held that both pensions were authorized; and the same ruling would apply here, it would seem, unless there is a provision in the special act prohibiting it.

Mr. BROWNE. I will answer the gentleman by saying that in the case to which he now refers the pensioner was receiving under the general law \$72 a month, and Congress attempted to increase it by a special act allowing \$50 a month, which was \$22 less than he was receiving under the general law. By reason of this peculiar condition of affairs and the phraseology of the bill in that case the Attorney-General held that Congress intended to grant \$50 in addition.

Mr. CARLISLE. I have not seen the decision, but from what the gentleman states I presume it was a decision in a special case and has no further reference.

Mr. BROWNE. Yes, sir, in that case, and specially applicable to it. But to meet that very question, and to remove any doubt about it, we have passed already two bills in this Congress by both the House and the Senate by which the double pension is expressly prohibited; so that there is no danger of getting into any such dilemma again upon that point.

Mr. DAWES. Before the vote is taken I want to call attention to this statement in the report:

The case being similar to those in which such pensions have been granted, the passage of the bill is recommended, with an amendment, &c.

That is comprehensive and exhaustive, and answers, I think, fully the question of my friend from Indiana.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH N. ABBEY.

Mr. DAWES. I ask now to take up Senate bill No. 1264 for the relief of Joseph N. Abbey, and move to discharge the Committee of the Whole on the Private Calendar from its further consideration and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Joseph N. Abbey, late captain of Battery H, One hundred and twelfth Regiment Pennsylvania Artillery, from \$24 to \$50 per month, to take effect from and after the passage of this act.

Mr. BROWNE. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 1264) to increase the pension of Joseph N. Abbey, has had the same under consideration, and begs leave to submit the following report:

All the facts shown by the papers in the Pension Office are fully and correctly set forth in the report of the Committee on Pensions, United States Senate, in words as follows:

"The Committee on Pensions, to whom was referred the bill (S. No. 1264) to increase the pension of Joseph N. Abbey, having carefully examined the same, make the following report:

"That Joseph N. Abbey was mustered into service as a second lieutenant in Company G, One hundred and twelfth Pennsylvania Volunteers, January 8, 1862, and was promoted to the rank of Captain November 25, 1862. The Adjutant-General's Office files in evidence a surgeon's certificate, dated 'Chapel Springs Hospital, Fort Saratoga, D. C., March 1, 1864,' recommending said Abbey for a leave of absence, in which the surgeon says:

"He has carefully and repeatedly examined this officer during the last year, and finds that he has had frequent attacks of malarial fever, complicated with pleuritic and neuralgic pain. He is seldom free from pain from the latter complaints, and, owing to frequent attacks of the former, their combined influence has unlit him for duty much of the time. The post at which his battery is serving is especially tainted with malaria, and, in my opinion, unless he is permanently removed from it he will never recover."

On this certificate said Abbey was allowed a sick leave. The return for May, 1864, reports him "absent, sick at Washington, District of Columbia, since May 27, 1864." On November 2, 1864, he was honorably discharged on account of physical disability. A transcript from the records of the Surgeon-General's Office reports:

"Captain Abbey, Company K, One hundred and twelfth Pennsylvania Volunteers, was treated at P. H., Fort Saratoga, District of Columbia, as follows: February 23, 1863, for furunculosis; March 25 to 30, 1863, for diarrhea; June 17, 1863, for dysentery and diarrhea; July 1 to 7, 1863, for dysentery; September 23, 1863, for intermittent fever; October 1 to 9, 1863, for typho-malarial fever; November 6 to 21, 1863, (when furloughed for thirty days,) for quartan intermittent fever and pleurodynia; and January 25, 1864, for rheumatism. He was admitted to treatment by the attendant surgeon of volunteer officers at Washington, District of Columbia, May 23, 1864, for acute dysentery, and detailed on C. M. June 10."

John G. Moore, in an affidavit filed December 30, 1879, states that he has known claimant since 1859, and knows that at the time of enlistment he was a sound man; that he visited said Abbey when he was sick at Camp Lincoln, Virginia, and that during the entire period intervening from date of discharge to the present time he has been suffering with disease of the liver and spleen, and has not been able to perform manual labor.

Captain R. M. Gomedie, in an affidavit, swears that claimant was sound at time of enlistment, and contracted intermittent fever at Fort Lincoln, Virginia, April 1, 1863; that during every fall and spring while he remained in the service he suffered from like attacks of said fever, and was subsequently discharged on account of same.

Mrs. Hannah Turner and Henry C. Ford make affidavit that at different intervals during the whole period intervening between the spring of 1865 and fall of 1876 the said Abbey received more or less treatment (medical) from Dr. William M. Tanner, now deceased, for enlarged liver and spleen, as a result of malarial fever contracted in the Army.

Dr. Townsend, who took medical charge of claimant in January, 1877, makes an affidavit that he treated claimant for enlarged liver and spleen until October 15, 1877, and that said Abbey was not able to perform labor during that time.

Dr. William A. Hammond, in a statement dated November 25, 1879, says claimant has been under his charge for the past six months for locomotor ataxia, &c. Upon this and other medical testimony the said Abbey was pensioned January 23, 1880, at the rate of \$15 per month, to date from November 3, 1864, for effects of malarial poisoning. This pension was afterward increased to \$24 per month, to date from November 26, 1879, which pension the said Abbey now receives. There is in evidence an affidavit made by said J. N. Abbey the 26th of November, 1881, in which he says that—

"He has for the past six and one-half years been so totally disabled that he was unable to perform any manual labor; and, moreover, his physical condition has, during that time, been such that he was and is compelled to keep a body servant to render him personal aid and attendance."

An affidavit in evidence, made by Dr. Hamilton, of Philadelphia, Pennsylvania, March 7, 1882, states:

"I have known Captain Joseph N. Abbey for the past three years, during which time he has required my constant attention as medical adviser, with the exception of a period of three months, which was spent under the care of another practitioner. Upon taking charge of the case I made a thorough examination, with the following result: Skin, pulse, and temperature normal; violent and stupefying pains in the occiput, accompanied with severe attacks of vertigo, faintness, and extreme prostration; almost daily there occurred violent spasmodic action of the throat and neck, with a sense of impending suffocation; sound of heart, normal, but the organ very irritable; severe attacks of neuralgia of the chest and of the stomach.

"There was considerable enlargement of the spleen, with constant pain; also enlargement of the liver, with prostration of its functions; constipation and great weakness, and numbness in the lower extremities. The symptoms above enumerated at times became aggravated to such a degree that for two or three consecutive days at a time he was confined to his bed, but owing to the force of his in-

domitable will almost every day he has been conveyed to his office, frequently in a condition of the most intense agony. During the time in which he has been under my care I have been able to relieve the attacks at intervals, but the general condition of prostration and suffering still continues. The patient at present requires the care and watchfulness of a competent nurse. Knowing that his means were limited, I have not heretofore insisted upon the procuring of such a person, but now deem it of the most paramount importance. The case of Captain Abbey is one that commends itself to the favorable consideration of those whose duty it is to provide for the soldiers who have lost their health in battling for the welfare of their country. The cause of the present fearful suffering of Captain Abbey is exposure to malarial influences while in the service of the United States."

Dr. Samuel Cleveland makes affidavit that he has treated Joseph N. Abbey, and—

"Found enlargement of liver and spleen, which we are accustomed to recognize as malarial; profound disturbances of nervous centers; cerebral—involving pains of almost every kind and parietic conditions, transitory, but following in rapid succession; cardiac—involving true angina and solar, creating gastric inability."

Dr. Cleveland further says:

"That the condition of Joseph N. Abbey, while under his treatment, rendered him wholly unfit for any labor from a physical stand-point, though his will has carried him by intervals through necessary work, greatly to his physical detriment."

William C. Ewing makes an affidavit to Abbey's condition, and says:

"Ever since I became familiar with his every-day life I declare that I have not known him to enjoy an hour's release from pain or disability during that period. I also declare that since my personal acquaintance with him he has not been in a condition to perform any manual labor, but he has had to depend entirely for what he could earn upon brain work."

There are on file numerous other important affidavits to the effect that he was sound physically at the time of his enlistment, that he is now unable to perform physical labor, and has in constant attendance upon him a nurse, and in addition to this has the extraordinary expense of being conveyed to and from the house in a carriage, &c.

The ground of rejection at the Pension Office was the doctor's inability to determine whether the disability would be permanent or was of such a character as to bring him under the general law. The medical record covers a period of twenty years, and shows conclusively that the disability is a continuous one, and the medical affidavits filed since the rejection at the Pension Office show that his infirmities are increasing, and undoubtedly will soon place him in a condition of the most complete helplessness.

Now, judging from the long medical record, the suffering of the claimant, and the fact that he is so much worse to-day than he was twenty years ago, and now has to employ the services of a constant attendant, are pretty conclusive proofs as to the permanency of his disease.

Your committee regard this case as one of extreme disability and suffering, and therefore recommend the passage of Senate bill 1264, with the following amendment: In line seven, immediately preceding the word "dollars," strike out the word "seventy-two" and insert in lieu thereof the word "fifty."

Your committee likewise ask that the bill pass.

The SPEAKER. The question is on the third reading of the bill.
Mr. ALDRICH. Is not the question first on the amendment?

The SPEAKER. The amendment was made in the Senate before the bill came to the House.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DAWES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH HAYNE.

Mr. RAY, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 70) granting a pension to Sarah Hayne.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Hayne, widow of Michael Hayne, who was a seaman on board the United States ships Ontario, Allegheny, and Brandywine, and to pay her a pension at the rate of \$16 per month, to date from the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ERASTUS CRIPPEN.

Mr. RAY also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 340) granting a pension to Erastus Crippen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Erastus Crippen, late fourth sergeant of Company G, One hundred and forty-ninth Regiment Pennsylvania Volunteers; said pension to commence from the date his name was dropped from the pension-roll.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RAY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JANE S. TAPLIN.

* Mr. RICE, of Ohio, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (S. No. 1170) granting a pension to Jane S. Taplin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane S. Taplin, mother of Osman B. Taplin, late a private in Company E, Second Regiment Wisconsin Volunteers, said pension to begin from and after the passage of this act.

Mr. COX, of North Carolina. Let the report be read.

The report was read, as follows:

The Committee on Invalid Pensions, to which was referred the bill (S. No. 1170) granting a pension to Jane S. Taplin, has had the same under consideration and begs leave to submit the following report:

The Committee on Pensions of the Senate have made the following report:

"The Committee on Pensions, to whom was referred the bill (S. No. 1170) granting a pension to Jane S. Taplin, have examined the same, and report the same favorably and recommend its passage."

"The claim is made by Jane S. Taplin, mother of Osman B. Taplin, late a private in Company E, Second Wisconsin Volunteers, upon the ground that she was dependent on her son, who died in the service, for support. The Pension Office reject the claim upon the ground that such dependence at the time of the death of the soldier is not sufficiently proved; but additional evidence has been filed before us, and we believe the fact of dependence is fairly made out, and we therefore recommend the passage of the bill, so amended as to make the commencement of pension to date with the passage of the act."

Upon examination of the original evidence as well as that filed by the claimant before Congress this committee concur in the conclusions reached by the Senate committee, and ask that the bill do pass.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY ULLERY.

Mr. RICE, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 5496) granting a pension to Mary Ullery.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ullery, mother of Daniel Ullery, who was drowned while in the United States service as a member of Company D, Twelfth Ohio Volunteer Infantry.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAIAH ALTENBURG.

Mr. RICE, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1862) granting a pension to Isaiah Altenburg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaiah Altenburg, late a private Company G, Seventh Wisconsin Infantry Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL M. MORLEY.

Mr. RICE, of Ohio, also, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. No. 1860) granting a pension to Daniel M. Morley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel M. Morley, late a private in Company E, Twenty-ninth Regiment Ohio Volunteers.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RICE, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DONATION OF CANNON, ETC.

Mr. KETCHAM. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 6593) donating four condemned cannon and four cannon-balls for the soldiers' burial lot in the Hudson (New York) Cemetery, and that it be put on its passage.

There being no objection, the bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, directed to deliver to the Robert D. Lathrop Post No. 138 of the Grand Army of the Republic, Department of New York, four condemned cast-iron cannon and four large cast-iron cannon-balls, to be placed by said post in the soldiers' burial lot in the Hudson (New York) Cemetery.

Mr. PRESCOTT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of the bill, as follows:

"Also to the Soldiers' Monument Association of the city of Utica, New York, four condemned iron cannons, 24 or 32 pounders and spherical shot, for the use and adornment of the soldiers' monument in the city of Utica, State of New York."

The amendment was agreed to.

Mr. SHALLENBERGER. I offer the amendment which I send to the desk, to come in after the amendment just adopted.

The Clerk read as follows:

Also, to turn over to Post No. 208, Grand Army of the Republic, at New Brighton, Pennsylvania, four condemned cast-iron cannon and four cannon-balls for monumental purposes.

The amendment was agreed to.

Mr. STONE. I move to further amend the bill by adding to it the following:

Also, two condemned cast-iron cannon, with four iron cannon-balls, to the post of the Grand Army of the Republic at Georgetown, Massachusetts, for monumental purposes.

The amendment was agreed to.

Mr. COX, of New York. I move to amend by adding:

Also, four condemned cannon to Dahlgren Post, Grand Army of the Republic, New York City, for monumental purposes.

Mr. KETCHAM. Has that been reported from the Committee on Military Affairs?

Mr. COX, of New York. It is as good as any report; it is the best post in the United States.

The SPEAKER. The gentleman will submit his amendment in writing.

Mr. KLOTZ. While the gentleman from New York [Mr. Cox] is preparing his amendment I move to amend the bill by adding to it the following:

Also, four condemned cannon and four cannon-balls to the White Haven Soldiers' Monument Association of White Haven, Luzerne County, Pennsylvania.

Also, four condemned cast-iron cannon and four cannon-balls to Goodrich Post No. 22 of the Grand Army of the Republic, at Danville, Pennsylvania, for the adornment of a soldiers' burial lot owned by said post in the said town of Danville, Pennsylvania.

The amendment was agreed to.

Mr. UPDEGRAFF, of Ohio. I move to further amend by adding the following:

Also, four condemned cannon and twelve cannon-balls to Edwin M. Stanton Post, Grand Army of the Republic, at Steubenville, Ohio, for monumental purposes.

The amendment was agreed to.

Mr. COX, of New York. I move to amend by adding the following:

Also, four condemned cast-iron cannon and four cannon-balls to Dahlgren Post, Grand Army of the Republic, New York City, for monumental purposes.

The amendment was agreed to.

Mr. ALDRICH. I move to further amend by adding the following:

Also, four condemned cast-iron cannon and twelve cannon-balls to Englewood Post, Grand Army of the Republic, Cook County, Illinois, for monumental purposes.

The amendment was agreed to.

Mr. BROWNE. I move to further amend the bill by adding that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That if there be no condemned cast-iron cannon to fill the requirements of this act, the Secretary of War is hereby authorized to have a sufficient number of cannon manufactured and condemned for that purpose.

[Laughter.]

The SPEAKER. The Chair supposes this amendment is offered in pleasantry.

Mr. BROWNE. I withdraw the amendment.

Mr. KETCHAM. I call the previous question on the bill as amended. The bill as amended was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. KETCHAM moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. PRESCOTT. I move to amend the title of the bill by adding the words "and for other purposes."

The amendment was agreed to.

Mr. CARLISLE. I move to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 6111) granting condemned cannon to Nelson Post No. 194 of the Grand Army of the Republic, at Newport, Kentucky.

There being no objection, the bill was brought before the House and read, as follows:

Be it enacted, &c., That the Secretary of War be, and he hereby is, authorized and directed to donate one condemned 32-pounder columbiad and four 12-pounder brass Napoleon cannon to Nelson Post No. 194 of the Grand Army of the Republic, at Newport, Kentucky, to be used for monumental purposes.

The Committee on Military Affairs reported the following amendment:

Strike out the words "one condemned 32-pounder columbiad and four 12-pounder brass Napoleon" and insert in lieu thereof "four condemned cast-iron."

The amendment was agreed to.

Mr. DAWES. I move to further amend the bill by adding the following:

Also, to donate to the Monumental Association of Pickaway County, Ohio, five condemned cast-iron cannon and five cannon-balls.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CARLISLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DAWES. I move to amend the title to correspond with the amendment to the bill.

The amendment of the title was agreed to.

ORDER OF BUSINESS.

Mr. BROWNE. I now move that the House resolve itself into Committee of the Whole on the Private Calendar in pursuance of the special order for this evening's session.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BRIGGS in the chair.

Mr. BROWNE. I move that we begin the consideration of pension bills with House bill No. 6425, on page 50 of the Calendar.

The CHAIRMAN. If there be no objection that order of proceeding will be adopted.

There was no objection.

ROBERT HENNE.

The committee accordingly proceeded to the consideration of the bill (H. R. No. 6425) to increase the pension of Robert Henne, reported from the Committee on Invalid Pensions with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension of Robert Henne, late first lieutenant of Company I, Twelfth Missouri Volunteer Infantry, who lost a leg at Pea Ridge, leaving only three inches of a stump, and who previous to enlistment lost his left arm, and is now totally helpless and dependent, from \$25 to \$50 per month, to take effect from and after the passage of this act.

The amendment of the committee was to strike out "\$50" and insert in lieu thereof "\$40," before the words "per month."

The amendment was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ROBERT J. GILLESPIE.

The next pension bill was the bill (H. R. No. 318) granting a pension to Robert J. Gillespie.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert J. Gillespie, late a private in Company F, Ninety-eighth Regiment Ohio Volunteer Infantry.

The bill was laid aside to be reported favorably to the House.

MARY E. MATTHEWS.

The next pension bill was the bill (S. No. 2026) granting a pension to Mary E. Matthews.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary E. Matthews, widow of Edward S. Matthews, late a surgeon in the United States Navy, having the rank of lieutenant-commander.

The bill was laid aside to be reported favorably to the House.

KATE QUILLIGAN.

The next pension bill was the bill (H. R. No. 6833) granting a pension to Kate Quilligan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Kate Quilligan, daughter of Patrick Quilligan, late of Company B, Fourth United States Cavalry, and to pay her a pension, through her legally constituted guardian, at the rate of \$8 per month, during the insanity of said Kate Quilligan.

The bill was laid aside to be reported favorably to the House.

CAROLINE FRENCH.

The next pension bill was the bill (S. No. 2089) granting a pension to Caroline French.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline French, widow of Brevet Major-General William H. French, and pay her a pension of \$50 per month from the passage of this act.

The bill was laid aside to be reported favorably to the House.

Mr. BROWNE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BRIGGS reported that the Committee of the Whole on the Private Calendar, having had under consideration sundry pension bills, had directed him to report back the same with a favorable recommendation.

PENSION BILLS PASSED.

The bill (H. R. No. 6425) to increase the pension of Robert Henne (reported from the Committee of the Whole House with an amendment) was taken up, the amendment to strike out "fifty" and insert "forty" concurred in, the bill as amended ordered to be engrossed for a third reading, read the third time, and passed.

House bills of the following titles reported from the Committee of the Whole House without amendment were taken up, ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 318) granting a pension to Robert J. Gillespie; and

A bill (H. R. No. 6833) granting a pension to Kate Quilligan.

Senate bills of the following titles reported from the Committee of the Whole House without amendment were taken up, ordered to a third reading, read the third time, and passed:

A bill (S. No. 2026) granting a pension to Mary E. Matthews; and A bill (S. No. 2089) granting a pension to Caroline French.

Mr. PRESCOTT moved to reconsider the several votes by which bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES MORELAND.

Mr. McMILLIN. Mr. Speaker, I desire to make a statement and a motion succeeding it. If there be objection, I will withdraw my proposition, as I know a single objection will defeat it at this time. A man living in Jackson county, Tennessee, personally known to me, enlisted in the Mexican war. He went out with a fine company, but sixteen of whom returned. All of those are since dead, except himself and two comrades, who swear to the facts in support of his application for a pension. This application was made on account of sunstroke and consequent blindness in one eye and partial loss of sight in the other. The application was rejected at the Pension Office. He could not furnish evidence of commissioned officers in support of his claim. But parties who do know the facts, his two remaining comrades, have testified to them. I move that the Committee on Pensions be discharged from the further consideration of the bill (H. R. No. 1649) granting a pension to James Moreland and that it be now put on its passage.

Mr. Speaker, before my motion is put to the House, I will trespass upon the time of the House long enough to say that I trust there will be no objection to the present consideration of the bill. These poor Mexican veterans have already been too long neglected. I think they all ought to be pensioned by the general law, and until that is done we should not refuse to hear the complaints of those who were disabled in that honorable service. Over burning sands and beneath a scorching sun they went to that distant and pestilential clime to battle for their country. Many have died, and one by one the ranks of the survivors are being thinned. I know Mr. Moreland to be a good, true, and poor man. Dr. A. M. Fergusson, who testifies in his behalf, is as worthy and veracious a man as any country can boast of. Let us do justice, so long delayed, to this Mexican soldier.

Mr. PRESCOTT. Has this bill been considered by any committee of the House?

Mr. McMILLIN. It was considered by the Committee on Pensions in the last Congress and favorably reported. I have the report here, and will have it read if it be desired. At this session, as I am informed by the gentleman from North Carolina [Mr. COX] who is on the Pension Committee, there has not been a quorum of the committee for probably two months or more, and hence it has been impossible to get reports from the committee. I now move the passage of the bill.

The bill was read, as follows:

Be it enacted, &c., That James Moreland, of Jackson County, Tennessee, late a private in Company K, Fourteenth Regiment United States Infantry in the Mexican war, whose health was impaired in said war, be, and he is hereby, allowed a pension of \$8 a month during his natural life; and the Secretary of the Interior is directed to cause his name to be placed on the pension-roll, subject to the rules and regulations now in force in the granting of pensions to invalids of said war.

There being no objection, the House proceeded to the consideration of the bill.

Mr. McMILLIN. I move to amend by striking out at the end of the bill the words "rules and regulations now in force in the granting of pensions to invalids of said war," and inserting "provisions and limitations of the pension laws." My object in offering this amendment is that the rate may be fixed at the Pension Office.

The amendment was agreed to.

Mr. PRESCOTT. I move to amend by adding to the bill the words "to take effect from and after the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. McMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. E. KILBER.

Mr. BURROWS, of Michigan. I desire to ask the courtesy of the House. In December last I introduced a bill to increase the pension of a soldier named J. E. Kilber, which was considered and favorably

reported upon by a sub-committee of the Committee on Invalid Pensions, composed of the chairman, [Mr. BROWNE,] the gentleman from North Carolina, [Mr. LATHAM,] and the gentleman from Tennessee, [Mr. McMILLIN.] I desire that the committee be discharged from the further consideration of this case, and that the bill be put on its passage.

I know this soldier personally. He is getting a pension of only \$18 a month for an injury to the left arm, the bone of which was so much shattered that it was taken out from the elbow nearly to the shoulder, so that the arm is perfectly useless. The evidence shows that he should be receiving a pension of \$24 a month instead of \$18.

Mr. McMILLIN. In addition to what the gentleman from Michigan has stated, I will say that the report of the sub-committee was read on the last day when the committee met; but we were unable on account of the close of the session being so near to obtain a quorum. The evidence shows that this man's disability is greater than it would be if his arm were amputated above the elbow, but according to the provisions of existing law he cannot be pensioned at the rate now proposed because of his arm not being amputated. It dangles at his side and he has to lift it with the other hand when he wants to move it. This bill provides that he be placed on the pension-roll at the same rate that the general law allows to one whose arm is off above the elbow.

The bill was read, as follows:

A bill (H. R. No. 783) granting a pension to J. E. Kilber.

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of J. E. Kilber, at the rate of \$24 per month, subject to the provisions and limitations of the pension laws.

Mr. BURROWS, of Michigan. The report can be read if any gentleman deems it necessary.

Mr. PRESCOTT. There should be an amendment providing that this is in lieu of the present pension.

Mr. BURROWS, of Michigan. Certainly, that amendment can be made.

Mr. McMILLIN. I should have recommended that but for the fact, as the chairman will recollect, we passed a general provision covering all such cases.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DONATION OF CONDEMNED CANNON TO LOGANSFORT, ETC.

Mr. DE MOTTE. I move, by unanimous consent, that the bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, be taken from the Committee of the Whole House on the state of the Union and put on its passage at this time.

The SPEAKER. The Chair hears no objection, and the bill is before the House for consideration.

Mr. DE MOTTE. The Committee on Military Affairs moved to insert "cast-iron" after "condemned," and after "cannon" to insert the words "to be used for monumental purposes."

The amendments were agreed to.

The bill as amended was read, as follows:

Be it enacted, &c., That the Secretary of War is hereby authorized to furnish two condemned cast-iron cannon and two cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, to be used for monumental purposes.

Mr. BROWNE. I move to add the following:

Also to give to the post of the Grand Army of the Republic at Winchester, Indiana, four condemned cast-iron cannon, for ornamenting the soldiers' burial lot in Fountain Park Cemetery, at that place.

Mr. COX, of New York. As I am somewhat interested, I should like to know where these gentlemen will find the condemned cannon which are donated for these various purposes?

Mr. BROWNE. We will find them at the same place the gentleman will find his. [Laughter.]

Mr. COX, of New York. That is what I want to know so I can find mine. [Laughter.]

Mr. BROWNE. If the gentleman will accompany me when I go for mine perhaps he will find his.

Mr. COX, of New York. I should be happy to do so.

Mr. BROWNE's amendment was agreed to.

Mr. RICE, of Ohio, moved the following amendment:

Also, four condemned cast-iron cannon and four cannon-balls to Eugene A. Rawson Post, Grand Army of the Republic, Fremont, Ohio, for monumental purposes.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PRESCOTT moved to amend the title by inserting the words "and for other purposes."

The amendment was agreed to.

Mr. DE MOTTE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. PRESCOTT, (at nine o'clock and nineteen minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following memorial and petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BOWMAN: The petition of Patrick Burns, of Lynn, Massachusetts, for a pension—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: The petition of Mary J. Young, of Floyd County, Georgia, for relief—to the Committee on Pensions.

By Mr. COVINGTON: The petition of R. T. Bryan, for relief—to the Committee on Claims.

By Mr. S. S. COX: Memorial of S. S. COX as to the treatment of Hebrews in Russia—to the Committee on Foreign Affairs.

By Mr. DEZENDORF: The petition of Max Luchs, of the District of Columbia, for compensation for damages sustained by reason of change in grade on a certain square in Washington, District of Columbia—to the Committee on the District of Columbia.

Also, the petition of Benjamin S. Ewell and others, praying that a bounty be granted to the heirs of Thomas Ewell, who fell in battle at Cerro Gordo, Mexico—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. MORSE: The petition of Joshua G. Nickerson and others, for the passage of the French spoliation-claims bill—to the Committee on Foreign Affairs.

By Mr. VANCE: The petition of Samuel W. Byrd and others, praying that James Hughes may be restored to the pension-roll—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, August 1, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Finance, to whom was referred the joint resolution (H. R. No. 250) authorizing the Secretary of the Treasury to issue 2 per cent. bonds or certificates in exchange for bonds bearing a higher rate of interest, reported it adversely.

Mr. COCKRELL. Let that be placed on the Calendar.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar, with the adverse report of the committee.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. No. 191) for the relief of Frances H. Plummer, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. No. 374) to remove the charge of desertion from the military record of William Hull, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 1974) fixing the pay of hospital stewards of the first class in the United States Army, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. No. 1718) for the relief of Edwin T. Pilkenton, reported it with amendments.

He also, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh, executrices of the estate of the late Daniel Carroll, deceased, by the regrading of the streets around square numbered 736 in the city of Washington, reported it with an amendment; and submitted a report thereon, which was ordered to be printed.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 5018) granting a pension to Elizabeth F. Rice, reported it without amendment; and submitted a report thereon, which was ordered to be printed.

Mr. JACKSON. I present the views of the minority of the Committee on Pensions on the bill (H. R. No. 1011) granting an increase of pension to Daniel G. George. The bill has already been reported and is on the Calendar.

The PRESIDENT *pro tempore*. The views of the minority will be printed.

PUBLIC BUILDING AT WILLIAMSPORT.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania, to report it favorably without amendment.

Mr. CAMERON, of Pennsylvania. I ask for the immediate consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MASTER ARMORER AT SPRINGFIELD.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 720) to fix the compensation of master armorer at the national armory in Springfield, Massachusetts, to report it with an amendment. It will take but a moment to act on the bill. It is a House bill, and there is a little amendment to it, so that it will have to go back to the House. I should be very glad to have the bill acted on now. I do not think there will be any objection to it.

Mr. DAVIS, of West Virginia. I should like to ask the Senator whether it changes the compensation of that particular person? Does it give him a greater compensation?

Mr. LOGAN. It does. I will explain it after the bill is taken up. By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Military Affairs was, in line 5, after the word "him," to insert the words "from and after the passage of this act;" so as to make the bill read:

That in addition to the compensation now allowed and paid to the master armorer at the national armory in Springfield, Massachusetts, there shall be paid to him from and after the passage of this act further compensation at the rate of \$1,000 per annum during such time as he shall perform the duties of master machinist at said armory in addition to those of master armorer.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. I would like to know how much it increases the salary? It is something very unusual to pass a bill increasing the salary of a particular person. I should like to know how much it increases the salary and what will be the entire compensation.

Mr. LOGAN. It increases the pay of the armorer \$1,000.

Mr. DAVIS, of West Virginia. From what sum?

Mr. LOGAN. From \$1,500 to \$2,500.

Mr. DAVIS, of West Virginia. Fifteen hundred dollars has been heretofore paid him?

Mr. LOGAN. Yes, sir.

Mr. DAVIS, of West Virginia. That is nearly double.

Mr. LOGAN. I will explain it to the Senator. The matter was up before the Committee on Appropriations. He will remember it.

Mr. DAVIS, of West Virginia. I remember the circumstance, and that is why I make the inquiry.

Mr. LOGAN. The master armorer receives \$1,500. He now acts as master machinist, and on the recommendation of the Chief of the Ordnance Bureau it is reported to give him \$1,000 as master machinist besides that as long as he acts as master machinist. When he does not he will not receive the additional allowance. That is the bill.

Mr. DAVIS, of West Virginia. In other words, he performs double service and is to receive double pay.

Mr. LOGAN. That is it exactly.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ANNUAL MUSTER AT TOPEKA.

Mr. PLUMB. I ask leave to introduce a joint resolution, and after the title of it is read I shall ask unanimous consent that it be now considered.

By unanimous consent leave was granted to introduce a joint resolution (S. R. No. 100) authorizing the Secretary of War to supply tents to the annual muster of the State militia of Kansas; and it was read twice by its title.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 70) granting a pension to Sarah Hayne;

A bill (S. No. 340) granting a pension to Erastus Crippen;

A bill (S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment, New York Volunteers;

A bill (S. No. 703) granting a pension to Sarah Shea;

A bill (S. No. 1170) granting a pension to Jane S. Taplin;

A bill (S. No. 1264) to increase the pension of Joseph N. Abbey;

A bill (S. No. 1437) granting a pension to Amos Chapman;

A bill (S. No. 1680) granting a pension to Ann Leddy;

A bill (S. No. 1796) for the relief of Elizabeth H. Spotts;

A bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers;

A bill (S. No. 2026) granting a pension to Mary E. Matthews; and

A bill (S. No. 2089) granting a pension to Caroline French.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 3187) granting a pension to Robert J. Gillespie;

A bill (H. R. No. 783) granting a pension to J. E. Kilber;
 A bill (H. R. No. 1649) granting a pension to James Moreland;
 A bill (H. R. No. 1860) granting a pension to Daniel M. Morley;
 A bill (H. R. No. 1862) granting a pension to Isaiah Altenberg;
 A bill (H. R. No. 5496) granting a pension to Mary Ullery;
 A bill (H. R. No. 6111) donating condemned cast-iron cannon and cannon-balls for monumental purposes;
 A bill (H. R. No. 6425) to increase the pension of Robert Henne;
 A bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, and for other purposes;
 A bill (H. R. No. 6593) donating condemned cast-iron cannon and cannon-balls for monumental purposes;
 A bill (H. R. No. 6833) granting a pension to Kate Quilligan; and
 A joint resolution (H. R. No. 282) making an appropriation to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882.

JAPANESE INDEMNITY FUND.

Mr. BAYARD. I present a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund. I ask that it may be read, and then I will state the condition of the measure.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 1052 entitled "An act in relation to the Japanese indemnity fund," having met, after full and free conference have been unable to agree.

T. F. BAYARD,
 W. WINDOM,
 JOHN SHERMAN,

Managers on the part of the Senate.

C. G. WILLIAMS,
 W. W. RICE,
 P. V. DEUSTER.

Managers on the part of the House.

Mr. BAYARD. I am instructed in making this report also to apprise the Senate of the propositions submitted to the Senate conferees by the committee on the part of the House.

The bill as it came from the House proposed "to pay to the Government of Japan the sum of \$1,516,364, in bonds now under the control of the Department of State and known and designated in the accounts and reports of said Department as the Japanese indemnity fund." The Senate amended that by striking out the sum mentioned and inserting in lieu thereof "\$785,000.87, in legal coin, through the United States minister to Japan."

The difference between the Senate and the House was the interest, and the compounding of that interest, upon bonds of the United States which had been purchased by the Secretary of State with the fund of \$785,000 which the United States had received in installments in the year 1864. The difference, as the Senate will remember, was as to the allowance of interest.

The House conferees made a proposition to the Senate conferees, which the latter did not feel themselves warranted, as representing the sense of a majority of the Senate, to accept, but which nevertheless they report to the Senate, because it is probable that the action of the House will soon present to us an opportunity to vote upon their proposition in the shape of a concurrence by the House in the Senate amendment with an amendment; and that will be to pay at the rate of 5 per cent. interest upon the several installments from the time they were received until the passage of this act, and to pay that out of any money in the Treasury not otherwise appropriated.

Another feature of difference was, the House proposed to pay by way of prize-money to the crews of the United States vessels engaged in the expedition against certain Japanese ports in the inland sea, \$250,000, but to subtract that sum from the amount so ordered to be paid to Japan. The Senate proposed to recognize the services of the officers and crews of those United States vessels in the amount of \$140,000, but not to subtract that from the principal sum to be paid to Japan, but to pay it out of the general balance in the Treasury.

I do not know that this is the time for the Senate to take any further action beyond receiving the report of the committee. I make this report of the committee of conference, because it now must go to the House, accompanied by the papers, and there, the conferees of the Senate are informed, an amendment will probably be proposed and sent to the Senate to the effect that I have stated. So that the sense of the Senate may be tested upon the proposition to pay back the \$785,000, which was the sum total of the money received by the United States from Japan, together with interest at the rate of 5 per cent. up to the time of the passage of this act.

I was not connected with either of the committees that examined and reported upon this subject. I took some part in the discussion because I believed there was a proposition violative of the rule adopted, certainly by the executive branch of this Government, from the foundation of the Government in respect to the payment of interest; but since I have been assigned to duty upon this committee of conference I have made other and fuller examinations of the facts out of which the payment of this money by Japan to the United

States grew, and I should like to make a short statement in order to lay before the Senate what I think is the true ground to guide us in this matter.

The sum of \$3,000,000 was paid by Japan under treaty stipulation to the four powers of Great Britain, France, the Netherlands, and the United States. The payment of that money was not sought for or pressed by the American envoy. It was originally suggested that the sum of \$2,000,000 was ample, but upon the suggestion of the French envoy the amount was increased to \$3,000,000. According to the language of the treaty of 1864, between Japan and the United States, it is expressly stated that the consideration for the payment of that money by Japan to the United States was the damages resulting to the interests of the treaty powers, as well as the expenses occasioned by the naval expedition into the inner sea of Japan and the suppression of the rebellion then existing in that country.

The Senate will observe this sum was not a debt; that it never constituted a debt from the United States to Japan. It was paid, according to the language of the treaty, to compensate for damages resulting to the interests of the treaty powers and for the expense of the naval expedition undertaken in the interest of Japan by the same treaty powers.

The same treaty expressly declared in a subsequent article that the obtaining of this money was not the object of the United States, but that the promotion of their commercial relations with Japan was the object of the United States, and the object for which the expedition by United States ships was undertaken, to strengthen our commercial and friendly relations with that government.

That being the object of that expedition as recited in that treaty, an option was reserved to the Tycoon to pay the money by installments if he pleased, or in lieu of such payment to cause the port of Simonoseki and another port in the inland sea to be opened to commercial intercourse with the United States.

The Tycoon, for reasons of his own, perhaps of a political nature growing out of the disordered condition of his own country, paid the money, because he could not open the ports; he could not avail himself of the alternative at that time. Therefore under the treaty of 1864 the money was paid, but the port of Simonoseki, or another port in the inland sea, was not opened to commerce.

So things stood, the money being paid to the United States and kept by us. It may be said that we ought not to have employed it as was done, but that has nothing to do with Japan, for the irregularities of United States officials in relation to our own laws is something with which foreign nations have nothing whatever to do. The matter so stood under the option of the Tycoon to pay the money or open the port, and so remained until a second treaty was made in 1878, (promulgated in the month of April, 1879.) Then, and then for the first time, the opening of the port of Simonoseki was agreed upon by the Japanese Government, and the port was then accordingly opened.

So I submit to the Senate, in considering this transaction, the two treaties, that of 1864 and that of 1878, confirmed in 1879, must be treated as one instrument and be construed together in order to ascertain the true intent of the parties. If there was an option to pay the money or open the port vested in the Tycoon, it was terminable at his pleasure and will; and as he did not, no matter from what cause, finally exercise this option by opening the port in 1879, most assuredly there could be no claim in law or equity for interest upon the fund he at first had elected under the treaty to pay in lieu of opening the port until the port was finally opened. The facts, I think, cannot be gainsaid, and the logical results of those facts I do not think can be questioned.

Mr. MORGAN. The Senator is making a statement directly against the language of the treaty.

Mr. BAYARD. I will ask the Senator to state what he believes to be the fact.

Mr. MORGAN. I read from the treaty.

Mr. BAYARD. Which treaty?

Mr. MORGAN. I read from the convention of October, 1864:

3. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view; therefore, if his majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injuries sustained, the opening of Simonoseki, or some other eligible port in the inland sea, it shall be at the option of the said foreign governments to accept the same, or insist on the payment of the indemnity in money, under the conditions above stipulated.

The Senator said it was at the option of the government of the Tycoon.

Mr. BAYARD. I do, and I repeat it. I will read the language of the treaty.

Mr. MORGAN. I have just read it.

Mr. BAYARD. But let me read it as it stands in the treaty before me. I have no doubt the Senator has read it, but I propose to read it with my own emphasis. I read from the convention:

3. Inasmuch as the receipt of money has never been the object of the said powers, but the establishment of better relations with Japan, and the desire to place these on a more satisfactory and mutually advantageous footing is still the leading object in view; therefore, if his majesty the Tycoon wishes to offer, in lieu of payment of the sum claimed, and as a material compensation for loss and injuries sustained, the opening of Simonoseki—

Is not that giving the Tycoon the option to pay the money as a compensation or to open the port as he sees fit? I do not say that a like option was not also given to the foreign governments. I did not say that. I said an option was given to the Tycoon, and so it was. Therefore, I was not in error in the slightest degree in my statement. I think in this international question between the Government of Japan and that of the United States the two treaties, that of 1864 and that of 1878, both bearing upon the same subject, are to be construed together to form a conjoint history of this transaction and constitute the law of its decision.

Grant that under the treaty of 1864 the Tycoon could open the port or pay the money; grant that there was an option reserved to the powers to accept the money or accept the opening of the port, coupled with the statement that the powers did not want the money, and that was not their object; then the payment of the money in 1864 by the Tycoon and his failure to open this port for fifteen years thereafter, not until the month of April, 1879. So that this being an option terminable by the Tycoon of Japan, he could have terminated it by opening the port of Simonoseki, and when the port was opened then the money was to be returned at the option of the United States, who as was recited in the treaty had the promotion of commercial intercourse with Japan, and not the reception of her money as their real object.

Both Houses agree, and I believe every man in each House agrees, that as the port has at last been opened the money ought to be repaid. The question is whose money was it pending all that time. If the United States were withholding from the Government of Japan a debt justly due, then there may be shown in equity a reason for charging interest upon it from the time it was received until the time of repayment; but if it was a payment by Japan, and a voluntary payment, under treaty stipulation to the United States in lieu of the granting of certain commercial privileges, then it stands to reason that until the commercial advantages were bestowed upon the United States there could be no claim for the recall of the money, much less with interest superadded.

But there is another view that has been stated. In the abundant briefs which have been filed and freely distributed in this case by those concerned professionally in connection with this money, the term "exaction" has been constantly used, and we are told that the United States has dealt unworthily by a feebleness, and that we "exacted" money from a weaker nation which it is implied or charged we would not have exacted from a stronger nation.

I can only say, first, that the increased sum was proposed by one of the foreign powers, and I have never heard that any portion of the fund paid to them has been yet returned to Japan. I do not propose to square our conduct by theirs, but to be a law unto ourselves governed by self-respect and the immutable laws of justice and equity.

But was it an exaction? To what logical result is the Senate led if you admit that this money was exacted or extorted from this weaker power? It is that your treaty of 1864 was a dishonorable act; it is that the Secretary of State in receiving the sum of \$785,000 from Japan stained his hands; it is that the American envoy acted as a bully, and that the American people did that which they should be ashamed of and should be punished for.

I will agree if the reception of this money in 1864 can be shown to have been such an act we ought to hide our faces in the dust, and pay back interest and principal with apologies for our ever having taken this money into our hands. Such would be the simple logic of admitting that sum of money was unfairly, dishonorably, and unjustly extorted or exacted from a weaker power and because it was weak; but is this the case?

Mr. MORGAN. Did the Committee on Foreign Relations put it on any such ground as that?

Mr. BAYARD. I did not mention the Committee on Foreign Relations, and I had not the slightest reference to any member of this body or of the other House. I did speak, however, of the abundant briefs printed and furnished to every member of the Senate which have used this term "exaction" in respect to this fund paid by Japan to the United States in 1864.

Mr. WINDOM. I should like to ask the Senator, with his permission, a question at that point. Does not his argument apply really as much to the return of the principal as to the House bill and to the payment of 5 per cent. interest? Does not the payment of \$785,000 carry with it the same imputation that the payment of the larger sum does?

Mr. BAYARD. No; it carries with it not the slightest imputation, because if I am right that this transaction is to be interpreted by the light of the two treaties of 1864 and 1878, which I consider honorable to both the parties who made them—they were treaties for commercial alliance and friendship; I hold there is no disgrace to either party in entering into them, and there can be none in carrying them out, to their uttermost letter; and by the light of those treaties I say that the repayment of that money was to be upon the consideration of the opening of the port of Simonoseki; and that being opened, the consideration having been accomplished, it is our duty to pay the money back because we have at least received what was agreed upon as an alternative for the payment of the money. I think that is clear enough. But if it be true, to use the language of the briefs which have been sent to me and which have been freely furnished to every member of the Senate, that this was an exaction or an ex-

tortion by the United States, then you have a very different transaction from that which I say the history of the events discloses.

Was or was not our treaty of 1864 with Japan an honorable treaty, alike honorable to both parties? Was not the treaty of 1878 equally honorable to both parties? And ought we not to settle the payment of this money upon the basis of the terms and stipulations of those two treaties? If you accept that which I say is the ground on which to place this case the claim of interest on this fund from the time of its payment by Japan in 1864 is gone, cannot be sustained except upon the ground that it is the merest, sheerest gratuity, and I will not say to whom that gratuity will actually be paid, but I do not believe much of it will ever reach the treasury of the Government of Japan.

We have been invoked also to consider that we are a great and strong people, numbering fifty million, priding and pluming ourselves upon our advance in Christianity, power, and civilization, that we are to treat Japan with magnanimity. Why, Mr. President, that is not respectful or complimentary to the Government of Japan. I propose to treat Japan precisely as I would treat Great Britain or France. It seems to me that as between nations there is no inequality; they are equally sovereign and treat with each other as equals—irrespective of their population and power.

Japan is an equal and friendly nation, a member of the great family of nations, and in dealing with her we deal precisely as we would with any other member of that family. We are neither to bestow gratuities nor are we to withhold justice. And so viewing this question and taking these treaty stipulations, and all the facts, I aver that the Government of the United States stands upon its treaties with Japan bound to carry them out in good faith and fairness with neither fear nor favor. The port of Simonoseki has been opened since 1879. The sum of money that was the alternative was long before received by us; it is our duty to hand back the money because we have received the commercial advantage of the opening of the port. The payment of the money is under one treaty, the opening of the port is under another treaty.

The two treaties combined contain the history of the transaction, and the measure of duty of the United States Government is defined by those treaty stipulations. If any man now can show me or show the Senate that there is an implied obligation, an equitable obligation, much less a legal obligation, superadded to the repayment of the corpus of this fund, he will show me something that I have not upon careful examination been able to find out.

I have been stimulated, Mr. President, to discover what was the true line of duty in this case by the suggestion so freely made in debate that the action of the Senate in withholding interest upon this fund tarnished the honor of the country. I profess myself, sir, as sensitive upon that subject as any man. No call can be made that will stir me to greater diligence or to greater effort than the suggestion that the honor of the United States is at stake, and therefore it is that I have stated this question, and I have gone into the history of these transactions, and I have come most conclusively to the result that we are acting under treaty stipulations, and that those stipulations define alike our rights, our obligations, and our duties, and they are not to have superadditions by suggestions that we are dealing with an object of charity, and not with a nation our equal before the law.

A word as to the rule of the payment of interest by the Government. I here declare in the presence of the Senate without fear of contradiction that it has been the rule of this Government never to pay interest. The opinions of every Attorney-General will disclose the fact that the rule is that the Government does not pay interest and one of the provisions of this very bill contains proof that such is the rule. And can it be that we are under an obligation to a foreign government stronger than to our own citizens? And why is it that it is proposed in one breath and in the same bill to pay interest to the Japanese Government and deny it to the officers and crews of our own ships who risked their lives when we come to pay prize-money which was earned in the same transactions at the very time that this fund was paid to us? Why is it that after some seventy years the owners of the brig General Armstrong were paid the principal and the principal only of the property they lost in the public service, and that it was shown was so peculiarly beneficial to the Government, by delaying the arrival of the British fleet at the mouth of the Mississippi River in 1815? Why is it that we stand in regard to the French spoliation claims for whose relinquishment to the French Government the Treasury of the United States received the consideration eighty years ago? Has any man ever proposed to pay interest upon these claims to our own citizens?

Mr. HOAR. I think the Senator ought to remind the public, as his word goes much further than the Senate Chamber, that there are a great many men to whom we cannot pay the principal of the French spoliation claims.

Mr. BAYARD. All these cases go to show that we have a measure of duty not to be lowered, not to be raised from favor or from fear, but to be executed as a proud and self-respecting nation ought to execute its obligations, self-imposed by treaty, and that is what in the present case I think should be done, and if I am right—and I do not think any fact I have stated will be questioned, I am speaking now of the historical facts—the measure of our duty will be found in the contents of these two treaties; and the reason why we pay back

\$785,000 is the granting to us of the commercial privileges which were the alternative for the payment of the money. That is why we pay it back. If that be so, all talk of interest is, in my opinion, without foundation. If it is ever paid it will be a mere gratuity, not much of which, I fear, will ever reach the treasury of Japan.

Mr. WINDOM. Mr. President, I do not agree with the Senator from Delaware, either in his facts or his conclusions, and I should be very glad indeed, if this were the proper occasion, to enter on a discussion of the merits of this case.

Mr. MORGAN. Has the report been read as yet?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. WINDOM. But not believing this to be the proper occasion for a lengthy discussion of the question, I shall not enter into it. I only want to say that if the conclusions reached by the Senator are right, then the conclusions reached by almost every President from the time this fund was paid in and by every Secretary of State from Seward down are wrong. If he be right, then the conclusions of every committee that has examined this question, all of whom have unanimously reported over and over and over again that this fund does not belong to the Government, but ought to be paid back, were wrong. If the facts and conclusions the Senator has stated to-day are right, then the Senate was wrong on the 3d of March, 1881, when by a vote on the yeas and nays of 46 yeas to 6 nays it was declared that this fund, with interest, ought to be paid back to Japan, the Senator from Delaware himself then voting for that proposition.

Mr. BAYARD. And I vote for it now, to pay back the fund exactly as we received it.

Mr. WINDOM. Ah, but the Senator is mistaken when he says he votes for it now, because that is the very point on which we disagreed in the committee of conference. The Senate, on the 3d of March, 1881, voted to pay back the principal and 5 per cent. interest. The whole amount of that bill, as we voted it in 1881, was about fourteen or fifteen hundred thousand dollars; it was by no means the principal sum which the Senator says can now be paid back and yet justice done, but those forty-six Senators recorded themselves that that thing ought to be done, and only six against it.

Again, if the Senator is right, I will say that the House of Representatives in 1872 were wrong when they passed a bill remitting the unpaid balance which Japan had not then paid over. The facts were then fresh in the memory of Congress, and the House of Representatives passed this bill:

An act to release the Government of Japan from the payment of the balance of the indemnity fund remaining unpaid, amounting to \$375,000, under the convention of October 22, 1864.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to absolve and release the government of the Empire of Japan from the payment of the balance, amounting to \$375,000, of the indemnity due to the United States under the convention between the United States, Great Britain, France, and Holland of the one part, and Japan of the other, signed at Yokohama on the 22d of October, 1864, and from the payment of any interest which may be due on said balance.

SEC. 2. That it shall be the duty of the Secretary of State to communicate officially to the Government of Japan information of the action of the President under and by virtue of the authority hereby given.

Passed the House of Representatives May 29, 1872.

This bill came to the Senate and the Senate Committee on Foreign Relations unanimously recommended that it be passed. As long ago as 1872 they saw the injustice of collecting this money, and said to Japan so far as the House of Representatives was concerned "we remit the balance to you;" and because it failed to pass the Senate at that time the money was collected, and the Secretary of State at once said that it was received without any substantial consideration, and every Secretary of State and every committee that has examined the subject since, nearly every President, and the Senate itself have said over and over again that this money was improperly received and ought to be paid back.

Mr. VAN WYCK. Let me ask the Senator one question. If every action of both bodies has been in the direction alone of paying this money back to Japan, will he tell me why the House of Representatives in 1870 passed a bill to give the crew of the Kearsarge \$190,000, to be taken out of this indemnity fund? Does that look as though each House was always looking alone to the payment of this money back to Japan, when they were willing in 1870 to pay the crew of the Kearsarge \$190,000 and to take it out of the Japanese indemnity fund? Will the Senator explain that action?

Mr. WINDOM. I do not remember the vote to which the Senator alludes; but if the House ever voted any such thing it is the only exception I know of.

Mr. VAN WYCK. There are others, I will say to my friend.

Mr. WINDOM. I hope the Senator will keep quiet until I answer his question. I say that I suppose Congress at that time, finding that there was little probability of ever paying the money back, might have inadvertently given that vote; but as against that I array the unanimous, continued, oft-repeated action of both Houses and of the Senate itself no longer than one year ago.

Mr. HOAR. If the Senator has finished, I should like to make a point of order. I understand the matter is properly before the Senate only when the House have acted on the conference report.

The PRESIDENT *pro tempore*. The conference report is presented, signed by the House conferees and the Senate conferees.

Mr. ALLISON. I think we can agree to the report now.

Mr. MORGAN. I wish to say just a word upon this. I have been very much astounded this morning that a debate should have been thrust upon the Senate on this report. I will not abuse the patience of the Senate by undertaking to reply to it. I will only say that the Senator from Delaware is mistaken, thoroughly mistaken, in two points which he has stated here and which he said no Senator would venture to deny. The first one is in saying that the port of Simonoseki was the only port which Japan agreed to open in the inland sea. The language of the convention is:

In lieu of payment of the sum claimed, and as a material compensation for loss and injuries sustained, the opening of Simonoseki, or some other eligible port in the inland sea.

The other point in which the Senator is mistaken is this: our consular correspondence, which I can produce to the Senate, shows that our consul was present on the 1st of January, 1868, at the time that the Government of Japan opened the ports of Osaka and Tokio in the inland sea, our colors were saluted, and there was quite a ceremonial upon that occasion, which our consul immediately reported through Mr. Bingham, our minister, to the Government of the United States. The Government of Japan in the most solemn and formal way on the 1st of January, 1868, opened two ports in the inland sea, and I am astonished that a Senator professing to know something about this case had not informed himself of these facts.

That is all I mean to say at present. These facts go against any amount of argument.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

The report was concurred in.

AMERICAN FORESTRY CONVENTION.

Mr. ALLISON. Now I move to proceed to the consideration of the sundry civil appropriation bill.

Mr. ANTHONY. Allow me to make a report.

Mr. ALLISON. Very well.

Mr. ANTHONY. The Committee on Printing to which was referred a concurrent resolution to print additional copies of the forestry convention, have instructed me to report it back without amendment, to recommend its passage, and ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the proceedings of the American forestry convention held at Cincinnati in April, 1877, be printed, under the direction of the Commissioner of Agriculture, and that 5,000 additional copies be printed, of which 1,300 copies shall be for the use of the Senate, 2,600 copies for the use of the House, and 1,100 copies for the use of the Commissioner of Agriculture.

Mr. ANTHONY. The cost will be about \$800.

The resolution was agreed to.

PRINTING OF LAND LAWS.

Mr. ANTHONY. The same committee to which was referred the joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws, have instructed me to report it with an amendment and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that 8,500 additional copies of the codified land laws and history of the public domain of the United States, compiled and prepared by the public land commission, embraced in House Executive Document No. 47, with all subsequent laws which may have been passed by Congress prior to the adjournment of the present session, shall be printed and bound.

The amendment reported by the Committee on Printing was, in line 9, after the word "bound," to strike out the residue of the resolution, in the following words:

Of which each Senator and Representative shall receive 20 copies and each Delegate 30 copies, for distribution among their constituents, and the residue shall be for distribution by the Secretary of the Interior.

And to insert in lieu thereof:

Under the direction of the Secretary of the Interior, 2,000 copies for the use of the Senate, 5,000 for the use of the House of Representatives, and 1,500 for the use of the Secretary of the Interior.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

REMOVAL OF DISABILITIES.

Mr. LOGAN. I ask leave to report a bill from the Committee on the Judiciary and to request its present consideration. It is merely for the removal of disabilities, and I presume it will take but a moment. The party has presented a petition and the committee report a bill in accordance with the prayer of the petition.

The bill (S. No. 2171) to remove the political disabilities of Frank C. Armstrong, of Maryland, was read three times, and passed by a two-thirds vote.

TITLE TO CERTAIN LANDS.

Mr. PENDLETON. With the consent of the Senator from Iowa I ask unanimous consent to call up House bill No. 2402.

Mr. ALLISON. I proposed this morning, not knowing that the Japanese matter would occupy so much time, to yield to the Senator from Ohio and one or two other gentlemen. I want to comply with my promise so far as I can where no debate intervenes.

The PRESIDENT *pro tempore*. The Senator from Iowa asked that the sundry civil bill be taken up, and if there is no objection it will be considered as before the Senate. Now the Senator from Ohio asks unanimous consent to lay that bill aside and take up House bill No. 2402.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2402) to quiet title to certain lands in Washington, District of Columbia. It proposes to direct the Secretary of the Treasury to quitclaim and release unto the heirs, devisees, and assigns of Joseph Pearson, deceased, their heirs and assigns, all the right, title, and interest of the United States of America in and to all of squares 670, 671, 672, 710, and 711 in the city of Washington, as the same are laid down on the original plat or plan of the city.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL POSTPONED.

Mr. VANCE. The bill (S. No. 1730) to remove the political disabilities of Charles P. McGary was reported favorably from the Committee on the Judiciary and is now on the Calendar. I move its indefinite postponement. The individual named has since the report of the bill deceased.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. No. 318) granting a pension to Robert J. Gillespie;
- A bill (H. R. No. 783) granting a pension to J. E. Kilber;
- A bill (H. R. No. 1649) granting a pension to James Moreland;
- A bill (H. R. No. 1860) granting a pension to Daniel M. Morley;
- A bill (H. R. No. 1862) granting a pension to Isaiah Altenburg;
- A bill (H. R. No. 5496) granting a pension to Mary Ullery;
- A bill (H. R. No. 6425) to increase the pension of Robert Henne;

and
A bill (H. R. No. 6833) granting a pension to Kate Quilligan.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, and for other purposes;

A bill (H. R. No. 6111) donating condemned cast-iron cannon and cannon-balls for monumental purposes; and

A bill (H. R. No. 6593) donating condemned cast-iron cannon and cannon-balls for monumental purposes.

The joint resolution (H. R. No. 282) making an appropriation to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

A bill (H. R. No. 3506) amending sections 1926 and 1927 of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana;

A bill (H. R. No. 3668) to authorize a change of record in the case of Lewis Rodrick; and

A joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to the said regiment and which is now in the custody of the Secretary of War.

G. W. THOMPSON AND OTHERS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 101) for the relief of G. W. Thompson and others; which was, in line 3, after the word "company," to insert "and Henry Large, jr.;" in lines 13 and 14 to strike out "\$8,654.40" and insert in lieu thereof "\$9,121.08."

Mr. CAMERON, of Pennsylvania. I move that the Senate concur in the amendment.

Mr. COCKRELL. Let the bill be read as amended by the House. Mr. CAMERON, of Pennsylvania. It is an addition of \$400. The Acting Secretary read the bill as amended by the House, as follows:

That the Commissioner of Internal Revenue be, and he is hereby, authorized and directed to consider the claims of G. W. Thompson & Co., and Henry Large, jr., of Pennsylvania; J. M. Atherton & Co., C. Miller & Bro., and W. S. Hume, of Kentucky; Harrison & Small, of Tennessee; C. Dodsworth, of Ohio; and N. S. Chouteau, surety for H. H. Bodemann, of Missouri, for tax paid on excess of materials, or for deficiency, and to refund the same, or such parts thereof as fall within the principles of the decision of the Supreme Court in the case of *Stoll vs. Pepper*, and in accordance with the provisions of section 6 of an act entitled "An act to amend the laws relating to internal revenue," approved March 1, 1879: *Provided*, That the aggregate amount allowed and paid under the provisions of this act shall not exceed \$9,121.08.

The amendments were concurred in.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. Now I hope we shall go on with the appropriation bill.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, the pending question being on the amendment reported from the Committee on Appropriations, after line 518, to strike out:

To commence the construction of a light-house at Mosquito Inlet, on the Atlantic seaboard of the State of Florida, \$30,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 521, to insert:

For rebuilding light-house at San Blas, on the coast of Florida, \$25,000.

The amendment was agreed to.

The next amendment was, after line 526, to insert:

For building a steam-tender for general use on the Atlantic coast, \$60,000.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," in line 569, to increase the total amount of the appropriations "for survey of the Atlantic and Gulf coasts, eastern division," from \$264,000 to \$290,000.

The amendment was agreed to.

The next amendment was, in line 586, to reduce the total amount of the appropriation "for survey of the Pacific coasts, western division," from \$180,000 to \$170,000.

The amendment was agreed to.

The next amendment was, after the word "branch," in line 623, to strike out the following proviso:

Provided, That the Secretary of the Treasury be, and he is hereby, authorized to credit Thad Butler, lately in the employment of the Interior Department, with the sum of \$215, the same being stopped against him because it was expended in payment of salary from the contingent fund, this being the only fund of money furnished or available in the Interior Department for the purpose above named.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects under the Treasury Department," in line 671, before the word "silver," to insert the word "fractional;" in line 674, before the word "silver," to insert the word "fractional;" and in line 678, before the word "thousand," to strike out "twenty" and insert "ten;" so as to make the clause read:

For the transportation of fractional silver coins: That the Secretary of the Treasury be, and he is hereby, authorized and directed to transport, free of charge, fractional silver coins when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants; and that there is hereby appropriated \$10,000, or so much thereof as may be necessary, for that purpose, and that the same be available from and after the passage of this act.

The amendment was agreed to.

The next amendment was, after line 686, to insert:

For loss on recoinage of mutilated and uncurrent minor coins now in the vaults of the Treasury and which may be presented during the fiscal year 1883, \$1,000.

The amendment was agreed to.

The next amendment was, in line 733, to reduce the appropriation "for compensation in lieu of moieties in certain cases under the customs-revenue laws," from \$50,000 to \$30,000.

The amendment was agreed to.

The next amendment was, in the miscellaneous appropriations for the Treasury Department, after line 765, to strike out the following clause:

To enable the Secretary of the Treasury to redeem certain unsigned national-bank notes stolen from the office of the Comptroller of the Currency during the years 1864, 1867, and 1868, \$2,500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 771, to insert:

To pay the Comptroller of the Currency \$28,173.58 in trust for the creditors of the First National Bank of New Orleans, for the purpose of adjusting the accounts between that bank and the United States.

The amendment was agreed to.

The next amendment was, after line 776, to insert:

To meet such expenses as may be necessary to be incurred in carrying out the provisions of the act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, \$5,000.

The amendment was agreed to.

The next amendment was, after line 780, to insert:

To enable the Secretary of the Treasury to pay Messrs. Bitting & Davidson additional for laying pressed brick instead of common red brick, in the exterior walls of the building for the Bureau of Engraving and Printing, under contract of January 16, 1879, \$4,595.

The amendment was agreed to.

The next amendment was, after line 787, to insert:

To enable the Secretary of the Treasury to adjust the account of the Territory of Nebraska for direct tax laid upon the Territory under the provisions of the act of August 5, 1861, and to pay to the State of Nebraska an amount certified to be due on account of 5 per cent. of the net proceeds of sales of certain Indian reservations within the limits of said State during the period commencing January 1, 1879, and ending June 13, 1880, he is hereby authorized and directed to credit said Territory with the sum of \$15,030.40, now standing against it on the books of the Treasury on account of direct tax, and pay to the State of Nebraska the sum of \$4,281.60, the balance certified by the accounting officers to be due said State on account of 5 per cent. of net proceeds of sales of certain Indian reservations, which said sum is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, after line 806, to insert:

To pay Charles Osborn the amount of judgment rendered in his favor by the Court of Claims, and heretofore paid to Edwin J. Sweet on a forged assignment, \$169.64.

The amendment was agreed to.

The next amendment was, after line 810, to insert:

To enable the Secretary of the Treasury to pay to Messrs. Powers & Mabry the sum of \$89.01, being amount suspended in settlement numbered 2549, of December 1, 1876, and since allowed, for cattle furnished for "support of Sioux of different tribes, including Santee Sioux of Nebraska, 1880, and prior years."

The amendment was agreed to.

The next amendment was, after line 818, to insert:

To enable the Secretary of the Treasury to pay to the legal representatives of George C. Johnston the amount, not exceeding \$10,510, which may be ascertained to be due to them under the provisions of an act of Congress approved March 3, 1843, entitled "An act for the relief of George C. Johnston."

The amendment was agreed to.

The next amendment was, after line 846, to strike out:

For pay and expenses of the members of the National Board of Health, \$10,000.

The amendment was agreed to.

The next amendment was, after line 848, to strike out:

For pay of secretary and disbursing agent, and pay of clerks, messengers, and laborers, \$5,500.

The amendment was agreed to.

The next amendment was, after line 851, to strike out:

For rent, light, fuel, furniture, stationery, telegrams, and postage, \$2,000.

The amendment was agreed to.

The next amendment was, after line 853, to insert:

For quarantine service, Mississippi River, \$16,000.

The amendment was agreed to.

The next amendment was, after line 855, to insert:

For quarantine service, Ship Island, \$10,000.

Mr. HARRIS. I move to amend the amendment of the committee in line 856, "for quarantine service, Ship Island, \$10,000," by striking out "ten" and inserting "fourteen;" and I desire to say only this: the committee of which I have the honor to be chairman, having this matter in charge, had before it the president of the National Board of Health, some of the members of the executive committee of that board, and the secretary, for the purpose of ascertaining the very smallest amount that would enable the board to perform its functions fully and efficiently. Fourteen thousand dollars was the amount expended at Ship Island last year, which was an exceptionally healthy year; and less than that, I am assured by every officer of the Board of Health, will not enable the board to perform its functions effectually and well at that point. I therefore ask that the amount be increased from \$10,000 to \$14,000.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee [Mr. HARRIS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 857, to insert:

For quarantine service, Sapelo Sound, \$13,000.

The amendment was agreed to.

The next amendment was, after line 859, to insert

For quarantine service, Hampton Roads, \$2,000.

The amendment was agreed to.

The next amendment was, after line 861, to insert

For pay and expenses of inspectors, \$4,000.

The amendment was agreed to.

The next amendment was, after line 863, to insert:

For pay and expenses of members of board, \$5,000.

The amendment was agreed to.

The next amendment was, after line 865, to insert:

For printing Bulletin, \$5,000.

Mr. HARRIS. I regret exceedingly the necessity that I must move to strike out "five," in line 866, and insert "ten," because it is simply impossible for the Bulletin to be printed at all for \$5,000; and if the board is to execute or perform the duties imposed by section 4 of the act of June 2, 1879, the Bulletin must be published as a means of distributing sanitary information required by that section to be distributed to the various departments of the Government and the various sanitary and health officers and associations throughout the whole country. It is deemed by the board absolutely necessary; I deem it myself absolutely necessary; and as it cannot be published at a less cost than \$10,000, I move now to strike out "five" and insert "ten."

Mr. ALLISON. The publication of the Bulletin this year cost about \$10,000. The committee were of opinion that this Board of Health could reduce the number of pages of the Bulletin without especially injuring the services or the value of it; and therefore we believed it was wise to try and ascertain if they could not so contract the pages as to bring the Bulletin within the \$5,000, and I think we had better make that experiment. Of course they could use \$15,000 or \$20,000 and enlarge the Bulletin from week to week by giving statistics of various kinds, and essays upon various topics connected with surgery and medicine.

Mr. HARRIS. If it is possible for the Board of Health to perform the duties imposed upon it by section 4 of the act of June 2, 1879, at a less cost than \$10,000, I should gladly join the Senator from Iowa and other Senators in reducing the amount to the very smallest sum that will enable it to perform the duties that are imposed upon it. I am assured by those who know that it is impossible to publish the Bulletin at a less cost than \$10,000, containing the information that section 4 requires the board to abstract and distribute among the various sanitary and health authorities of the country. While it is a matter of no consequence to the Senator from Iowa or to myself as to whether we get a copy of the Bulletin or not, it is a matter of the highest consequence to every health officer and to every sanitary association from one end of this country to the other.

I simply desired to state the merits of the proposition and invoke the judgment of the Senate upon it. I have nothing further to add.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee to the amendment of the committee, to strike out "five" and insert "ten," in line 866.

The amendment to the amendment was rejected, there being on a division—ayes 19, noes 20.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 866, to insert:

For clerks, messengers, and laborers, \$10,000.

Mr. HARRIS. I am there constrained, as before, to ask for an increase from \$10,000 to \$17,000 in line 867, and that is the last amendment I have to ask the Senate to act upon. I present it on the same authority that I have cited heretofore, to wit, the president, the secretary, and the executive committee of the National Board of Health, who appeared before the committee insisting upon this as the very smallest sum that would enable the board to perform its functions. Seventeen thousand dollars for this item of "clerks, messengers, and laborers," I am positively assured is the very smallest sum that will enable the board to keep up its machinery.

I simply desire to add that if this board is worthy of being sustained at all, there is certainly no economy or propriety in sustaining it in a crippled condition, where it will be inefficient in the performance of the duties that are imposed upon it by law. If it is to be sustained at all, give it the machinery absolutely necessary to enable it to perform its functions. If you cannot do that, the better policy, in my judgment, is to abolish it altogether, rather than to keep it in a crippled condition in which it cannot perform fully, efficiently, and well its duty and proper functions.

Mr. BECK. The Senator from Tennessee knows that the Senate Committee on Appropriations inserted substantially what was required, with some limitations. I was very warmly with him in the increase at Ship Island from \$10,000 to \$14,000. The only two items we cut down below what the board asked for was as to the Bulletin, to which the Senate has agreed, and the clerks, messengers, and laborers put at \$10,000 instead of \$17,000. I think \$17,000 will be too high, and I agree that \$10,000 is rather low. I should be glad to vote for some increase over \$10,000, say up to \$15,000. I do not know that the committee will agree with me, but after hearing the whole case freely and fully I thought the committee cut it down too low by making it \$10,000. I think they can get along with \$15,000.

Mr. HARRIS. I incur some risk in modifying my amendment according to the suggestion of the Senator from Kentucky, yet I believe I will do so. While I am assured that \$17,000 is the smallest sum that will enable the board to keep up the full performance of its duty, I shall agree to the suggestion of the Senator from Kentucky.

There is one other item here of \$10,000 which Congress has appropriated year by year and every year up to now for special investigations. I have consented to allow that to go out, because I do not want to demand a dollar more than is absolutely necessary for the

performance of duties that I regard as equally important as the duties performed by any other branch of this Government; but I will modify my amendment and ask to insert "\$15,000" in place of "\$10,000."

Mr. ALLISON. Did the Senator from Kentucky suggest that?

Mr. BECK. I said I thought we had cut it down too low by making it \$10,000, and I thought \$15,000 would enable them to run better, and I am inclined to vote for that, because I think it right.

Mr. ALLISON. I do not wish to antagonize the views of other members of the committee, but it will be observed that "for pay of secretary and disbursing agent, and pay of clerks, messengers, and laborers, \$5,500" is the amount allowed by the House, and we allowed \$10,000 "for clerks, messengers, and laborers" and \$1,500 "for the secretary and disbursing agent," so that we really allow \$11,500 here in place of \$5,500 as suggested by the House. So that if the sum is increased now to \$15,000 and we add to it the \$1,500 we have \$16,500, within \$1,000 of what the Senator from Tennessee asked.

Mr. HARRIS. Within \$2,000 of what my amendment asked for.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Tennessee [Mr. HARRIS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 868, to insert:

For secretary and disbursing agent, \$11,500.

The amendment was agreed to.

The next amendment was, after line 870, to insert:

For rent, light, and fuel, \$1,500.

The amendment was agreed to.

The next amendment was, after line 872, to insert:

For telegrams, \$250.

The amendment was agreed to.

The next amendment was, after line 873, to insert:

For stationery, \$1,000.

The amendment was agreed to.

The next amendment was, after line 874, to insert:

For postage, \$400.

The amendment was agreed to.

The next amendment was, after line 875, to insert:

For furniture, \$100.

The amendment was agreed to.

The next amendment was, after line 876, to insert:

For miscellaneous expenses, \$500.

The amendment was agreed to.

The next amendment was, in line 880, before the word "thousand," to strike out "one hundred" and insert "fifty," so as to make the clause read:

And the President of the United States is hereby authorized, in case of a threatened or actual epidemic, to use a sum not exceeding \$50,000, out of any money in the Treasury not otherwise appropriated, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same.

The amendment was agreed to.

Mr. HARRIS. I want to ask the chairman of the committee if there is any necessity for that reduction? This is purely a contingent appropriation, not a dollar of which will ever be used except in case of an epidemic. In the event of an epidemic such as the country had in 1878 and 1879 \$100,000 contingent fund is certainly a very small fund. If there be no epidemic not a dollar of it should or can be touched. I therefore ask the committee to non-concur in the amendment they have recommended. There is no risk in letting the sum remain at \$100,000, and I prefer that it so remain.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 897, after the word "Department," to strike out "1,000" and insert "500;" so as to read:

For the library of the Treasury Department: For purchase of law-books and suitable books of reference for the library of the Treasury Department, \$500.

Mr. MORRILL. I hope the Committee on Appropriations will not insist upon this amendment. It is a very small appropriation of \$1,000, and the number who are supplied with books at the Treasury Department is greater than in any other. They have an accomplished librarian, and have got now into a decent room. The library is very small in proportion to the number of clerks employed there. I am assured that the books are very actively used. I trust that so small an appropriation as even \$1,000 for increasing the library will not be cut down to \$500 when it is the smallest library of any Department.

Mr. ALLISON. One reason why the committee cut this down was that it is a continued appropriation, running from year to year, and they must have in the Treasury Department quite a number of libraries; I do not know how many; the Senator from Ohio [Mr. SHER-

MAN] can tell me. We are in the habit of appropriating now for the libraries of Departments, and the libraries of bureaus of Departments, and there are duplicate purchases of books in every Department of the Government. If the Senator will turn to the bill he will see that we have provided for an aggregation of these different libraries in some one place, so that the various bureaus can utilize the Department library.

Mr. MORRILL. That would be very inconvenient.

Mr. ALLISON. I presume it would be a little inconvenient for the head of a bureau to step out of his office to go into a library, but we believe it is in the interest of economy to have one general library for a Department. Take the Interior Department; they have a library at the Land Office, they have a library connected with the Assistant Attorney-General's Office, a library at the Patent Office, and so on. The judgment of the committee is that the libraries ought in some way to be all concentrated so as to prevent the duplication of books.

Mr. MORRILL. But these books are miscellaneous and instructive, and are calculated to preserve the character and intelligence of the clerks of the Departments.

Mr. SHERMAN. I will say to the Senator from Iowa that there is but one library called a library for the Treasury Department. That has now a large room, and it is rather in the nature of a circulating library. It is used for the instruction of the clerks and other employees. It is the only library in that Department. There is a library of the Secretary, which is confined strictly to technical books, and there is a library also of the Comptroller of the Currency, which is also confined to technical books in regard to banks and banking. Those are paid for out of the contingent expenses of the bureau, and you could not, I think, combine them. This library is rather in the nature of a circulating library. There are about three thousand clerks in that Department. It seems to me that a thousand dollars would be little enough to keep up the usual supply. It is a matter that I do not know more about than any one else, but \$1,000 would go but a little way in keeping up a library of that character, which is drawn upon by probably two thousand persons.

Mr. MORRILL. The books are constantly wearing out.

Mr. BECK. I only want to say a word. We have stricken out, it will be observed, the appropriation of \$1,000 and inserted \$500, and we have added:

And for the purpose of limiting the appropriations, the head of each Department shall report to Congress, at the beginning of the next session of Congress—

Which is only about four months off—

the condition of the several libraries in his Department, the number of volumes in each, and duplicates in all, and a plan for consolidating the same, so that hereafter there shall be but one library in each Department, and the amount of annual appropriation necessary to maintain said departmental library.

The idea we had was to give them \$500 now to supply their necessary wants, and in the mean time between now and next December, we shall get information as to how far they have extended the libraries beyond what are necessary in the bureaus and elsewhere. The chances are that if we can consolidate them we shall find a good many books and duplicates that can then be arranged, and in December we can make up in the form of a deficiency bill, or some other way, if we have a statement in regard to it and know what is necessary to keep up one library and keep it up well. That was the idea we had.

Mr. MORRILL. The sum is very pitiful, and I hope the Senate will not agree to the amendment. I have seen messengers there who were studying diligently scientific books while they were sitting at the doors and guarding the entrances of the Department. I trust the full amount here will be appropriated. There is an accomplished librarian there, and I know the books are constantly used, and must be worn out often by their frequent use.

Mr. COCKRELL. Does the Senator from Vermont encourage the idea that the employés of the Government shall during business hours be engaged in reading light literature, or in reading scientific works or anything of that kind?

Mr. MORRILL. Where they sit at the doors waiting merely to open a door and let people in, of course they have leisure time. It does not interfere with the discharge of their duties in the least.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee.

The amendment was agreed to—ayes 20, noes not counted.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 898, to insert:

And for the purpose of limiting the appropriations, the head of each Department shall report to Congress, at the beginning of the next session of Congress, the condition of the several libraries in his Department, the number of volumes in each, and duplicates in all, and a plan for consolidating the same, so that hereafter there shall be but one library in each Department, and the amount of annual appropriation necessary to maintain said departmental library.

The amendment was agreed to.

The next amendment was, after line 906, to strike out:

For the purchase of books and serials for use in the office of the Government actuary, \$250, to be expended under direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 915, to

insert "the total cost of which enlargement shall not exceed \$100,000;" so as to make the clause read:

For materials and labor for repairs on the United States court-house and post-office at Des Moines, Iowa, and providing additional room therein for the courts and post-office, to be expended under the direction of the Secretary of the Treasury, \$45,000, the total cost of which enlargement shall not exceed \$100,000.

The amendment was agreed to.

The next amendment was, in the "appropriations for armories and arsenals," in line 1014, to reduce the item "for repairs of arsenals, and to meet such unforeseen expenditures at arsenals as accidents or other contingencies during the year may render necessary," from \$50,000 to \$40,000.

Mr. LAPHAM. I have an amendment which I intended to offer and am inclined to offer now, at the end of line 1014, but I understand the agreement is that other than the committee amendments shall be reserved until the bill is passed through.

The PRESIDENT *pro tempore*. The text of the bill will be open to amendment after the bill is read through. If the Senator wishes to amend the amendment of the committee he had better offer it now.

Mr. LAPHAM. No; I wish to add a new item.

The PRESIDENT *pro tempore*. That will be reserved. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "buildings and grounds in and around Washington," in line 1032, to reduce the item "for painting iron fences, vases, lamps, and lamp-posts" from \$1,500 to \$1,000.

The amendment was agreed to.

The next amendment was, in line 1034, to reduce the item "for purchase and repair of tools" from \$2,000 to \$1,000.

The amendment was agreed to.

The next amendment was, in line 1046, to reduce the item "for improving various reservations" from \$15,000 to \$10,000.

The amendment was agreed to.

The next amendment was, in line 1049, to reduce the item "for improvement and care of Smithsonian grounds" from \$7,000 to \$5,000.

The amendment was agreed to.

The next amendment was in line 1050, before the word "improvement," to strike out "commencing;" and in line 1051, after the word "same," to strike out "twenty" and insert "ten;" so as to make the clause read:

For improvement of reservation numbered seventeen and site of old canal northwest of same, \$10,000: *Provided*, That no part thereof shall be expended upon other than property belonging to the United States.

The amendment was agreed to.

The next amendment was, in line 1055, after the word "roadways," to insert "and sidewalks;" and in line 1056, after the word "thousand," to insert "five hundred;" so as to make the clause read:

For paving roadways and sidewalks to the north front of the Executive Mansion, \$10,500.

The amendment was agreed to.

The next amendment was, in line 1065, after the word "Mansion," to insert "including the improvement of the drainage of the basement," and in line 1067, before the word "thousand," to strike out "ten" and insert "twenty;" so as to make the clause read:

For repairs and fuel at the Executive Mansion as follows: For care and repair of the Executive Mansion, including the improvement of the drainage of the basement, \$20,000.

The amendment was agreed to.

The next amendment was, in the appropriation "for lighting the Executive Mansion and public grounds," in line 1081, before the word "dollars," to strike out "twenty" and insert "twenty-five;" so as to make the proviso read:

Provided, That for each burner not connected with a meter in the lamps on the public grounds no more than \$25 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and in case a contract cannot be made at that rate the engineer in charge is hereby authorized to substitute other illuminating material in the lamps on the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, after line 1118, to insert:

For furniture, carpets, file-cases, and shelving for the north wing of the State, War, and Navy Department building, \$80,000.

The amendment was agreed to.

The next amendment was, after line 1121, to insert:

For constructing hydraulic passenger-elevator for building corner of Seventeenth and F streets, known as the Winder building, the same to run from the ground floor, \$7,500.

The amendment was agreed to.

The next amendment was, under the head of "Signal Service," after the word "dollars," in line 1142, to insert:

Provided, That the work of no other Department, bureau, or commission authorized by law shall be duplicated by this bureau.

Mr. BAYARD. I should like to ask the Senator in charge of the bill why the appropriation for the Signal Service has been reduced more than one-half over the last year. A table has been handed me showing that the appropriation amounted to \$592,000 in 1881. There are three systems of reports; one weather reports, warnings used for the benefit of cotton-growing countries; another system for the

benefit of tobacco-growing countries; and another for warnings of storms off the coast of Texas. I am told that those systems will be necessarily abandoned for want of funds should the appropriation be confined to \$250,000, which is, as I say, less than half of that made last year.

One hundred and twenty thousand dollars is alleged to be necessary to maintain these three systems. Of their value I am not competent to speak. Of the fact that they were established and carried on I believe there is no doubt, and the allegation is that they will necessarily be abandoned, and the service to that extent crippled, unless the appropriation shall be increased beyond that which the committee have recommended. These are public questions, and if the suggestion of inefficiency is made from any source it had better be made openly. I know my friend from Iowa would prefer that the suggestion be made and answered openly.

Mr. ALLISON. The Committee on Appropriations adopted the House view with reference to the appropriations for the Signal Service. The difference between this year and last year I believe is about \$110,000 for the items included in this paragraph. The general in charge of the Signal Service estimated for \$50,000 less than was appropriated last year, and he made that estimate on the ground that a portion of the funds appropriated every year had been abstracted by one of the officers of the bureau; but the House of Representatives allowed him \$60,000 less than he demanded in his estimate.

The Committee on Appropriations summoned the Chief Signal Officer before it and he stated that unless we added \$60,000 to the House provision he could only take two reports a day of storms instead of three, as now. After considerable discussion with the Chief Signal Officer the committee thought it wise to test the efficacy of two reports per day instead of three. Therefore we declined to report the \$60,000 additional required by the Chief Signal Officer. Of course, if we give him \$60,000 he will continue the three reports per day, as are now made. The committee were of opinion that he could make very good suggestions, perhaps equally exact, from two reports as from three.

Mr. BECK. Let me ask one question of the chairman in that connection. My recollection is that the two reports which are made reach every part of the country, and that there was no suggestion made to us that it would cut off any special report at all except the third report.

Mr. ALLISON. The custom of the Signal Officer is to take one report at seven in the morning, another at noon, and another at midnight. The midnight report, of course, does not go into the morning newspapers, but the observations or calculations are made up from the seven o'clock and noon reports as a rule; so that the committee thought, in view of the great desire everywhere for economy, it would be wise to test the efficacy of these reports when made twice a day.

Mr. BAYARD. Does the Senator think that any of the reports, which I believe are valuable at least in regard to the cotton and tobacco growing, and the warning against the approach of storms in Texas, will be suspended or diminished by the present allowance?

Mr. ALLISON. Not in the slightest degree, except that the Chief Signal Officer will only take two reports per day instead of three. That is my understanding.

Mr. HAWLEY. I have been unable to hear every word that has been said by the Senators, but I submit to the chairman of the committee that it is a mistaken economy to reduce the number from three reports to two separate reports a day. You have the same number of stations; the same number of operators; you have your contract with the Western Union Telegraph Company; and to take another report is by no means adding 50 per cent.; it is adding a comparatively small portion to what you will have to give for two reports, and three reports make the basis of estimates a great deal more valuable. I think it is altogether a mistaken economy. If the Senator will tell me what the figure was that the Signal Officer desired, I will move to insert it. Though I heard his statement at the time, I do not remember the exact figure.

Mr. ALLISON. The Chief Signal Officer desired in line 1141 in lieu of \$250,000 to insert \$310,000. If that sum is inserted that is all the Chief Signal Officer desires.

Mr. HAWLEY. That shows not far from the proper arithmetical proportion of the supposed saving. For an addition of \$60,000 to \$250,000 you will have a report which is a great deal more than 50 per cent. more valuable.

It is quite impossible that with two reports a day there shall be as good an estimate as with three. The general supposition is that those prophecies of the weather are accurate in the proportion of about 80 or 85 per cent. By this reduction of the bases of the estimates, you reduce the general accuracy perhaps to 75 per cent., and you will begin to make people think you might as well save the whole of the money. I do not think there is economy in it, though perhaps it is not the time to move to increase the appropriation now.

The PRESIDENT *pro tempore*. The text of the bill will be open to amendment after the amendments of the Committee on Appropriations are gone through with.

Mr. HAWLEY. I will wait until the committee amendments have been disposed of, and shall offer such an amendment as I have indicated at the proper time.

The PRESIDENT *pro tempore*. The question is on agreeing to the

amendment of the Committee on Appropriations, inserting the proviso which has been read.

Mr. CONGER. I ask the chairman of the committee why not change that so as to read:

That the work of the Signal-Service Department shall not be duplicated by any other Department, bureau, or commission authorized by law.

If it should happen that some other Department is performing any part of the same work, that restriction should be on the other Department, and not on this. The change of the language which I suggest will accomplish the same object.

Mr. ALLISON. I do not think I quite understand the Senator from Michigan.

Mr. CONGER. The proviso is:

That the work of no other Department, bureau, or commission authorized by law, shall be duplicated by this bureau.

Now the change I propose is that the provision shall be that the work of this bureau shall not be duplicated by any other Department, bureau, or commission authorized by law. It will be leaving in full force the duties of the Signal-Service Department, and accomplish the object, and prevent a duplication of work.

Mr. ALLISON. Let me suggest to the Senator that the proviso be allowed to stand, and he add the words he suggests. Then we shall have ample security. It will then be that the Signal-Service Bureau shall not duplicate other work, and that other Departments shall not duplicate the work of the Signal Bureau. Then we shall accomplish it.

Mr. CONGER. Very well; let it be so that this Signal-Service Bureau shall perform all the work authorized by law, and that other Departments or bureaus, if by chance they have any authority, shall not duplicate it.

Mr. ALLISON. May I ask the Senator if he has information that the work of the Signal Service is being duplicated by other Departments in any way?

Mr. CONGER. I do not know that it is, but the suggestion of this very amendment indicates that there may be some double service of that kind. I would put the restriction upon other Departments, and let the Signal-Service Bureau perform its lawful work.

Mr. ALLISON. I have no objection to adding what the Senator suggests.

The PRESIDENT *pro tempore*. Will the Senator from Michigan state his amendment?

Mr. PLUMB. Before the Senator from Michigan offers his amendment let me suggest what I think perhaps was the view in putting this amendment in the paragraph. I think it is hardly possible that any other bureau of the Government can duplicate anything which the law absolutely requires the Signal-Service Bureau to do. There is no other Department or bureau of the Government which has that control of the telegraph and of the machinery necessary to gather up the records of storms and so on; but the committee were advised that this bureau was duplicating the work of the Mississippi River commission; in other words, that it was gathering the records of the last overflow, say, for a sample, of the Mississippi Valley, a work which seemed to be rather remotely connected with the work of the Signal-Service Bureau any way, and a work which the Mississippi River commission would necessarily engage in for the purpose of properly carrying out the object of the creation of that commission. It was not thought necessary to have that labor performed by the Signal-Service Bureau, which required a great deal of investigation upon the ground, a great deal of work to put it in shape, and a great deal of printing to put it before the public, while it was absolutely necessary that it should be done by the Mississippi River commission.

That is enforced by a consideration of the fact that in many other Departments of the Government there has been a disposition to do this thing, and not necessarily, as I said, growing out of any improper idea about the expenditure of money or any improper wish to enlarge the functions of special bureaus, but out of the natural extension that is constantly going on of the purview within which these people work. Thus you find different bureaus of the Government gathering statistics, and so on.

Inasmuch as this seemed to be rather obvious, the committee thought it was well to say that they should not do what some other commission is required to do by law. The Senator will see that the proviso inserted by the committee prohibits them from doing anything that some other Department, bureau, or commission is authorized by law to do. We thought, inasmuch as the Signal Service had a certain track in which it worked by reason of the character of the limit imposed upon it by law, it ought to stay there and not get into the work of some other Department, bureau, or commission.

Mr. CONGER. I move to add the following additional proviso:

Provided further, That nothing herein contained shall restrict the performance of all duties of the Signal-Service Bureau prescribed by existing law.

That, I suppose, will cover it.

Mr. ALLISON. Of course there is no intention in the amendment of the committee that it shall operate to limit the duties of Signal-Service officers.

Mr. CONGER. My amendment is different, that there shall be no pretense that the other clause restricts them in any way because

some other bureau happens to have charge or happens to have done heretofore any work prescribed by law for the Signal Service.

The PRESIDING OFFICER, (Mr. VOORHEES in the chair.) The question is on agreeing to the amendment of the Senator from Michigan [Mr. CONGER] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "northwest," in line 1148, to insert "under the supervision and direction of the several departmental military commanders, subject to the approval of the Secretary of War, as follows," and in line 1159, before the word "thousand," to strike out "fifty" and insert "forty;" so as to make the clause read:

For the construction, maintenance, and repair of military telegraph lines: For the construction and continuing the construction, maintenance, and use of military telegraph lines on the Indian and Mexican frontiers and in the Northwest, under the supervision and direction of the several departmental military commanders, subject to the approval of the Secretary of War, as follows: for the connection of military posts and stations, and for the better protection of immigration and the frontier settlements from depredations, especially in the States of Texas and Nevada and the Territories of New Mexico, Arizona, Dakota, Washington, Montana, Idaho, and Wyoming, and the Indian Territory, under the provisions of the acts approved March 3, 1875, and June 20, 1878, \$40,000.

Mr. ALLISON. I think that amendment ought to be transposed, and put in the nature of a proviso at the end of the paragraph, after the word "dollars," in line 1160. A note from the Chief Signal Officer suggests to me that some seventy or eighty different stations are now under his control on the frontier, and by inserting this provision where it is now inserted the control will be taken from him, and placed in the military commander, which ought not to be done. Therefore I suggest that the Senate do not agree to the amendment proposed by the committee, but add at the end of line 1160 the following proviso:

Provided, That the construction of new lines of telegraph shall be under the supervision and direction of the several departmental military commanders, subject to the approval of the Secretary of War.

Mr. FERRY. I notice the chairman of the committee uses the term "new lines of telegraph." Does he design it not to apply to all telegraph lines, those now existing as well as new lines? The expression "new lines of telegraph" would seem to confine it to those now being constructed, and would not apply it to those already existing.

Mr. ALLISON. The object I have in view is to place the construction of these new lines under the direction of the several departmental military commanders, and not under the direction of the Signal-Service Bureau. It is perfectly evident that these military commanders can construct lines of telegraph better than they can be constructed under the direction of the Signal-Service Bureau; but I do not want to place the use of those lines under the control of the military commanders. I wish to leave them as they are now, under the control of the Signal-Service Bureau for the purposes of the bureau.

Mr. FERRY. Then the Senator designs to confine it to the new lines?

Mr. ALLISON. Yes, sir.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa striking out the words proposed to be inserted by the committee after line 1148 and inserting them as modified at the end of the paragraph.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1160, to strike out the following clause:

That all the receipts from private messages sent over the United States military telegraph lines may be expended for the maintenance of said lines; but an account thereof shall be kept and rendered to Congress.

The amendment was agreed to.

The next amendment was, after line 1164, to insert:

For the construction of a military telegraph line, for the proper establishment of cautionary signal-stations on the Island of Nantucket, Massachusetts, \$25,000.

The amendment was agreed to.

The next amendment was, after line 1168, to insert:

For the purchase and laying of a cable, and for the construction of the necessary land line to connect old Fort Mackinac, Saint Ignace, and the Island of Mackinac, in the State of Michigan, for equipping the line with the necessary instruments, battery, &c., and for maintaining and operating the same for one year, \$15,000.

The amendment was agreed to.

The next amendment was, under the head of "national cemeteries," in line 1207, after the word "dollars," to strike out "not more than \$1,000 of which shall be used in constructing a wharf at Chalmette National Cemetery, New Orleans;" so as to make the clause read:

For national cemeteries: For maintaining and improving national cemeteries, \$100,000.

The amendment was agreed to.

The next amendment was, in line 1211, before the word "superintendents," to strike out "seventy-two" and insert "seventy-three;" and in line 1212, after the word "cemeteries," to strike out "fifty-

nine thousand seven hundred and twenty" and insert "sixty thousand four hundred and forty;" so as to make the clause read:

For superintendents of national cemeteries: For pay of seventy-three superintendents of national cemeteries, \$60,440.

The amendment was agreed to.

The next amendment was, in line 1221, after the word "dollars," to insert:

Provided, That none of the money appropriated by this and the preceding paragraph shall be expended unless in each case the amount appropriated shall complete said roadways.

So as to make the clause read:

For the completion of the roadway from Chattanooga National Cemetery to the city of Chattanooga, Tennessee, \$5,000: *Provided*, That none of the money appropriated by this and the preceding paragraph shall be expended unless in each case the amount appropriated shall complete said roadways.

The amendment was agreed to.

The next amendment was, in line 1228, to reduce the appropriation "for repair of the road leading from the Aqueduct Bridge, Georgetown, District of Columbia, to the Arlington National Cemetery, Virginia," from \$5,000 to \$1,000.

Mr. SHERMAN. I hope the committee will not insist upon that amendment. The road to the national cemetery is in a wretched condition, as is known to every one who drives over it. One thousand dollars is totally inadequate to complete it. I think Senators who are as familiar with the ground as I have become by driving over it must know that \$1,000 will be totally inadequate to make the necessary improvements.

Mr. BECK. The House appropriated \$5,000 and we reduced the amount to \$1,000. We have a free road over the Long Bridge, from which some years ago we required the removal of all the tolls, so that persons could go to the cemetery without having to pay toll. This is another road to the cemetery, one passing over the Aqueduct Bridge, where the bridge company charges everybody who drives over it twenty-five cents. We did not quite understand why we should give \$5,000 to repair the road to induce people to go over that bridge and pay the company twenty-five cents every time they passed over it.

If the Senator from Ohio can explain to us why we should build up a road for a toll-bridge to get all the pay, I should like to hear the explanation.

Mr. SHERMAN. I think myself that that toll-bridge is a nuisance and that it ought to have been abolished long ago. It is not only a toll-bridge but one almost dangerous to life and limb. But this question relates to the building of a road from the end of that bridge to the national cemetery. The national cemetery is maintained at great expense; the drives through it are beautiful; it is one of the most beautiful places about Washington; but the road from the bridge to the cemetery is sometimes almost impassable. I merely say that \$1,000 is not sufficient to put it in good order.

Mr. BECK. We have one means of approach now without any toll-bridge, and we desire to make this road reasonably good with \$1,000. If any means can be invented whereby we can buy out that bridge company or get control of it or stop them from requiring men to pay toll I hope it will be done.

Mr. SHERMAN. Why does not the Senator move a provision directly to appropriate that bridge for public uses? It ought to have been done long ago.

Mr. BECK. It might be regarded as legislation on this bill, and we are afraid of the Senator from Ohio when we come to that point.

Mr. SHERMAN. I desire to say that I find there is a great deal more legislation on this bill than I supposed there was from the statement made yesterday.

Mr. BUTLER. There is a bill on the Calendar now providing for the purchase of the bridge.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee. [Putting the question.] The yeas appear to have it.

Mr. BECK. I ask for a division. I want to see things arranged about that bridge before we give any more money than the committee proposes to induce people to pass over it.

The amendment was agreed to; there being on a division—yeas 26, yeas 14.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

Mr. BROWN. Before we pass from that portion of the bill, I desire to move to add at the end of line 1224, that the sum of \$2,500 is appropriated to construct a roadway from the corner of the square in Marietta, in the State of Georgia, to the Federal cemetery, about one mile distant. I have not yet written out the amendment. I will state that there is a very large Federal cemetery there where those who fell on the Federal side in the great campaign between Sherman and Johnston are buried to the number probably of ten or fifteen thousand; I do not know exactly the number. The city of Marietta is a small city; it has not the means to keep its own streets in very good order. This cemetery is located east of the city upon a high hill, and it is almost an impassable way now to get to the cemetery. With as large a number of Federal soldiers as I have already mentioned buried there, I think the sum of \$2,500 would make a good roadway, so that every one desiring to go to the cemetery

could go upon a road in good condition. I move an amendment appropriating that amount for the purpose.

Mr. ALLISON. I ask if that is one of the cemeteries such as are appropriated for in the bill?

Mr. BROWN. It is a cemetery regularly established by the Government. I think over 10,000 Federal soldiers are buried there. The road is in very bad condition.

The PRESIDING OFFICER. The amendment of the Senator from Georgia will be reported.

Mr. BECK. I think that would break into the agreement we made that the amendments of the committee should be acted on first. I say to the Senator from Georgia that if he will allow the amendments of the committee to be acted on first, his amendment will not be precluded or embarrassed.

Mr. BROWN. I have no special choice as to the time and manner of presenting it, only I do not wish to be precluded from the right to offer the amendment.

Mr. BECK. The Senator's right will not be embarrassed by waiting until the amendments of the committee are all acted on.

Mr. BROWN. It comes, though, in this connection, and I do not think it will take any time to vote on it.

The PRESIDING OFFICER. The Chair will observe that the amendment of the Senator from Georgia is an amendment to the amendment proposed by the committee, and is exactly like what was done a few moments ago on the motion of the Senator from Michigan, [Mr. CONGER.]

Mr. BECK. I do not care anything about it. I only made the suggestion.

Mr. BROWN. I prefer action now.

Mr. ALLISON. I think perhaps we should facilitate action on the bill if the Senator from Georgia would take a little time to prepare carefully his amendment. I shall not object to it when it is put in the proper form.

Mr. BROWN. I have no objection; but I have prepared the amendment, and it will take no time to dispose of it now.

Mr. COCKRELL. Let the amendment be read.

The ACTING SECRETARY. After the word "roadways," at the end of the paragraph, in line 1224, it is proposed to add:

And that the sum of \$2,500 is appropriated for a roadway from Marietta, Georgia, to the Federal cemetery near that city.

The PRESIDING OFFICER. The vote on agreeing to the amendment of the committee at this point will be reconsidered if there be no objection. The Chair hears none. The question is on agreeing to the amendment of the Senator from Georgia to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SEWELL. I desire to offer an amendment to that part of the bill. At the end of line 1217 I move to add:

For the road from Beverly, New Jersey, to the national cemetery near that city, \$3,000, to be expended under the direction of the Secretary of War.

This amendment was submitted to the committee, but was not adopted by them. I asked originally for \$5,000, but I have modified it to \$3,000.

Mr. ALLISON. I ask the Senator from New Jersey to waive that amendment until we go through with the amendments of the committee. We can come back to it. There are one or two others of a like character to be offered.

Mr. SEWELL. I will say to the chairman that a similar amendment offered by the Senator from Georgia has just been adopted, of which no one complained. However I have no objection to letting it go over until the amendments of the committee shall have been acted upon.

Mr. FERRY. The amendment of the Senator from Georgia was an amendment to a committee amendment. It was not strictly in order, but being an amendment to an amendment, on a generous construction it would be in order. But the amendment of the Senator from New Jersey is entirely new, being offered to the text of the bill, and if new propositions are to be taken up I have an amendment to offer. I think if the Senator from New Jersey will waive his amendment until we get through with the amendments of the committee we shall facilitate business.

Mr. SEWELL. I waive it for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "miscellaneous objects," to strike out the following clause, from lines 1242 to 1249:

For photolithographing and engraving maps, diagrams, and other illustrations, including paper and printing, for the annual report of the Chief of Engineers of the United States Army for 1882, the work to be done under the direction of the Chief of Engineers, and to be furnished in such time that the complete report may be ready on the assembling of Congress on the first Monday of December next, \$7,000.

The amendment was agreed to.

The next amendment was, after line 1249, to insert:

Survey of northern and northwestern lakes: For printing and issuing charts for use of navigators, electrotyping copper plates for chart printing and completion of office work, \$12,000.

The amendment was agreed to.

The next amendment was, in line 1259, before the word "thousand," to strike out "ten" and insert "eleven;" and in line 1262, after the

word "year," to strike out "thirty-three thousand" and insert "thirty-six thousand three hundred;" so as to make the clause read:

For continuing the publication of the official records, and printing and binding, under direction of the Secretary of War, of 11,000 copies of a compilation of the official records, Union and confederate, of the war of the rebellion, so far as the same may be ready for publication during the fiscal year, \$36,309.

Mr. ANTHONY. I would suggest to the chairman of the committee who has the bill in charge that the language in the printed bill does not precisely convey what is intended. It would be better if, after "War," in line 1287, it read "shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, public institutions, or individuals." As it reads now all duplicate orders are sent to the Secretary of War, who sends one set, and the other he sends to whom he chooses.

Mr. ALLISON. We referred this whole clause to my friend's committee, and inserted it exactly as they sent it back to us; and if there is any amendment or suggestion that he can now make to improve the language, I shall be delighted to accept it.

Mr. ANTHONY. I take the responsibility of the error in the amendment and therefore I have intruded on the committee.

Mr. ALLISON. I think the language—

The PRESIDING OFFICER. That clause has not been reached. The question is on the amendment of the Committee on Appropriations in lines 1262 and 1263.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment was, in line 1267, after the word "law," to insert "1,000 copies for distribution by the Secretary of War among officers of the Army and contributors to the work;" so as to read:

The volumes of the official records of the war of the rebellion shall be distributed as follows: 1,000 copies to the Executive Departments, as now provided by law; 1,000 copies for distribution by the Secretary of War among officers of the Army and contributors to the work.

The amendment was agreed to.

The next amendment was, in the same paragraph, in line 1281, before the word "thousand," to strike out "ten" and insert "eleven;" so as to read:

The remaining copies of the 11,000 to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with 10 per cent. added thereto, and the proceeds of such sale shall be covered into the Treasury.

The amendment was agreed to.

Mr. ANTHONY. I now move to strike out from the word "War," in line 1287, down to and including the word "him," in line 1289, and in lieu thereof to insert:

Shall inform the Senators, Representatives, or Delegates who have designated the same, who, thereupon, may designate other libraries, public institutions, or individuals.

The word "organizations" is used in the original text, and that might as well be put in for "public institutions."

Mr. ALLISON. What do you strike out?

Mr. ANTHONY. All after the word "War," in line 1287, to the word "him," in line 1289, and insert what I have just read.

The ACTING SECRETARY. As amended the clause will read:

If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1379, to insert:

For completion of the new barracks at Fort Leavenworth, Kansas, to be expended under the direction of the Secretary of War, \$47,000.

The amendment was agreed to.

The next amendment was, after line 1382, to insert:

For erection of additional quarters for officers at Fort Leavenworth, Kansas, to be expended under the direction of the Secretary of War, \$41,211.

The amendment was agreed to.

The next amendment was, after line 1389, to strike out:

At Fort Bliss, Texas: To open and construct the approaches to Fort Bliss, Texas, \$5,000.

Mr. MAXEY. I call the attention of the Senator from Iowa in charge of the bill to this item that the Committee on Appropriations propose to strike out, lines 1390 and 1391:

At Fort Bliss, Texas: To open and construct the approaches to Fort Bliss, Texas, \$5,000.

I beg to state to the Senator and to the Senate that I am advised by the Representative of that district that the Secretary of War wrote a letter recommending this appropriation for the construction of this road, which was laid before the House Appropriations Committee, and that committee approved it and put it in the bill.

I will state further that it is about a mile and a quarter from Fort Bliss to El Paso. At the time Fort Bliss was established as a fort there was no road there at all. There are now about five railroads, and the supplies, troops, &c., for that fort are brought over the railroads and taken up to the fort. This \$5,000 will complete the road to the grand plaza, which connects directly with the depot, where they have to go for everything. I think it is a wise appropriation. I hope the Senator will not persist in the amendment, but will let the item stand as it came from the House.

Mr. PLUMB. The point in the amendment of the committee is that the railroad on which the supplies are transported runs through this reservation.

Mr. MAXEY. But all the depots are down in the town and there is no depot on the road which runs through the reservation, and that is only one of five railroads over which supplies, troops, &c., are obtained.

Mr. PLUMB. I want to say further in regard to it that it seemed to me, and I think it did to the committee—I am willing to assume a large share of responsibility for this amendment—that we are in the habit of appropriating a great deal of money to do the police work about posts, which the Senator himself knows from his experience was done by the volunteer soldiers themselves, and might as well be done now by the Quartermaster's Department, who have generally lying idle enough men to attend to the ordinary police work of the garrison. For instance, I know at Fort Leavenworth there is a long road which is macadamized, built very nicely, and it has been done by the persons employed there and who had been put in the guard-house for various minor offenses.

I think we are appropriating every year a great deal of money for the doing of little odd jobs of this kind around posts and garrisons which the men themselves would be very much better off if they were required to do.

I do not know except in a general way about the geography of Fort Bliss; but I do know that it is in a somewhat contracted cañon, and if there is any necessity there requiring the expenditure of any little sum of money outside of ordinary labor, the post itself ought to supply it. Of course I will yield to any statement the Senator may make as coming from his own observation as to the facts of the case.

Mr. MAXEY. I do not want to detain the Senate, but I wish to say this—

Mr. PLUMB. If the Senator will allow me to complete my statement, I will not address the Senate further on this subject. We have appropriated in the Army appropriation bill a large sum, I think \$300,000, which is subdivided by the Secretary of War among the different departments and divisions of the country, and which can be used and is used for these very purposes. It seems to me that that is sufficient without making a specific appropriation for this purpose.

Mr. MAXEY. I stated that the Secretary of War, with full knowledge of the facts, has recommended this appropriation. I beg to say in addition that across the river are the mountains, and the land on this side is broken land. The distance is a mile and a quarter. The amount here appropriated will make a good passable road for wagons to haul supplies back and forth, and in my judgment it is a wise appropriation. If I did not think so I would not recommend it. I believe the appropriation is right, and that the House was right, and the Secretary of War was right. Of course, if the committee oppose it, I cannot help myself, but that is my opinion about it that they are not acting wisely in striking out the item.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

Mr. MAXEY. I wish to read in regard to this particular matter the letter to which I referred:

WAR DEPARTMENT,
Washington City, February 25, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, inclosing House bill No. 4131, appropriating \$5,000 to open and construct approaches to Fort Bliss, Texas, and, in compliance with your request for information on the subject, to transmit herewith a report from the General of the Army, dated the 23d instant, in favor of the passage of said bill. The views of that officer as herein expressed are concurred in by me.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. C. UPSON,
Of Committee on Military Affairs, House of Representatives.

I will also read the following letter from General Sherman, and that is all I shall have to say about it:

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., February 23, 1882.

SIR: In returning to you the communication of the Hon. C. UPSON, of February 20 instant, with copy of House bill No. 4131, appropriating \$5,000 for road about Fort Bliss, I have the honor to report:

Fort Bliss, Texas, is near the town of Franklin, one and a half miles distant. The present road passes over low gravel hills and is in some places very steep. With the expenditure of \$5,000 the location of the road and its grades could be greatly improved. This new road would lie almost entirely outside the present reservation. There can be no doubt that it would be advantageous to the service of the post to have this road improved.

I have the honor to be, your obedient servant.

W. T. SHERMAN, General.

Hon. R. T. LINCOLN, Secretary of War.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out lines 1397, 1398, 1399, and 1400, in the following words:

To enable the Secretary of War to have commenced the necessary buildings to be erected at the proposed military post at Fort Selden, New Mexico, \$100,000.

The amendment was agreed to.

The next amendment was, after line 1403, to insert:

For the erection of a building for a quartermaster and commissary depot at Saint Paul, Minnesota, for the Department of Dakota, \$48,500: *Provided*, That lot 3 and

the lower portion of lot 4, block 31, Saint Paul proper, offered to the United States for the erection and maintenance of said building thereon, be conveyed without cost to the United States for said purpose by a good and sufficient deed, which, together with the title to the premises, shall be approved by the Attorney-General of the United States, and no money shall be expended until said title is perfected.

Mr. BECK. I agreed to that amendment, but communications made to our committee in regard to it I should like to have placed in the RECORD, so that the House may see them. If the chairman has them I should be glad to have them put in the RECORD.

Mr. ALLISON. I will furnish them to the Reporter when I lay my hands on them.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1418, to increase the appropriation "for completing a sea-wall already commenced on the west side of Governor's Island, New York Harbor, and constructing a sea-wall on its southeastern portion," from \$30,000 to \$39,000.

The amendment was agreed to.

The next amendment was, after the word "transportation," in line 1426, to insert "to be disbursed under the direction of the Secretary of War;" and in line 1428, before the word "thousand," to strike out "fifty" and insert "twenty;" so as to read:

For artificial limbs: For furnishing artificial limbs and appliances, or commutation therefor, and transportation, to be disbursed under the direction of the Secretary of War, \$120,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1429, to strike out the following proviso:

Provided, That hereafter all appropriations for furnishing artificial limbs and appliances, or commutation therefor, transportation, and surgical appliances for persons disabled in the military or naval service of the United States, including the unexpended appropriations therefor made by the act of March 3, 1881, shall be expended and disbursed in the manner prescribed in section 4789 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, in line 1454, after the word "dollars," to insert:

And no alcoholic or fermented liquors shall be sold on the territory ceded to the United States for the said home the sale of which would be a violation of the laws of Maine if no such cession had been made.

So as to make the clause read:

For current expenses, including construction and repairs, at the Eastern branch, at Togus, Maine, \$147,020; and no alcoholic or fermented liquors shall be sold on the territory ceded to the United States for the said home the sale of which would be a violation of the laws of Maine if no such cession had been made.

Mr. BECK. That is a change of existing law, and I think is evidently meddling, and I make the point of order.

Mr. FRYE. I hope the Senator will withdraw the point of order.

Mr. BECK. I make the point of order.

Mr. FRYE. We regard it in Maine as a very important amendment. My colleague has succeeded in getting it on the bill, and I hope the Senate will leave it there.

Mr. BECK. I think the Senator's colleague would do all he could to keep it there; but I make the point of order.

The PRESIDING OFFICER. Following the line of decision by the permanent occupant of the chair—

Mr. BLAIR. Before that point is decided I should like to move an amendment to the amendment, to see if the Senator from Kentucky will object to that.

Mr. BECK. I make the point of order here and now.

Mr. BLAIR. Perhaps the Senator, if he hears my proposed amendment, will not.

Mr. BECK. I do not propose to hear anything.

Mr. BLAIR. I have the floor, I believe.

Mr. BECK. No, sir; I make the point of order.

Mr. BLAIR. I move to strike out the word "the," before "territory," in line 1455, and insert the word "any" instead thereof; and also to strike out from and including the word "for," in line 1456, to and including the word "made," in line 1488, and to insert in lieu thereof:

By any State for use as a beverage.

That will apply impartially to the entire country.

Mr. BECK. I know there are gentlemen who make cheap reputations by things of this sort. I object. I make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. FRYE. What does the Senator from Kentucky mean by the remark he has just made?

Mr. BECK. I meant the Senator from New Hampshire who is endeavoring to be very extensive and to make a very grand performance.

Mr. BLAIR. The Senator from Kentucky does not object to the amendment I offered, I suppose.

Mr. BECK. I object to him appearing more virtuous than all the rest of the Senate.

Mr. BLAIR. The Senator from Kentucky does not need to indulge himself in language of that kind. He will know the Senator from New Hampshire better some time. It may not always be the most prudent method to pursue with the Senator from New Hampshire.

Mr. PLATT. Mr. President, for the purpose of saying one word

on this subject, I appeal from the decision of the Chair. I suppose that is debatable.

The PRESIDING OFFICER. The present occupant of the chair follows the precedent set by the regular Presiding Officer.

Mr. PLATT. I want to suggest to the Senator from Kentucky in all fairness whether this amendment ought not to stand, and whether he ought not to withdraw his point of order. It is known that the State of Maine prohibits the sale of liquors, alcoholic or fermented, throughout its borders. It has ceded to the United States the territory on which this soldiers' home is located. I cannot suppose that the Senator from Kentucky desires that on that territory liquors should be sold, when by the laws of the State of Maine they are not permitted to be sold anywhere else within the borders of the State. It cannot be for that purpose, I am sure, to allow the sale of liquors there, that he interposes this point of order, and I think it simply fair to a State, whether it be in this matter or in anything else, that we should not permit on land which the State has ceded to the United States the laws of that State to be violated, or that we should not permit anything to be done which if the territory had not been ceded to the United States would be a violation of the laws of the State.

I took the appeal simply for the purpose of suggesting to the Senator from Kentucky whether he would not withdraw his point of order. It affects no general principle here; it does not drag into this bill the moral aspects of the temperance question in any manner, and it seems to me a very proper amendment. I do not care to press the appeal from the decision of the Chair, for, under the decisions which have been made, I suppose it is technically proper; but I do hope the Senator from Kentucky will withdraw his point of order, and then that the Senator from New Hampshire will not try to bring anything else into this amendment, and that the amendment as it stands may be adopted.

Mr. HAWLEY. I wish to suggest in aid of what my colleague has said that if my recollection serves me—I have not time to look it up—in our national laws concerning the distillery business and the whole liquor business we are careful to provide that nothing in them shall interfere with the local regulations of a State. I think it entirely fair and just in accordance with the proper interpretation of a reasonable doctrine of State-rights that we should let Maine do as it pleases throughout all its own territory proper.

Mr. FERRY. I desire to ask the Chair under what rule the Chair rules this amendment out of order? I can see how the amendment proposed by the Senator from New Hampshire may be considered general legislation and out of order on this bill, but where the State of Maine cedes a portion of its territory and parts with the jurisdiction of it to the United States, it is well and proper and fit and judicious that the United States should bind herself to conform to the laws of the State of Maine.

The PRESIDING OFFICER. The Chair would say to the Senator from Michigan that the ruling made by the present occupant of the chair is upon the ground that it is in harmony with the ruling of the President of the Senate. The present occupant of the chair does not desire to initiate any new ruling upon questions of this kind. The point of order is sustained under Rule 29, it proposing general legislation.

Mr. FERRY. Will the Chair have the Secretary read the rule?

The PRESIDING OFFICER. Certainly.

The Acting Secretary read Rule 29, as follows:

29. No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Mr. FERRY. Now, Mr. President, I cannot see to which of the features of that rule the amendment is objectionable. It is certainly germane, because it pertains to this very subject, the State of Maine having parted with jurisdiction to the United States over the land on which is located the home here appropriated for. If the question of relevancy applied, of course the Chair would be compelled to submit it to the Senate, and therefore I consider that the Chair does not rule on that point. I should like, so as to be informed on that matter, that the Chair would indicate on what point in the rule the Chair holds this amendment to be out of order.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. PLATT] has appealed from the decision of the Chair, and the Chair will submit the question to the Senate on the appeal.

Mr. JONES, of Florida. Mr. President—

Mr. PLATT. I do not insist on pressing my appeal. I merely made the appeal for the purpose of asking the Senator from Kentucky if on reflection he would not withdraw the point of order.

Mr. BECK. I do not propose to withdraw it, because there will be no end to this kind of thing.

Mr. PLATT. Then I withdraw the appeal. I think the decision of the Chair was correct on the point of order.

Mr. ALLISON. Let us go on with the bill.

Mr. JONES, of Florida. I wish to say that, as usual, confusion arises on this question of jurisdiction. There is but one kind of jurisdiction that can be exercised by the United States in cases of

this kind, and it has been so held. The Federal Constitution declares that Congress shall exercise exclusive legislation, which has been construed by the courts to mean exclusive jurisdiction.

Mr. ALLISON. May I ask what the question before the Senate is?

The PRESIDING OFFICER. The Senator from Florida is proceeding by courtesy.

Mr. JONES, of Florida. This amendment I would say proposes to make an offense within a jurisdiction which is exclusively cognizable under the laws of the State.

Mr. LOGAN. They have concurrent jurisdiction with reference to crimes.

Mr. JONES, of Florida. They have not. There is no such thing as concurrent jurisdiction in such cases. It is either exclusive or nothing.

The PRESIDING OFFICER. The reading of the bill will proceed. The Acting Secretary resumed and continued the reading of the bill to line 1466.

Mr. CONGER. What has become of the appeal?

The PRESIDING OFFICER. It was withdrawn.

Mr. CONGER. I submit that under Rule 29 the Chair should submit this matter to the Senate.

The PRESIDING OFFICER. The Chair proposed to do it on the appeal, but the Senator from Connecticut withdrew the appeal.

Mr. CONGER. I hope it will be done.

The PRESIDING OFFICER. The Chair does not understand the Senator.

Mr. CONGER. I understand the Chair rules that this amendment is out of order.

The PRESIDING OFFICER. Yes.

Mr. CONGER. And I understand from the reading of Rule 29 that when the question arises the Chair shall submit it to the Senate, and not decide it himself.

Mr. HARRIS. If the question of relevancy arises it must be submitted to the Senate; but if the question of legislation arises it is a proper question for the decision of the Chair, and the Chair has decided it.

The PRESIDING OFFICER. The Chair expressly stated that he sustained the point of order made by the Senator from Kentucky that this was general legislation. The Senator from Connecticut thereupon appealed, and when the Chair was about to submit the question on the appeal to the Senate the appeal was withdrawn, and thereupon the Secretary proceeded with the reading of the bill.

Mr. CONGER. The Chair decided that this special clause of special legislation relating to the State of Maine about a subject-matter in Maine and in conflict with their laws was general legislation?

The PRESIDING OFFICER. The Chair so held.

Mr. CONGER. I appeal from the decision of the Chair.

Mr. BECK. The appeal was made and withdrawn and two more paragraphs of the bill read, and I object to going back. It requires unanimous consent to go back.

Mr. CONGER. We might as well decide it now. I should like to have the opinion of the Senate on a proposition of this kind.

The PRESIDING OFFICER. Certainly the present occupant of the chair would be very glad to submit it to the Senate, and if that is the wish of the Senate it shall be so done.

Mr. ALLISON. I think we had better go on with the bill.

The PRESIDING OFFICER. If the Senator from Iowa makes the point that the appeal of the Senator from Michigan comes too late, the Chair will have to so hold.

Mr. ALLISON. I make that point.

The PRESIDING OFFICER. The appeal was withdrawn, and part of the bill further on read.

Mr. CONGER. I desire to say a word on that point. The Chair may not be aware from the position he occupies in the Senate that in this part of the Senate Chamber it is utterly impossible to know with the most careful attention what propositions are made or are withdrawn. I venture to say that there are not a dozen men in the Senate who knew that the appeal was withdrawn. I could have no information of that kind. The Chair did not announce it even.

The PRESIDING OFFICER. The Senator is mistaken.

Mr. CONGER. It was the duty of the Chair to announce that the appeal was withdrawn so that every Senator could have heard the statement.

The PRESIDING OFFICER. The Chair will say to the Senator that the appeal was withdrawn, and the Chair announced the fact within a very short space after it was announced by the Senator from Connecticut in his place, which is not very far from that of the Senator from Michigan.

Mr. CONGER. The Senator from Connecticut occupied the middle of the area at the time.

The PRESIDING OFFICER. The Chair announced that the appeal was withdrawn. Certainly the Senator from Michigan should understand that the Chair would be very glad to submit this question to the Senate.

Mr. ALLISON. After these amendments are concluded it will be perfectly in order to renew the amendment.

Mr. CONGER. I think the time is to take these things as they arise, and I say here that except for the proceeding of the Secretary to read the bill members would have had no idea but what that matter was still pending. I had none, and that was the reason why I

called the attention of the Chair to it. It is too late perhaps; but if it is to be so that the reading and the announcements are to be in such tone that Senators have no means of knowing what is said and done, then it is best that we have permission in some way to get nearer to the Chair and know what is going on.

Mr. ALLISON. I withdraw any objection I made, and will let the Senator from Michigan go on with whatever he desires to do.

The PRESIDING OFFICER. The Senator from Michigan appeals from the decision of the Chair, which was that this amendment was general legislation and that the point of order made by the Senator from Kentucky was well taken.

Mr. FERRY. I would suggest to my colleague that he allow the case to be submitted under the rule to the Senate, instead of on an appeal from the Chair. The Chair has stated that he has ruled in accordance with the decisions of the President *pro tempore* of the Senate. That would embarrass me a little, because my tendency is to sustain the Chair. If my colleague would indulge me, and let the Chair submit the question to the Senate whether this is in order, so that we can vote on that, I should be less embarrassed than I should be under the form of an appeal.

Mr. CONGER. Mr. President—

Mr. ANTHONY. The Chair has already decided the question. The Chair cannot withdraw that decision and submit the question afterward to the Senate. The question must be taken on the appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. BECK. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BECK. It is that after the Presiding Officer had decided the question, and the appeal was taken and withdrawn, and the Chair had so announced, and the Secretary had proceeded to read the following paragraph, it is not in order without unanimous consent to go back, and I have objected to going back, and I do so now. I would not do it but for the fact that the Senator from Michigan has all his rights here to move again to insert this clause in the Senate, or make any motion he pleases, and argue it; but having proceeded through two paragraphs after the appeal was withdrawn and the fact was announced, and the Senator from Michigan not being cut off from any right to make all the questions hereafter, I object, so that we can go through with the bill now and discuss that afterward. If his rights were affected at all I would not insist on this point.

The PRESIDING OFFICER. The Chair overrules the point of order. Let the Senator from Michigan take his appeal.

Mr. CONGER. Mr. President, the little technical objection to keep in the power to sell somewhere in Maine a little of the product of Kentucky will not sound very well to the country, I think; for that of course is the only object of such a proposition as this being stricken out, that there may be some little place somewhere where the laws of Maine cannot reach it, and where this traffic may continue. But has it come to this that, after the statement I have made of not having heard of the withdrawal of the appeal, and after the appeal I made to the Chair to reconsider his decision under the ruling which he has made, as I understood, without having, as the rule requires, submitted the question to the Senate, I am to be bound by a decision made hastily and contrary to the rule? If there is so much objection on the part of the Senator from Kentucky and any other Senators in regard to the question of selling, on ground of the United States, alcoholic liquors and beer, I think I have accomplished my object by having that view expressed so forcibly by the Senator from Kentucky. I think he may well pride himself upon having defended in other States the right of his own State to dispose of its product wherever there can be an opportunity. I withdraw my appeal.

Mr. BECK. Mr. President, I have not a word to say except that I made the point of order, the Chair sustained me, and no mean fling made by anybody can divert me from my rights.

The PRESIDING OFFICER. The Chair desires to say that he has endeavored to rule very liberally toward the Senator from Michigan, and thinks he has done so. The rule does not require the question to be submitted to the Senate except upon a certain contingency, which did not arise in this case. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1493, after the word "hereby," to strike out "repealed" and insert "revived and continued in force;" so as to read:

And section 2 of the act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby revived and continued in force.

Mr. PLATT. I desire to ask the chairman of the Committee on Appropriations or some member of that committee to explain the effect of this provision in relation to the pensions that may be due to inmates of the national homes for soldiers, as also the effect of the amendment proposed. I have had no opportunity to examine the act which it is proposed to revive and continue in force; but I suppose that the effect of this provision with the amendment will be to deprive the soldier of his pension if he chooses to become an inmate

of a soldiers' home. I do not know but that that is right; but upon consideration in the past it has been changed so that the soldier who is in the home enjoys his pension at the present time. I understand this to be a return to the law as it formerly was, and if so I should like an explanation why the committee think that is desirable.

Mr. ALLISON. This provision is precisely the existing law, excepting that under the act approved February 26, 1881, the home cannot deduct from the soldier's pension fines and penalties, and in case of the death of the soldier his pension goes under that act to his family, if he has a family. The House proposed to repeal what we regarded as a wholesome provision. On examination of this statute we found that it was a mere limitation upon the appropriation act of last year, and instead of repealing it we thought it ought to be revived and continued in force, and we have so provided. If the Senator will turn to that act he will see that the phraseology is substantially the same as that contained in section 2, except as to fines and penalties and as to what shall be done with the residuum of the pension in case of the death of the soldier.

Mr. PLATT. I am unable to find the act at this time.

Mr. ALLISON. I will find it in a moment.

Mr. PLATT. Upon the explanation of the committee I shall make no further opposition.

Mr. ALLISON. Here is section 2 of the act of 1881:

SEC. 2. All pensions payable, or to be paid under this act, to pensioners who are inmates of the National Home for Disabled Volunteer Soldiers shall be paid to the treasurer or treasurers of said home, upon security given to the satisfaction of the managers, to be disbursed for the benefit of the pensioners, without deduction for fines or penalties, under regulations to be established by the managers of the home.

Under the provision as it would have stood without the amendment of the committee fines and penalties would be deducted. We merely re-enact this second section of the act of 1881, which provides that the pension shall be disbursed for the benefit of the pensioner without deduction for fines and penalties. Then, in addition:

Said payment to be made by the pension agent upon a certificate of the proper officer of the home that the pensioner is an inmate thereof and is still living. Any balance of the pension which may remain at the date of the pensioner's discharge shall be paid over to him; and in case of his death at the home, the same shall be paid to the widow or children, or in default of either to his legal representatives.

Mr. PLATT. Then by the law as it is proposed in this bill the treasurers of the homes would become trustees for the soldier for the pension while he is there?

Mr. ALLISON. While he is there; and when he leaves the home he takes the remainder of the pension with him. It is our purpose to leave the law exactly as it stands under the act approved February 26, 1881.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "salaries," in line 1501, to insert "at the rate of \$5,000 each for three civilian members;" so as to make the clause read:

For salaries, at the rate of \$5,000 each for three civilian members, and traveling expenses of the commission, office expenses, and reduction of work; for continuation of surveys and gangings of the Mississippi River and its tributaries; for permanent gauge-stations and borings; and for publication of maps and results, \$150,000; and an itemized statement of the expenditure of this sum shall be included with the annual report of the commission to Congress.

The amendment was agreed to.

The next amendment was, in the appropriations for "navy-yards and stations," in line 1554, after the word "dry-dock," to strike out "two hundred and fifty" and insert "three hundred;" so as to read:

For the navy-yard at Mare Island, California: For completing iron-plating shop, \$3,000; for continuation of dry-dock, \$300,000; for enlarging reservoir, \$10,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1556, to strike out the following words:

And the said dock shall be completed of granite, unless the Secretary of the Navy shall, upon reinvestigation of the subject, be convinced that the dock can be completed with equal strength and durability with other material for less money.

Mr. MILLER, of California. I call the attention of the chairman of the committee to this amendment to strike out. So much of this provision as reads "and the said dock shall be completed of granite" I desire to have stand, and I will agree to the striking out of the rest of the clause after the word "granite." But this dock is a great national work; it is the only dry-dock upon the Pacific coast belonging to the Government, and it has been thus far built of granite, which is the most substantial material of which a dry-dock can be built. There has been a large amount of money expended upon it, and now a proposition has been made to finish it with artificial stone, or concrete, which is a perishable material, not having the strength and durability of granite. If the dock is completed with this material, you will have a part of it, two-thirds or three-fourths of it, of granite, and one end of it a dock built of concrete or artificial stone. There would be a little saving perhaps in building it of artificial stone; but a work of this sort intended for all time, and a work that will be used as much as this must necessarily be used, ought to be constructed of the best material.

There is no stone equal to granite. Artificial stones of any kind or description and concretes of every kind and description are liable

to abrasions and disintegrations by the action of the elements, the action of salt water—part of the time under water and part of the time out of water. The experience of engineers and of everybody who has had anything to do with the artificial materials employed as a substitute for stone is that they are not available materials and not fit for this purpose.

I do not know what has induced the engineers to recommend any such change in the construction of this great work, and I insist that it should be completed of natural stone, as it has been begun and continued until this time. I ask the chairman of the committee to consent that the action of the House shall stand, or so much of it as requires the completion of this dock to be of granite.

Mr. FARLEY. The amendment of the committee my colleague and myself both agree is correct after the word "granite," in line 1557, on page 64. The importance, as suggested by my colleague, of completing this work with granite cannot be underestimated by those who know the character of the granite we have there, the number of large quarries that have been opened, and from which the building material has up to this time been applied to this dry-dock. Unless there is some other interest than the making of this a substantial dry-dock the amendment ought not to prevail. After the word "granite," in line 1557, I am in favor, as is my colleague, of permitting the amendment of the Committee on Appropriations to stand; but if the amendment be adopted as reported the Secretary of the Navy would be allowed to make contracts with persons to furnish artificial rock or concrete, persons having patents for that kind of material, to be used in the building of this dry-dock. Up to this time the dock has been built with the best of granite, and there is none in the United States or anywhere else, in my opinion, that is a superior article of granite to that which we have in the immediate vicinity of where this dock is being erected. I hope that part of the committee's amendment after the word "granite," in line 1557, will stand, and that the words "and the said dock shall be completed of granite" will remain as a part of the bill.

Mr. ALLISON. Mr. President, this dry-dock at Mare Island has been under construction for a great many years. The Government has already expended on it a million and a half of dollars. Last year two civil engineers were sent out there to make examination of it, and they made report to the Navy Department that the dock could be completed with concrete much more cheaply than with granite, and that the concrete would be equally as good and durable. If it is to be completed of granite it will cost \$1,025,000.

Mr. FARLEY. More than has been appropriated?

Mr. ALLISON. It will cost a million more. A million and a half has already been expended on this dock, and if it is to be completed of granite \$1,025,000 will still be required to finish it, whereas if it is to be completed of concrete about \$500,000 will complete it, or a saving to the Government of from \$450,000 to \$460,000. These two engineers have recommended this change. I do not know whether it is a wise change or not. Of course I cannot say. I have no doubt it would be more convenient in some respects to complete the work of granite, but if it can be made as good and durable of concrete, as these engineers say, I do not see why the Government should not save \$450,000.

Mr. FARLEY. Does the Senator believe that a dry-dock built of concrete would be as durable and lasting as one built of granite?

Mr. ALLISON. I am not an engineer, and I would not like to venture an opinion on that subject; but I should think that if two engineers, such as those sent out there, both concur that concrete is equally durable and much cheaper, I should be justified in following their advice rather than expending the additional sum.

Mr. MILLER, of California. I think the Senator from Iowa is in error in his figures, in the first place, about the amount it would take to complete this dock, and secondly, as to the amount that will be saved if we use concrete.

In the first place, neither of the engineers nor anybody in the Engineer Department has given any estimate of the saving. They do not know what this artificial stone will cost. They simply recommend that the dock be built of artificial stone. What is artificial stone? It is not the ordinary concrete which the Government itself uses and makes in the construction of the foundation for buildings, but artificial stone is a patent stone. It is made of cement, sand, and gravel put under pressure, and the right to make it is secured by letters-patent. I have examined this subject, and I say that there has not been an estimate made in the Navy Department or by any officer or engineer of the Navy Department as to what this artificial stone will cost. It may cost as much as granite, because granite in California is cheap, and it is good and durable, as good as there is in the world.

I am not an engineer myself, but I have had a great deal to do with artificial stone, and if all the engineers in America were to say that artificial stone is as durable for this purpose as granite I should not believe them, because I know better; I know better from experience; I have seen it tried and tested. This artificial stone more nearly resembles sandstone than any other, because it is made of sand and cement.

Mr. ALLISON. There is no pretense that this is to be completed with artificial stone.

Mr. MILLER, of California. That is the pretense exactly; it is what the engineers recommend.

Mr. ALLISON. I have here a statement from the chief of the bureau in charge of this matter, which I will read:

BUREAU OF YARDS AND DOCKS, NAVY DEPARTMENT,
Washington, D. C., July 18, 1882.

History of the stone dry-dock now under construction at the Mare Island navy-yard, and commenced in 1872.

On the 27th of October, 1871, the Bureau of Yards and Docks submitted its annual estimates to the honorable Secretary of the Navy and asked for a special appropriation of \$200,000 for commencing the construction of a stone dry-dock at Mare Island, and on the 19th of January, 1872, the bureau notified the commandant of the yard that it had asked for an appropriation of \$200,000 to commence the construction of a permanent stone dry-dock, and instructed that officer to direct Civil Engineer Calvin Brown to make careful examinations to determine the best location of such dock, having in view the probability of finding a rock foundation, as was the case at San Francisco; also to direct the engineer to prepare a plan for a dock of the largest size—say to admit a ship of three hundred and seventy-five feet length, sixty-five feet beam, and twenty-five feet draught—and to make a full report on the subject, with estimate of cost and information as to the kinds, qualities, and quantities of stone and other materials to be obtained in the vicinity, and particularly as to the facilities for obtaining stone in abundance.

Plans, estimates, and data were accordingly forwarded June 29, 1872, as follows, namely: total length of dock over all, 500 feet; length of floor, 393 feet; length of invert, 41 feet; width of floor, 30 feet; inside of dock at coping, 104 feet; width to outside of concrete foundation, 130 feet; depth from floor to top of coping, 35.4 feet; depth from coping to floor of invert, 32 feet; extreme depth to bottom of concrete foundation, 42.4 feet; depth of floor to chamber of dock, 8.4 feet; depth of floor to invert, 10.4 feet. Total estimated cost, \$2,149,099.

On the 10th of June, 1872, an appropriation of \$20,000 was made by Congress for commencing the work, and soon after the construction of the coffer-dam was inaugurated.

By recommendation of Rear-Admiral John Rodgers, United States Navy, the length of the dock was extended from 500 to 525 feet over all, the other dimensions remaining the same.

The following amounts have been appropriated and expended from year to year to July 1, 1882, upon the structure:

| Date of appropriations by act of Congress. | Fiscal years. | Amounts.* |
|--|---------------|--------------|
| June 10, 1872..... | 1872-'73 | \$200,000 00 |
| March 3, 1873..... | 1873-'74 | 400,000 00 |
| June 23, 1874..... | 1874-'75 | 219,643 30 |
| March 3, 1875..... | 1875-'76 | 174,098 87 |
| July 31, 1876..... | 1876-'77 | 50,000 00 |
| No appropriations made for..... | 1877-'78 | ..... |
| June 20, 1878..... | 1878-'79 | 75,000 00 |
| February 26, 1879..... | 1879-'80 | 75,000 00 |
| June 10, 1880..... | 1880-'81 | 112,500 00 |
| March 3, 1881..... | 1881-'82 | 199,901 80 |
| Total..... | | 1,506,143 97 |

* Amounts appropriated and expended to July 1, 1882.

Present condition.

The excavation of the dock-pit has been completed, with the exception of about 500 cubic yards at the entrance of the dock.

The foundations have been completed from the end of the dock as far as the invert, and there remains yet to be done the whole of the foundation from the invert, extending 41 feet, to within 5 feet of the foot of the coffer-dam.

The granite floor has been laid along its whole length. The side concrete walls have been built to an average height of eighteen feet on both sides, extending from the ends of the dock to within a short distance of the invert, leaving convenient steps on the wall to receive the ultimate lining originally recommended of granite.

Of the inside lining the five first altars above the bottom have been laid to within a short distance of the invert, and sufficient granite is now on hand to finish them. The coffer-dam was built ten years ago, and has been reported on several occasions as showing signs of decay and weakness.

The necessary plant to carry on the work is reported as ample and in good condition.

The cost of the work up to the present time is \$1,506,143.97, and the necessary amount to complete the work in accordance with the original design is \$1,026,378.56. Of this amount \$513,480 is estimated as the cost of the necessary granite to complete the inside lining of the dock.

In March last the civil engineer attached to the bureau, assisted by the civil engineer of the Mare Island navy-yard, made a full examination of the work in its present condition, and also of the material available for its completion, with a view of ascertaining the practicability of reducing the cost of the work without impairing its efficiency. It was recommended that a great portion of the proposed granite lining of the dock be substituted by cement concrete, which in the opinion of the engineers would be sufficiently strong, equally efficient, and reduce the cost of the work \$433,515.

The above recommendations were approved by the bureau and by the then Secretary of the Navy, but no work has yet been done to carry out that recommendation, as the balance of appropriation in hand has been applied in the more important work of extending the foundations and side walls toward the coffer-dam.

With these modifications the amount of money required to complete the work in one year is \$521,788.24; an amount which the engineer considers as ample to finish the dock in every respect.

Should these recommendations be finally rejected, the amount required to complete the dock with granite, as stated before, will be \$1,026,378.56.

The precarious condition of the coffer-dam makes it imperative that the entrance of the dock be constructed, machinery and caisson put in place ready for operation, with as little delay as possible, and for this purpose on the basis of the recommendations above referred to an amount equal to \$337,889 will be required; but if the granite is retained as the proper material to finish the dock, \$513,480 will be needed for the same purpose.

Respectfully submitted,

EARL ENGLISH,
Acting Chief of Bureau.

So that it is merely a question whether the inside lining of this dry-dock shall be of concrete, or whether it shall be of granite, the difference in cost being about \$450,000.

Mr. MILLER, of California. The reports of the engineers I have read. Engineer Menocal recommends making it of artificial stone, and he uses the words "artificial stone." The lining of this dry-dock

in granite according to that statement is to cost \$530,000, and if artificial stone or concrete is substituted it saves \$430,000, making the concrete for the lining cost about \$100,000.

Mr. ALLISON. If the inside lining is to be of granite it would cost \$1,026,000.

Mr. MILLER, of California. But there is certainly work to be done which is not done in granite. What you want to consider here is the difference between lining this dock with granite and lining it with artificial stone or concrete, and I submit that we have no estimate here except a mere bare statement of the chief of the bureau. We have no estimate of the engineers as to what it will cost to line this dock with concrete, but we have an estimate as to what it will cost to line it with cut granite.

It is not to my judgment good policy or good economy to finish the lining of this dock with concrete, because if you do it it will only be a few years until you have to reline it, and finally you will have to do it with granite, because that is the only material of which any good dock has ever yet been built.

Mr. LOGAN. According to McClellan.

Mr. MILLER, of California. According to McClellan and other engineers. I do not know that McClellan is the best engineer in the world, but I know that first-class engineers throughout the world prefer granite to any kind of sandstone, and this is the first time I have ever known an engineer to recommend the lining of a dock with concrete. Concrete does well enough for the foundation upon which the lining shall rest, but in shoring up your ship you want a hard material for the supports to rest upon; otherwise it will disintegrate and break off, and after a while you have nothing but a slope without any benches on which to place your supports. It is considered the very worst thing that could be done with this dock. If it is completed as begun—and it is now more than half done—of granite, it will be one of the finest docks in the world and will last as long as a dock is needed. It is the only dock the Government owns or ever expects to own on the Pacific coast, and it ought to be completed of the best material. It is always economy to build of the best material.

Mr. FARLEY. I understand the question to be on agreeing to the amendment of the committee after the word "granite."

The PRESIDENT *pro tempore*. Does the Senator ask to have it divided?

Mr. ALLISON. I want to call the attention of the Senate to the fact that they are voting whether we shall expend \$500,000 or a million dollars on this dock on which we have already spent a million and a half.

Mr. FARLEY. In answer to that proposition I will suggest to the honorable Senator whether if you are building a dry-dock going to cost the amount which he suggests, you had not better build it out of substantial material than to put in material that will require a continuous appropriation hereafter to keep the dock in repair and order.

Mr. ALLISON. I am willing to leave that whole question to the engineers of the Navy, who know or ought to know something about it, and not interfere with them by legislation.

Mr. FARLEY. Up to this time the whole of that dock has been built of granite, and the persons having the construction of the dock in charge believe that the dock would be more lasting, more substantial, if continued of the same kind of material than if you put in artificial stone or concrete. The truth is you would have to continue appropriations for the dock the next twenty years if you put in any other material than granite.

The PRESIDENT *pro tempore*. The Senator from California asks that the following words shall be left in the bill:

And the said dock shall be completed of granite.

Mr. ALLISON. I ask the Chair to decide whether or not this is a divisible question.

The PRESIDENT *pro tempore*. The Chair does not think it is; the Chair thinks it is all one question.

Mr. ALLISON. I think so.

Mr. FARLEY. The committee propose to amend by striking out:

And the said dock shall be completed of granite—

And then comes—

unless the Secretary of the Navy shall, upon reinvestigation of the subject, be convinced that the dock can be completed with equal strength and durability with other material for less money.

What I propose is to agree to the amendment of the committee after the word "granite," commencing with the word "unless," in line 1557, and going down to the end of the clause.

The PRESIDENT *pro tempore*. The Chair is of opinion that the words after "granite" qualify the preceding words.

Mr. HOAR. Cannot the Senator from California move to strike out the paragraph now in the bill after the word "granite," which perfects that section which the committee propose to strike out, before the vote is taken on striking out?

The PRESIDENT *pro tempore*. That can be done by a motion to strike out the last part of the clause. Does the Senator from California move to strike out the words:

Unless the Secretary of the Navy shall, upon reinvestigation of the subject, be convinced that the dock can be completed with equal strength and durability with other material for less money?

Mr. FARLEY. Yes, sir.

Mr. ALLISON. I want to ask the Senator from California if it should turn out that this could be completed with other material for less money, would he not be willing that the Government should do it, or is he determined to have granite, whatever it costs? It seems to me that is a most amazing proposition.

Mr. FARLEY. That question is not involved in this amendment.

Mr. MILLER, of California. I am perfectly willing to let this language stand as it comes from the House. I am not afraid of the Secretary of the Navy ever deciding that concrete is as good as granite.

Mr. FARLEY. I should hope not.

Mr. MILLER, of California. Not if he is in his right mind, which I suppose he is generally. I would prefer to have it constructed of granite and put in this bill so, but if there is no way to get at it—

Mr. FARLEY. But there is a way to get at it.

Mr. MILLER, of California. I move to strike out all the words in the paragraph after the word "granite."

The PRESIDENT *pro tempore*. The clause comes from the House as a whole, and the Senator moves to strike out beginning with the words "unless the Secretary of the Navy," &c.

Mr. MILLER, of California. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from California.

Mr. ALLISON. I want to understand the effect of this motion. The committee is in favor of striking out also the additional words.

Mr. FARLEY. But we are not in favor of striking out the additional words.

The PRESIDENT *pro tempore*. The Chair will put the question on the motion of the Senator from California to strike out the words after "granite," in line 1557, to the end of the clause.

The question being put, a division was called for, and the yeas were 18.

Mr. DAVIS, of West Virginia. I think one side of the House or the other do not understand how to vote.

Mr. LOGAN. I ask for the yeas and nays. I see one side votes and the other does not. I call for the yeas and nays.

Mr. DAVIS, of West Virginia. I wish the Chair would state the proposition. I supposed I was voting with the committee when I first rose, but I find the chairman voting the other way, and I thought I knew how I was voting.

The PRESIDENT *pro tempore*. The Senator from California moves to strike out, after the word "granite," in line 1557, the words:

Unless the Secretary of the Navy shall, upon reinvestigation of the subject, be convinced that the dock can be completed with equal strength and durability with other material for less money.

Mr. DAVIS, of West Virginia. I wish to submit how can you strike out part when the pending question is to strike out the whole of that clause.

Mr. LOGAN. That is it exactly.

Mr. DAVIS, of West Virginia. I say it is not in order to strike out a part.

Mr. HOAR. You can perfect the part to be stricken out.

Mr. DAVIS, of West Virginia. That vote cannot be taken, in my judgment.

Mr. HOAR. Before the motion to strike out an entire section of the bill is put a motion to perfect that section first by striking out part of it and leaving the rest is in order.

Mr. DAVIS, of West Virginia. But the Senator may not recollect that the part of the bill as it came from the House was the whole, and the committee has moved to strike out from the word "and," in line 1556, as I understand.

Mr. HOAR. The bill that comes from the House is already before the Senate. The amendment of the committee is nothing more nor less than an amendment moved by a single Senator. It has no weight except that the question is taken on the first. The committee move to amend by striking out four and a half lines, and that paragraph may be amended, if the Senate please, before the question of striking it out is put. It is proposed to perfect it by striking out part of it. There is no more doubt about the proposition than there is that two and two make four.

Mr. DAVIS, of West Virginia. I think there is doubt about it. The committee's amendment is to strike out from the word "and." Now it is moved to strike out a part of that. I think the committee's amendment is the first in order to be voted on. You cannot strike out a part of what the committee has already moved to strike out, because the committee's amendment embraces more, and if the Senate refuse to strike that out it ends it.

Mr. FERRY. If the Senator will reflect a moment he will perceive that if a vote is taken on that and it is stricken out, all parts of it go. It would then be impossible for any Senator to reach it. The only time to reach it and perfect the matter to be stricken out is while the motion to strike out is pending. On the same principle, though a motion to strike out and insert is by the rules indivisible, you can move to strike out part of the matter, and in moving to strike out you can perfect the matter proposed to be stricken out before the motion is put to strike out.

Mr. DAVIS, of West Virginia. Oh, yes; but in this case there is no motion to perfect; the only motion is to strike out, and that is a

very different proposition. Nobody moves to perfect. The motion is to strike out less than the committee propose to strike out.

Mr. MILLER, of California. I will say to the Senator that we propose to do one thing at a time.

Mr. FERRY. The motion of the Senator from California to strike out a part is in his judgment to perfect the amendment proposed by the committee.

Mr. MILLER, of California. And that will be followed by another motion.

Mr. FERRY. Then the question will recur, if that is stricken out, on the amendment of the committee shorn by the amendment proposed by the Senator from California.

Mr. ANTHONY. I think it is wasting time to discuss this question of order. I hope the Chair will decide it.

The PRESIDENT *pro tempore*. There has been no point of order raised.

Mr. ANTHONY. Then what is the discussion about?

The PRESIDENT *pro tempore*. The yeas and nays are asked for on the motion of the Senator from California to strike out the words:

Unless the Secretary of the Navy shall, upon reinvestigation of the subject, be convinced that the dock can be completed with equal strength and durability with other material for less money.

The yeas and nays were ordered.

Mr. ALLISON. Before we vote upon that I desire to ask a parliamentary question. Suppose these words are not stricken out, would it be still in order to take the question on striking out these words in connection with the other words proposed to be stricken out by the committee?

The PRESIDENT *pro tempore*. Yes; if they are not stricken out then the question will recur on agreeing to the amendment of the committee. If they are stricken out the question will be on agreeing to the amendment of the committee striking out the words "and the said dock shall be completed of granite."

Mr. DAVIS, of West Virginia. I wish to ask a question of the Chair. Is it not proper to amend the amendment offered by the Senator from California so as to include the other words in line 1556 from the word "and," including the whole clause the committee recommend to strike out? I move to amend the amendment of the Senator from California by striking out also the words "and the said dock shall be completed of granite."

Mr. FERRY. That would be an amendment in the third degree, and is not in order.

The PRESIDENT *pro tempore*. No, it would not be in order. The question is on striking out the words "unless the Secretary of the Navy shall," &c., on which the yeas and nays have been ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.]

The roll-call having been concluded, the result was announced—yeas 33, nays 20; as follows:

YEAS—33.

| | | | |
|-----------------|-------------------|-----------------|-----------|
| Bayard, | Farley, | Lapham, | Van Wyck, |
| Brown, | Ferry, | Mahone, | Vest, |
| Butler, | Gorman, | Maxey, | Voorhees, |
| Call, | Grover, | Miller of Cal., | Walker, |
| Camden, | Hampton, | Morgan, | Williams, |
| Cameron of Pa., | Hawley, | Morrill, | Windom, |
| Chilcote, | Jackson, | Pendleton, | |
| Coke, | Jones, | Sawyer, | |
| Conger, | Jones of Florida, | Sewell, | |

NAYS—20.

| | | | |
|------------------|--------------------|-----------|------------|
| Allison, | Cockrell, | Hale, | Logan, |
| Anthony, | Davis of Illinois, | Harris, | McDill, |
| Beck, | Davis of W. Va., | Harrison, | Saulsbury, |
| Blair, | Dawes, | Hoar, | Saunders, |
| Cameron of Wis., | Frye, | Ingalls, | Sherman, |

ABSENT—23.

| | | | |
|----------|-------------------|------------------|----------|
| Aldrich, | Hill of Colorado, | McMillan, | Pugh, |
| Edmunds, | Hill of Georgia, | McPherson, | Ransom, |
| Fair, | Johnston, | Miller of N. Y., | Rollins, |
| Garland, | Jones of Nevada, | Mitchell, | Slater, |
| George, | Kellogg, | Platt, | Vance, |
| Groome, | Lamar, | Plumb, | |

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on striking out the rest of the words proposed to be stricken out by the committee, namely, after the word "dollars," in line 1556, the words:

And the said dock shall be completed of granite.

Mr. FARLEY. We do not wish to strike out the rest of the clause, which provides that the dock shall be completed of granite. Those words should be retained in the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee striking out these words.

The question being put, there were on a division—yeas 20, nays 25.

Mr. ALLISON. I ask for the yeas and nays on the amendment. I want to ascertain whether when engineers of the Navy propose to save \$450,000 in the construction of a work that costs two million and a half the Senate is going to force him to construct it of material which he says does not increase its efficacy, for the benefit of a granite quarry.

Mr. MILLER, of California. That statement is gratuitous. It is

not for the benefit of a granite quarry. I wish to know if the Senator from Iowa knows of a dry-dock in any part of the world built of concrete?

Mr. LOGAN. Of what are they built?

Mr. MILLER, of California. They are built of stone, of granite. Even the locks of small canals are built of stone of some kind or other, and never of concrete, because it disintegrates. You might as well build the steps of the Capitol here and other buildings with that material. In the first place, Mr. Menocal, who is the author of this proceeding, is not an engineer of the Navy.

Mr. ALLISON. He is an eminent civil engineer.

Mr. MILLER, of California. He is too eminent for us entirely. If we are going to build this dock we want to build it of the best material or not have it built at all. If you want to strike out the appropriation, strike it out, but do not build a perishable, crumbling, miserable dock which will not stand the heavy weights of ships, and which must be repaired every year. There is no economy in doing that.

Mr. HALE. What the Senator wants is the most money expended. That is all there is of it.

Mr. MILLER, of California. I want money enough expended to build a dock of the most durable sort. I am as economical in the use of Government money as is the Senator from Maine or any Senator here.

Mr. ALLISON. I only ask for the yeas and nays, and want a vote on striking out the words which the committee propose to strike out.

Mr. HAWLEY. I cannot abstain from saying a word or two after what has been said, for I am altogether unconvinced that any board of engineers anywhere would say that a dry-dock could be or ought to be built of concrete. I have seen a good many; I am not an expert; but I do not know of a dry-dock built of concrete anywhere. If it has been discovered that we have a concrete that is better than granite, let us substitute it in all our public buildings. It would be very much better in a public building or in public grounds than in a dry-dock, where it is not liable to be stricken, pumped, torn, and worn, as it must be in a dry-dock. This having been partly built of granite, I am utterly unable to see any logic or sense in the proposition that concrete shall be used in completing it, especially in lining it with concrete. If the interior of it were constructed of concrete there would be some sense in the proposition.

Mr. ALLISON. That is all we propose. It is for the inside lining of the dry-dock.

Mr. HAWLEY. How far in?

Mr. LOGAN. Only a small portion of the way.

Mr. HAWLEY. What is to be the thickness of the lining of granite?

Mr. ALLISON. I do not know. The engineer who has charge of it will know that.

Mr. HAWLEY. I do not know of any docks like that, but as that intimation has been made, I think it is quite as likely that there is a job on the part of some man with regard to concrete as that there is on the part of granite.

Mr. ANTHONY. I would not vote to build a dock of any material, either of granite or concrete, but I would leave it to the Secretary of the Navy. I hope that the words proposed to be stricken out by the committee will be stricken out and that the bill will not be left as it came from the House. We order the dry-dock to be built. We are not capable here of deciding of what material it shall be built. That is for the engineers who instruct the Secretary of the Navy. I am in favor of leaving the matter in his hands, which will be the case, I understand, if these words are stricken out.

Mr. MILLER, of California. But when the Secretary of the Navy tells me that if the bill is passed without any instruction as to what material he shall use he will build the dock of concrete, I want something put in here to compel him to build it of granite. That is the reason why I am insisting on retaining the words in the bill.

Mr. HOAR. How much of this work is already done? This is a provision for completion, not for construction.

Mr. MILLER, of California. It is built about half the length with granite, and now it is proposed to finish it out with concrete.

Mr. FARLEY. I simply want to say in addition to what has been already said by my colleague and the Senator from Connecticut that I am satisfied myself, although I have not the documents before me, that there are parties in my State who are seeking to put what is called artificial stone in this dry-dock. The Senator from Iowa asks, if you can save three or four hundred thousand dollars in the cost of building this dry-dock by putting in different material from granite, why not do it? My answer is simply that you may save perhaps that much money at the present time in completing this dock, but the material you put in will not last like granite, and in less than ten years you will have again to make appropriations to keep the dock in repair. If you build it with a substantial material like granite, such as is already in the dock, such as it was commenced with, with such material as has been put into it all the time, then you will have a substantial dry-dock that will last almost to time immemorial. If you put this sort of concrete or artificial stone into that dock you will have to continue your appropriations, and while it may be a present saving, I suggest to the Senator from Iowa it will not be a permanent saving.

Mr. HALE. I believe in granite as a material for permanent construction of public works, over and above all other materials. Some of the finest buildings erected by the Government in the last ten years have been built of granite coming from the shores of my own State and from the district that I formerly represented. I am always proud to inspect and look at those buildings; but I have never asked, and no man who believes in granite ought to ask, to put it into a legislative bill that granite shall be preferred to anything else. It is so good a material that it will stand the test of scrutiny in the administrative departments, and that ought to be the rule here. If the Navy Department believes upon all the considerations that can be urged here, or there, or elsewhere, that granite is the material to finish this dry-dock, it ought to go in. But much as I believe in granite, I think we ought not to put in here any constraining clause in favor of granite, or marble, or anything else, but leave that to the discretion of the Department, assisted by the engineers; and granite will hold its own on that competition. To put it in here is a thing it seems to me shifting from the administrative department, where it ought to be settled, to the legislative department, where it ought not to be settled.

The PRESIDENT *pro tempore*. The yeas and nays are demanded by the Senator from Iowa on agreeing to the amendment of the committee striking out the words "and the said dock shall be completed of granite."

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. VANCE, (when his name was called.) I announce my pair with the Senator from Pennsylvania, [Mr. MITCHELL.]

The roll-call was concluded; and the result was announced—yeas 27, nays 31; as follows:

YEAS—27.

| | | | |
|------------------|--------------------|-----------|----------|
| Aldrich, | Davis of Illinois, | Harrison, | Plumb, |
| Allison, | Davis of West Va., | Hoar, | Ransom, |
| Anthony, | Dawes, | Ingalls, | Rollins, |
| Beck, | Ferry, | Kellogg, | Sawyer, |
| Blair, | Frye, | Logan, | Sewell, |
| Cameron of Wis., | Hale, | McDill, | Sherman. |
| Cockrell, | Harris, | Morrill, | |

NAYS—31.

| | | | |
|-----------------|----------|-------------------|-----------|
| Bayard, | Conger, | Jones of Florida, | Saunders, |
| Brown, | Farley, | Lapham, | Slater, |
| Butler, | George, | Mahone, | Van Wyck, |
| Call, | Gorman, | Maxey, | Vest, |
| Camden, | Grover, | Miller of Cal., | Voorhees, |
| Cameron of Pa., | Hawley, | Morgan, | Walker, |
| Chilcott, | Jackson, | Pendleton, | Williams. |
| Coke, | Jonas, | Saulsbury, | |

ABSENT—18.

| | | | |
|----------|-------------------|------------------|---------|
| Edmunds, | Hill of Colorado, | McMillan, | Pugh, |
| Fair, | Hill of Georgia, | McPherson, | Vance, |
| Garland, | Johnston, | Miller of N. Y., | Windom. |
| Groome, | Jones of Nevada, | Mitchell, | |
| Hampton, | Lamar, | Platt, | |

So the amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1561, after the word "stations," to strike out "two hundred" and insert "one hundred and fifty;" in line 1562, after the word "dollars," to strike out "\$50,000 of which may be used" and insert "and \$50,000 additional, which shall be used only;" so as to make the clause read:

For navy-yards and stations, \$150,000, and \$50,000 additional, which shall be used only in the care and preservation of such yards or stations as the Secretary of the Navy may deem expedient to close.

Mr. BAYARD. I call the attention of the Senator in charge of the bill to the propriety of striking out in line 1563 the words "and \$50,000 additional, which shall be used only in the care and preservation of such yards or stations as the Secretary of the Navy may deem expedient to close." As yesterday he was relieved of that discretion, there is no necessity to provide for it here.

Mr. ALLISON. I will modify the amendment by inserting "as may be closed." That conforms it to the suggestion of the Senator from Delaware.

Mr. BAYARD. Then I do not understand that any will be closed.

Mr. ALLISON. I do not know whether any will be or not. If any shall be, then this amendment will apply; if not, of course the amendment will not apply.

Mr. BAYARD. Let the Secretary report the amendment as suggested by the Senator from Iowa.

The ACTING SECRETARY. In line 1565, after the word "stations," it is proposed to strike out the words "as the Secretary of the Navy may deem expedient to close" and insert "as may be closed;" so as to read:

For navy-yards and stations, \$150,000, and \$50,000 additional, which shall be used only in the care and preservation of such yards or stations as may be closed.

Mr. BAYARD. I do not think that reaches the case.

Mr. JONES, of Florida. There is nothing to be gained by that change in the amendment.

Mr. ALLISON. Yesterday the objection made by the Senator from Delaware—and the Senate quite agreed with him—was giving the discretion to the Secretary of the Navy to close these yards. My amendment seems to be in accord with that idea. It leaves no discretion in the Secretary of the Navy. I quite agree with the Senator from Delaware that there should be no discretion allowed in this bill,

inasmuch as we struck it out in the other. I want the two to be in accord. Therefore we simply provide that this additional appropriation shall be used for such as may be closed. I do not undertake to say how these navy-yards may be closed, whether by legislation, by the President, or by any other mode.

The amendment to the amendment was agreed to.

Mr. SEWELL. I ask the chairman of the Committee on Appropriations if there is any authority in the naval bill to close any of these yards now?

Mr. ALLISON. The naval bill is in a state where it is not passed; at least it is hanging up between the two Houses.

Mr. SEWELL. Then I move to amend the amendment by adding the words "under authority of law."

Mr. JONES, of Florida. That will cover it.

Mr. ALLISON. I shall not dispute with Senators. I suppose, of course, these navy-yards will not be closed in violation of law. I hope not.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1566, to insert:

For the navy-yard at New London, Connecticut: For quay-wall along the river front, in connection with present wharf, \$25,000.

The amendment was agreed to.

Mr. JONES, of Florida. Before we pass from the navy-yards I desire to call the attention of the chairman of the Committee on Appropriations to the recommendations of the Government with respect to the Pensacola yard. I gave notice of an amendment, and I desire to refer to the matter now.

Mr. ALLISON. I suggest to the Senator that there are several amendments relating to navy-yards, and that we pass on in the reading of the bill and conclude the amendments of the committee. The Senator's amendment will not be prejudiced by anything we do.

Mr. JONES, of Florida. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1569, to insert:

For the new naval observatory: To commence the erection of a new naval observatory on the site heretofore purchased therefor, in accordance with plans approved by the commission authorized by the act of February 4, 1880, \$75,000.

The amendment was agreed to.

The next amendment was to insert after line 1574:

For the United States Naval Academy: To prepare and perfect plans, specifications, and estimates for rebuilding and improving the quarters of the cadets, the recitation-hall, the mess-hall, and for repairing the quarters of the superintendent at the United States Naval Academy at Annapolis, Maryland, in accordance with the recommendations of the Board of Visitors of 1882, \$3,000; said plans, specifications, and estimates to be submitted to Congress by the Secretary of the Navy in December next.

The amendment was agreed to.

The next amendment was, after line 1584, to insert:

For Naval Museum of Hygiene: For rent of quarters necessary for the preservation of objects already collected, transportation of contributions intended for exhibition, preparation of models and drawings to be used in the illustration of sanitary science and its progress affecting the Navy, \$7,500.

The amendment was agreed to.

The next amendment was, after line 1590, to insert:

To enable the Secretary of the Navy to pay the owners of the Norwegian bark Vasa for damages sustained by said vessel in a collision with the United States steamer Hartford, in March, 1877, \$133.

Mr. ROLLINS. I move to amend the amendment of the committee by inserting at its close:

That the Secretary of the Treasury be, and he hereby is, authorized to pay to Isaac A. Sylvester, for the losses and damages sustained by him on account of the collision of the United States sloop of war Lancaster with the drill-platform and sloop Derry, at Gangway Rock, Portsmouth, New Hampshire, the sum of \$2,940.

This amendment was referred to the Committee on Appropriations. Mr. ALLISON. The committee examined into that matter. I think that probably it is a just claim, but this class of claims have been hitherto paid out of what is known as the contingent fund of the Navy Department.

Mr. ROLLINS. The Secretary of the Navy says:

This amount (\$2,940) is deemed to be justly due to Mr. Sylvester, but as the Department cannot, in view of the current wants of the service, pay this sum from any appropriations for the present year, I respectfully recommend that a special appropriation of the sum of \$2,940 be made by Congress.

Mr. HALE. I hope the chairman of the committee will not make a point upon this amendment. I think it is a very meritorious claim, and there is no money in the contingent fund for its payment, as the Secretary of the Navy says.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment of the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1595, to insert:

For repairing bridge over College Creek, on the Government farm, at Annapolis, Maryland, to be expended under the supervision of the Superintendent of the Naval Academy, \$3,000.

The amendment was agreed to.

The next amendment was, after line 1599, to insert:

For repairing and extending wharf and the erection of boat-houses on Coasters' Harbor Island, \$5,000.

Mr. HAWLEY. I wish simply to inquire whether the United States has acquired title to Coasters' Harbor Island. I intended to ask the Senator from Rhode Island, but I forgot it.

Mr. ANTHONY. The State of Rhode Island has ceded that island to the United States.

Mr. HAWLEY. Has the United States accepted it? Has the United States authorized anybody to accept that island?

Mr. ANTHONY. I do not know. I do not think it has.

Mr. HAWLEY. Coasters' Island is quite a considerable ground. The approaches to it are not very good. If it is to be made so that vessels are to go up to it, there is a great deal of excavation and wharf-building to be done.

Mr. ANTHONY. No, the water is more than fifty feet deep against it.

Mr. HAWLEY. No Secretary of the Navy and no other person has been authorized to accept this additional navy-yard ground, or training-ship ground, or whatever it may be.

Mr. ANTHONY. The Senator from Connecticut gets five times as much as we do in this amendment. If the Senator raises the question on us we shall have to raise it on him, so I think he had better not raise it.

Mr. HAWLEY. I have no bargain made anywhere.

Mr. ANTHONY. No, I have no bargain made.

Mr. HAWLEY. I merely asked for information. I did not know.

Mr. ANTHONY. The Government can have it whenever it chooses.

Mr. ALLISON. I do not know whether we have any title to it or not. We are using it as a training-school. It is a naval station. I suppose we have title enough to use it for the purposes for which it is now being used. I do not think there is any trouble about the title.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1602, to insert:

That the Secretary of the Navy be, and he is hereby, authorized and directed to ascertain on what terms can be had such additional lands and water front contiguous to the Norfolk navy-yard as are deemed necessary for the construction of a wet-dock, and such other works as are demanded for the sufficient capacity and efficiency of that yard; and that he report the result of such investigations to the next session of Congress.

The amendment was agreed to.

The next amendment was, after line 1610, to insert:

To defray the expenses of removing and transporting to the United States from their present place of burial the remains of Lieutenant-Commander George W. De Long, United States Navy, and his companions, eleven in all, and for their proper burial within the United States, \$25,000, or so much thereof as may be necessary, to be expended under direction of the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, after line 1623, to insert:

For the construction of a passenger elevator for the Interior Department building, \$7,500.

The amendment was agreed to.

The next amendment was, after line 1625, to insert:

For the erection of a brick and metal fire-proof building, to be used and occupied by the Pension Bureau, in accordance with plans to be approved by the Secretary of War and the Secretary of the Interior, under the supervision of General M. C. Meigs, late Quartermaster-General, United States Army, retired, \$150,000, in addition to the sum of \$250,000 appropriated by the sundry civil act approved March 3, 1881, which is hereby reappropriated and made available for this purpose. Said building to be erected on the open space opposite the Smithsonian Grounds, at the intersection of Ohio and Louisiana avenues and Tenth and Twelfth streets, in the city of Washington; *Provided*, That the Attorney-General shall approve the title of the United States thereto.

Mr. BECK. I ask that that provision may be passed over until to-morrow morning.

Mr. PLATT rose.

Mr. BECK. I did not see the Senator from Connecticut, [Mr. PLATT.] He and others desired to look into the matter a little further. The bill will not likely be finished to-night, and I hope there will be no objection to passing over the amendment so that it may be fairly examined.

Mr. PLATT. I rose for the purpose of making the same request of the chairman of the committee, that the amendment might be passed over until we conclude the consideration of the other amendments.

Mr. ALLISON. I am willing to pass it over, but before doing so I wish to offer an amendment which I think ought to be agreed to. I move to insert in line 1640, after the word "Washington:"

Or on such other Government reservation as the aforesaid commissioners may in their judgment deem for the best interests of the Government.

Mr. PLATT. If I can have the attention of the chairman of the committee for a moment, I had prepared an amendment to come in at that point in these words:

Or upon such other Government land in said city as may be selected by the Secretary of the Interior, the Commissioner of Pensions, and General M. C. Meigs.

Mr. ALLISON. For myself I am entirely willing to accept the suggestion made by the Senator from Connecticut. I am willing that that may be inserted.

Mr. PLATT. I will then offer this amendment, which seems to be acceptable to the chairman of the committee.

Mr. BECK. I desire to make a suggestion. Is it well to take the chief of a bureau instead of the Secretary of War? I think it ought to be the head of a Department.

Mr. ALLISON. I think there is some force in what the Senator from Kentucky suggests. The Secretary of the Interior is the head of the Department having charge of pensions. The first part of the proposition of the committee leaves the matter in the hands of a commission consisting of the Secretary of War, the Secretary of the Interior, and General Meigs. I think perhaps it had better be left in that way.

Mr. PLATT. I am not very particular about the officers who shall have charge of the selection of another site, if one should be thought to be necessary. I simply want the building which is to be erected for the Pension Bureau located in a healthy place. I do not know that the place designated is unhealthy, but I think there ought to be some discretion somewhere to select another place, if it should be found upon consideration that it is an unhealthy place. There are fifteen hundred clerks to go into that building. The location is in somewhat near proximity to the famous Kidwell flats, which are supposed to exhale death and destruction all through the year.

It seems to me it is a fair question to inquire whether, if those flats are productive of malarial influences, as it is asserted upon all hands they are, it would be quite a healthy place for the building, especially during the months of August and September. All I desire to do in the matter is to provide that some other place may be selected, if that should be found to be so upon examination. I do not know that I ever heard of that place being selected until the sundry civil bill was brought into the Senate.

Mr. HOAR. Does the Senator from Connecticut think it wise to intrust these three Government officers with the power over all the Government lands in Washington?

Mr. PLATT. That was the reason why I desired that the matter might lie over until to-morrow morning. I had some trouble about it; and yet I do not think there can be a great deal of difficulty. My reason for placing the Commissioner of Pensions on the commission was that though he is not the head of a Department, he has more business under his charge, and more power, and more responsibility than the heads of some of the Departments have. I thought it quite proper to insert his name in the commission, but I do not know that I will insist upon it. I think I will take the suggestion of the chairman and accede to his amendment.

Mr. ALLISON. Inserting "the Secretary of War" in place of "the Commissioner of Pensions?"

Mr. PLATT. Yes, sir.

Mr. ALLISON. I only desire to say one word in justification of the amendment of the committee. I think nearly every member of the committee has personally investigated the square on which it is proposed to erect this building. So far from its being in the region of malarial influences, what are known as the Kidwell Bottoms, it is farther away from that region than the Smithsonian Institution, or the Bureau of Engraving and Printing, or the Treasury Department, or the War Department, or even the White House.

I will say that General Meigs himself investigated this ground, looked it over, and upon his statement I became satisfied myself, as I think did the whole committee, that this is a very excellent place for the Pension Office. It is contiguous to Pennsylvania avenue, Ninth street, and Twelfth street; cars run all around it. It is in an absolutely open space, fronting on the south the Smithsonian grounds, and has wide streets all about it. But if there is any question about it, I desire that the commission shall have authority to select ground elsewhere. What the committee desire is that the Pension Office shall be built in order to stop the enormous rents that we are paying in this city for buildings to be used by the Pension Bureau and other offices of the Government.

Mr. SHERMAN. I am surprised to hear the Senator from Iowa say that this is a desirable place for a public building. If I remember it aright (I only know it from the locality) it is a low place near the market-houses, and about the most obscure part of the city.

Mr. ALLISON. I will say to the Senator that it is two squares from the market and a square and a half from Eleventh street and Pennsylvania avenue, and about eight inches lower than Pennsylvania avenue itself.

Mr. SHERMAN. Pennsylvania avenue has been covered with water to the extent of two and three feet deep.

Mr. ALLISON. Undoubtedly.

Mr. SHERMAN. I think that to put a building containing a large number of men in that low place would not be a wise selection. I should rather strike that out and leave it to these gentlemen to say where the location should be. I have not been on the ground, only I know its locality.

Mr. ALLISON. I trust the Senator from Ohio before expressing an absolute opinion will take an opportunity of looking at the place.

Mr. SHERMAN. I have known it for a long time.

Mr. ALLISON. I think myself it is a very good location. I do not say that it is a specially good location. I would prefer a place, and I have no doubt the Commissioner of Pensions would, higher up, on K street or on Massachusetts avenue. That would be a little more agreeable, I have no doubt, but land in that region is pretty expensive, and the street-cars do not run in that direction quite as conveniently as they do in the direction of this proposed building.

Mr. VOORHEES. I desire to ask the Senator from Iowa whether I correctly understood the proposed location to be north of the Smithsonian. It is north of the Smithsonian, I understand?

Mr. ALLISON. It is north of the Smithsonian, between the Smithsonian and Pennsylvania avenue.

Mr. VOORHEES. Therefore it is upon lower ground than the Smithsonian. It is in what might be in propriety termed a low throatway of ground. There is the most singular infatuation here that I have ever known on the subject of getting that low piece of ground to build public buildings on. There is not a Senator here who has not seen it overflowed; there is not a Senator here but who has seen it very often in the last two or three years surrounded by water so that persons upon it have to be released by boats.

Yet, with a pertinacity perfectly wonderful to me, you can hardly propose a public building of any kind but what somebody wants to build it down on that piece of reclaimed ground called the Island. It has been reclaimed in the course of ages past from the sea, and the structure or quality of its soil shows it to be of that character.

To begin with, a foundation cannot be secured there with any certainty.

I do not know how large this building is to be; it must be a very considerable structure; but I wish to call the attention of the Senate again, as I did some time ago, to the fact that right down here at the foot of Capitol Hill, which is higher ground than where this building is proposed, in seeking a foundation for the monumental structure of modern statuary they had to descend through rotten earth forty feet before they could, by spiles and otherwise, find a foundation. With the pumps going all the time to keep the water from drowning the workmen, they got a foundation at last. That is the fact, and all the way down from there to the river the soil is of that quality.

Why it is that gentlemen desire to have buildings erected, even if they could get a foundation, on low ground, so that they will be overlooked by splendid heights all around them, is a mystery to me.

There is plenty of ground about this city. We are favored here. There is first one rise and then another where ground can be procured reasonably and where we can have slightly buildings. For my part I confess that I am weary of building along the brow of this first rise from the low bottoms; and to do it, to make a hole in the side of the hill as it were, as the Treasury was built and as the new State Department is being built, instead of going to some slightly rise or eminence in and about this splendid city.

I do not know whether it is the desire to put buildings in malarious ground where the breathing will be bad or what it is that wins for this soft piece of ground so much fair favor as a building spot. I admit that there are here and there little rises that can be utilized for a low building like the Museum, not a very heavy one, and the Smithsonian, and the Bureau of Engraving and Printing. There is a little ridge running across the Island that can be utilized, and has been for buildings of that kind; but I do say, after having given some attention to that part of the city as a place for building, that which is proposed here is near the old bed of the canal; it is nearly the lowest spot there is down there; and I doubt if a foundation can be got there with an excavation of less than fifty feet.

I am for this building, but I do insist that it shall not be tied down to that spot; and I suggest to the committee, with an earnest desire to expedite the public business, that this amendment should be left so that the officers in whose charge it may be will have a discretion to select a good, sanitary, wholesome piece of ground.

Mr. ALLISON. The Senator from Indiana must have been out when I offered an amendment looking to the very purpose which he has indicated.

Mr. VOORHEES. I beg pardon, I have been out of the Chamber. If there is an amendment of that kind pending I want my speech to be understood as supporting the amendment of the Senator from Iowa.

Mr. PLATT. I ask that the amendment which I suggested may be reported as it has been modified.

The PRINCIPAL LEGISLATIVE CLERK. After the word "Washington," in line 1640, it is proposed to insert:

Or upon such other Government reservation in said city as may be selected by the Secretary of the Interior, the Secretary of War, and General M. C. Meigs.

Mr. PLATT. I inquire whether that is satisfactory to the chairman of the committee?

Mr. ALLISON. I agree to it so far as I am concerned.

Mr. BECK. It is all to be passed over until the morning, I understand.

The PRESIDENT *pro tempore*. That was the understanding, as the Chair thought.

Mr. HOAR. I suggest to the Senator from Connecticut to put into his amendment that the site may be selected by these officers "with the approval of the President." This may be a very small matter with reference to these particular men, but to give any board of officers a right to put a large public building on any place they choose, right at the Capitol steps if they see fit, or to take Judiciary Square, or Franklin Square, or Lafayette Square, these officers being the officers specially interested in the building, it seems to me, is a bad precedent. It is a very important power, though it may be exercised harmlessly in the present case.

Mr. PLATT. I accept the suggestion of the Senator from Massa-

chusetts. I understand that this whole matter is to be passed over until to-morrow. I think there can be no objection to the amendment modified as has been suggested by the Senator from Massachusetts.

Mr. MORRILL. Clearly what ought to be done would be to take the ground that we already have purchased of the Freedman's Bank and extend the building there.

Mr. ALLISON. The Senator will allow me to say that we considered that proposition very fully. The trouble with that ground is that it is not large enough and that it is needed for other purposes. The truth is we ought in this very bill to begin four or five buildings in this city, instead of paying, as we are now paying, nearly \$200,000 per annum for rents, and enormous rents in many instances. That ground ought to be built upon, and it was only the desire of the committee to keep this bill from being unusually large in the aggregate amount that we preferred not to bring in a provision to erect a building upon that site.

I think a building ought to be erected there, but it will not be half large enough for this Pension Office when erected. There are plenty of other uses to which that ground can be applied. I hope the Senator from Vermont or some other member of the Committee on Public Buildings and Grounds will make a proposition to erect a suitable structure on that vacant space between the Attorney-General's Office and the White House.

The PRESIDENT *pro tempore*. The amendment will be passed over informally.

Mr. BECK. I understand now that the Senator from Connecticut and others do not care about its going over. I merely asked that it go over for the accommodation of Senators who desired to look into it.

Mr. PLATT. I think, perhaps, it is as well to dispose of it, since it meets the approval of the committee in the form I have proposed to amend it.

Mr. ALLISON. We have no care about the particular ground. What we desire is the building, and that it shall be erected on some spot where the Government owns the land.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Connecticut.

Mr. PENDLETON. Let it be read as modified.

The ACTING SECRETARY. After the word "Washington," in line 1640, it is proposed to insert:

Or upon such other Government reservation in said city as may be selected by the Secretary of the Interior, the Secretary of War, and General M. C. Meigs, subject to the approval of the President.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1648, after the word "grounds," to strike out "including permanent approaches to the House and Senate wings;" in line 1650, after the word "of," to strike out "landscape architect;" and in line 1651, after the word "workmen," to strike out "seventy-five" and insert "twenty-five;" so as to make the clause read:

For improving the Capitol grounds: For continuing the work of the improvement of the Capitol grounds, pay of one clerk, and wages of mechanics, gardeners, and workmen, \$25,000.

Mr. VEST. I trust that the Senate will reject these amendments proposed by the committee. The Joint Committee on Public Buildings and Grounds have considered in detail and with great care the expediency of making these improvements on the wings of the Capitol. Every Senator present must know from personal observation that these improvements must be made. Twenty-five thousand dollars is utterly inadequate to this work. If the amount is reduced from \$75,000 to \$25,000 it is simply saying that the work shall not be done, at least for the present.

In regard to the next amendment of the committee, which I might as well discuss now very briefly, the committee propose to strike out any appropriation for the landscape architect. I undertake to say that he is one of the best officers in the employ of the Government. He has made these grounds a marvel of beauty. He stands at the head of his profession, and he has never received more than one full year's salary. For what purpose the committee now propose to virtually abolish this officer I am unable to see. They leave a clerk here, for whom there is no necessity really. There is not half so much necessity for a clerk as there is for the employment of this architect. It is simply impossible to perfect these grounds and make the necessary improvements unless the services of this official are retained.

I have not heard from the committee what their reasons may be, and I cannot imagine how the beauty of these grounds is to be preserved, how they are to be made worthy of this magnificent building and of this great nation, if the services of the man whose genius and skill have done more than all other causes combined to put them in their present condition, imperfect though it is, are to be dispensed with. I hope that these amendments will not be adopted by the Senate.

Mr. MORRILL. Mr. President, I am very certain that the Committee on Appropriations had not the information that was necessary to decide upon this subject. It was very carefully considered by the Committee on Appropriations in the House, and if it had been supposed by the Committee on Public Buildings and Grounds of the Sen-

ate that there was any disposition to cut this down from the small appropriation made by the House they certainly would have appeared before the Senate Committee on Appropriations. Instead of the full sum appropriated by the House it really ought to be a sum very much larger, for we really ought to complete the approaches to this Capitol both upon the front and upon the wings. Of this appropriation of \$75,000, \$50,000 will be required to be spread over the grounds to put on more stone-work and to make various improvements that are already in progress; and only \$25,000 was intended to cover the approaches from the two ends at the Senate and House wings of the Capitol. Every one knows the awkward condition they are now in, and it is very desirable that they should be improved for the convenience of Senators and members of the House.

I trust that the committee will not insist upon their amendment.

Mr. ALLISON. Mr. President, I have no doubt the Senator from Vermont states correctly when he states that the Committee on Appropriations knew nothing about this. Of course we did not know as much about it as the Committee on Public Buildings and Grounds, but we believed that it was not a wise thing to enter upon the permanent approaches to the House and Senate for the reason that we knew that to complete these approaches would cost about \$600,000, and we did not believe that the sum of \$75,000 was worth while as an amount to be applied to such a purpose. I have learned that the only object of this appropriation is to arrange the grounds on the north wing of the Capitol where we enter now to the main eastern entrance and also on the like wing of the House of Representatives. If that is the only object of the appropriation, I do not know that I have any great objection. I think we had better fix the amount the same as was fixed last year, \$60,000.

Mr. MORRILL. That will not do anything, because it will take \$50,000 for the completion of the stone walls along about the grounds.

Mr. ALLISON. The landscape architect stated that he could build the wall as suggested in this paragraph for much less than \$25,000.

Mr. MORRILL. Yes; but he said he could not build both of them for \$25,000.

Mr. ALLISON. I know. Is \$50,000 required for these two walls?

Mr. MORRILL. No; I do not know precisely the amount required, but \$50,000 is required for the other improvements that are going on on the central grounds and other places.

Mr. ALLISON. I will modify the amendment of the committee by inserting "sixty" instead of "seventy-five," and let the Senate do as it chooses.

Mr. MORRILL. That will not be enough.

Mr. PLUMB. I should like to ask the Senator from Vermont, not in any spirit of criticism, what is the cost of keeping the grounds in order, if he knows, without any improvement upon them at all?

Mr. MORRILL. I know that there is not a sufficient amount so that they can be kept in such order as they ought to be; but the precise amount that is expended to keep them in order I do not know.

Mr. PLUMB. It seems to me we ought, at least, to have, out of the appropriation we make, the grounds kept in good fair order. They look to me like an abandoned patch just now. Certainly there are no private grounds that I know of anywhere in any country where it rains where the evidence of drought is more visible than on these grounds at this moment. Looking back now nearly six years that I have been here, and considering the large sum of money appropriated every year, it does seem to me that a very considerable portion of it must have been used after the fashion that Mr. Girard, I think it was, was said to have employed a man who wanted employment, to take coal out of his bin and put it back again. I cannot certainly see, with the eyes I have been blessed with, that very much has been done with a very large sum of money.

My idea about it would be—and I express it with the utmost deference, not only to the Committee on Public Buildings and Grounds, but the chairman of the committee, for whose judgment and taste I have the highest respect—that we ought to appropriate a sum of money enough to keep the grounds in order, and it ought to be applied to that purpose. Then we shall know whether what we appropriate is properly spent or not. It seems now we are appropriating a certain sum which can be used one way or the other, according as the fever for improvements or the fever for keeping up the grounds is uppermost, and the consequence is that we do not get the grounds kept in good shape and we do not get the improvements made on them.

I have seen the plan suggested by Mr. Olmsted. I do not want to disparage him by saying that I would indorse it at all, though it seems to me on the whole pretty fair, but we ought to do the work in some way so that we may get during a twelvemonth something that is completed visibly, perceptibly, for the money we spend. As it is now, doing a little here and a little there, tearing down and building up, putting up a few curbstones here, and a few there, we do not seem to make any real, tangible, substantial progress in the work of improving and beautifying these grounds and making this Capitol what it ought to be.

I admit much ought to be done. I should be glad to see that unsightly deformity on the west front of the Capitol removed or in some way modified, but it seems to me that we are pursuing the matter now in a way that does not yield any result.

Mr. MORRILL. If I shall live, I will endeavor to have a sum sufficient appropriated next year that will satisfy the Senator from Kansas. But certainly according to his suggestion there should not be any diminution from this little sum that is proposed, barely \$25,000 for the approaches on the ends of the wings of the Capitol, and these should be made whether the terrace is completed or not. We want better approaches on each end of the Capitol for the House and for the Senate. I trust the Senate will be unanimous in favor of retaining the House provision.

Mr. BECK. I consented to striking down the amount to the small sum now given in order to allow the Capitol grounds to be let alone for a year. I knew very well that if the language "including permanent approaches to the House and Senate wings" remained, it could be construed to mean to make the beginning of these permanent approaches of which we have had some beautiful pictures on the west side of the Capitol, which would cost in my judgment several hundred thousand dollars—how many I do not know. If we are going to make these permanent approaches, fifty, or sixty, or seventy thousand dollars is not more than enough to tear up what we already have, and then we should be in a condition where we should be obliged to give whatever was asked for. I do not want to make approaches to the Capitol in that way.

Mr. MORRILL. The Senator from Kentucky will understand that this does not tear up anything. It merely appropriates \$25,000 for these approaches.

Mr. BECK. I do not know whether it does or not, for there is nothing before us to indicate. Approaches have been made from Maryland avenue and Pennsylvania avenue, and steps have been laid and steps have been torn up again, and side-walls have been built.

Mr. MORRILL. Nothing has been torn up since the present landscape architect has had charge; not a foot of earth has been changed or moved since he has had charge.

Mr. BECK. We had steps made three or four feet wide at one time, and a man could not step from one to the other; and they have been changed within the last year or two, I know, and I think the change is a good one. These grand approaches that are spoken of here may be according to the very plan that the Senator from Massachusetts [Mr. DAWES] has hung up in his room for extending the west front out so as to provide for the Library. I do not want to approach matters that way. If we are going to invest a large sum of money to make approaches to the Capitol, say so. If you are not going to do it, let them alone.

Mr. VEST. Does the Senator from Kentucky mean to say that this touches that matter?

Mr. BECK. The western approach, the plan of which I have seen, will cost three hundred or four hundred thousand dollars.

Mr. VEST. It will not cost that, I am sure.

Mr. BECK. Will the Senator tell me how much those structures on the west side cost? Will he guess within \$20,000? Will he say that \$75,000 would pay for them, or will he say that they are worth seventy-five cents now that they are there?

Mr. VEST. That is not the question before the Senate.

Mr. BECK. The question before the Senate is the approaches to the Capitol, and I want to know what sort of approaches are to be made and what is going to be spent for these approaches before I vote money to tear the ground up. That is what I want to get at, and until it is determined, until we have some plan, some information, I want the Capitol grounds to be let alone for a little while. If good approaches are to be given, let us have them, let us see the plan of them, and let us know what they are going to cost.

I know the Senator from Vermont has been extremely anxious to have grand approaches made on the west side, and we have had the plans laid down, and I know the Senator from Massachusetts has had a grand plan to raise the dome and extend the building out on the west, and if these grand approaches are made they may cut off his plan, and force the Library to be put somewhere else.

I want things done directly. Let us have some information, and if we cannot get it, I am opposed to making appropriations. Here was a thing built down in the grounds on the west side of the Capitol, going from our wing to Pennsylvania avenue. What was that for? I heard it was built for a monkey-house. [Laughter.] I do not know what it is. Then, what was that thing near Senator JONES's house built for? Nobody knows, except to spend money. Then there are those two things built of granite and gilded all over, on the east side of the Capitol, and no Senator here can tell within \$20,000 of what they cost. If we can get proper information I will vote any amount of money that is needed. I have tried for five years to find out.

Mr. VEST. Will the Senator from Kentucky tell us why the Committee on Appropriations struck out the appropriation for the landscape architect? Is it proposed that that official shall cease to exist? Do the committee hold that there is no necessity for it, that things shall be left to the laborers?

Mr. BECK. We thought that Mr. Clark, who has charge of these grounds, if the grounds were let alone, could see to it that they were well cared for, and that until some definite plan is established we need not pay \$4,000 a year for a landscape architect to come here from New York twice a month to look at things. That is all he does as far as I know.

Mr. MORRILL. Let me say to the Senator from Kentucky that he is entirely mistaken in relation to the compensation of the architect. He had but \$4,000 to begin with, and he had that only for one year, and renounced one-half of it ever since. He is not a selfish man at all, and I have no doubt he would rather be retained in charge of these works than to be dismissed, even if he had no pay at all. But I think he fully earns his money by coming here and staying as long as he does every season.

Mr. BECK. My information is that Mr. Olmsted is a very able man, and I have no objection to leaving him here to look at it, and paying him any proper sum for coming and looking at it. All I say is that unless we have some definite plan as to how we shall spend the money we had better let things alone. Twenty-five thousand dollars will care for everything until the Committee on Public Buildings and Grounds can give us a plan of what they want done, and what the cost of it will be, and how they are going to do it; and until we get that let us content ourselves with taking care of what we have got.

I am willing, as far as I am concerned, to reject the amendment that leaves Mr. Olmsted out, and pay him to look at the grounds and see that nothing is interfered with; and whenever the Committee on Public Buildings and Grounds give us a good plan that they themselves will agree on, and tell us what it is going to cost, I shall be willing to vote money; but I have been much astonished and surprised at the structure put in the western grounds on the House side; it looks to me a disgraceful thing, and so with this little concern below on this side coming up to the Capitol. Surely they are of no sort of use. I do not know what they call them.

Then there is the Washington statue on the east side, with those granite things near it with gilding on top. I know they cost a large sum of money, more than is asked for in this bill, from all the information I have, and I never have seen a man yet who could tell me within \$20,000 of what they did cost. What they are meant for I do not know. If Mr. Olmsted is going to do any more work of that sort and do any more of these things, I want to see the plan of them and have the approval of the Senator from Vermont and his committee before anything is done, so that somebody may be responsible.

We shall meet here again in December, and we shall find the whole thing torn up, and perhaps it will cost four or five hundred thousand dollars to make the grand approaches on the west, and we cannot stop the work then. I want to do nothing until we are told what is wanted, and then I am willing on a proper plan to vote any amount that is necessary. I believe we had better leave Mr. Olmsted in; I think perhaps it was a mistake to strike him out. I will vote any amount necessary, but I want to know what it is for. In the approaches to the Capitol from Pennsylvania avenue there were broad steps made at one time that had to be changed, and the wall there is no improvement on the old grade as it was when we used to come up here ten years ago. I have no doubt \$100,000 has been spent in making those changes; I do not know that that would pay for them; and with these approaches the grounds do not look any better. It is certainly not safe, and until we know what is to be done we can afford to stand still and just keep the grounds in order.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations.

Mr. VEST. I understand in regard to the landscape architect the committee are willing to let that stand in the bill.

Mr. VAN WYCK. I should like to ask the Senator from Kentucky, if his position is right and only money enough is to be provided in this bill to keep up the ordinary repair of the grounds, on what he bases his opinion that it is best that \$4,000 a year should be paid to a landscape architect when there is no sort of necessity for him?

Mr. BECK. My information now is that that architect has not charged his full pay, or more than half of it, and that his supervision of these things is necessary, and when we adopt the plan which may be agreed to by Congress next session nothing ought to be done to destroy the harmony of what has been done. This present architect is known to be a man of ability and a man of integrity, as all agree.

Mr. VAN WYCK. I understand the Senator's position to be that there shall be no change.

Mr. BECK. Until December, when we can have a report from our committee. In the mean time I would rather retain the landscape architect at the salary he wants for supervision over the grounds than to run the risk of having a new man called in. All agree that there is no more competent man than Mr. Olmsted.

Mr. VAN WYCK. Will any danger arise from calling in another man?

Mr. BECK. I do not know. It is better to hold on to a man you know is good than to run the risk of a bad one.

Mr. HAWLEY. The Senator from Kentucky does no more than justice to Mr. Olmsted, a man connected with the Central Park of New York from the beginning until very lately; called in to take care of Prospect Park in Brooklyn; now in charge of the park work of the city of Boston; in charge of the park work at Buffalo, and also of the Southern Park at Chicago, an architect the most expert in that business in the United States, a man of charming character and the highest ability.

When appropriations were made some time ago and this work was begun he was called in as the man whose advice it was best to have. They put down for him a salary of \$4,000. The appropriations were

not large enough for the particular work in the style he desired, and he went to the Architect of the Capitol and said, "Put my salary down. It should not be more than \$2,000 if you are not going to expend more money than this." And he has not taken it, and does not desire it. He would rather go on and see this work through for nothing than lose the chance of seeing it done and giving it his own special and friendly interest.

The appropriation of \$75,000 proposed by the House is small enough. It does not contemplate entering on the larger improvements, the terraces around the whole west front of the Capitol, but has in view only the northeastern corner of the Senate wing and southeast corner of the House wing. Senators will remember there is but a rough plank near the corner of the building. Something has to be done to make that better. And then some of the work is to be on the east front of the Capitol.

The work, so far as has been done within six or eight years around the Capitol, is admirable, and is going to make ultimately of this building and these grounds the most beautiful spot in the world architecturally. Nor is it Mr. Olmsted's own doing. It has been done in consultation with the Architect of the Capitol, with engineers, with landscape gardeners, and with the best talent and taste of the country.

I wish the \$75,000 might stay in the bill, just that these two corners may be put in better order within the year, and I am very glad to see the disposition to keep Mr. Olmsted anyhow.

The PRESIDENT *pro tempore*. The Senator from Missouri suggests that the words "landscape architect," in line 1650, by unanimous consent, be retained in the bill.

Mr. MORRILL. Take the amendments as they come.

The PRESIDENT *pro tempore*. That is the first. The words "landscape architect" may be retained instead of stricken out. If there be no objection, the question is on the rest of the amendment of the committee.

Mr. MORRILL. I want to take the vote on the amendment in lines 1648 and 1649 first, including the word "wings," in line 1650. I trust the Senate will retain them all.

The PRESIDENT *pro tempore*. The Senator wants a separate vote? Mr. MORRILL. Yes.

The PRESIDENT *pro tempore*. Then the question is on striking out the words "including permanent approaches to the House and Senate wings."

Mr. BECK. The Senator from Iowa suggested a change of the amount.

Mr. ALLISON. I suggested \$60,000, the amount appropriated last year.

Mr. BECK. The approaches alluded to are simply those coming up on the east side and south side, and not the great central work, I understand.

Mr. ALLISON. That is the understanding.

Mr. BECK. Then I will not object.

Mr. MORRILL. Then leave the clause as it came from the House. Sixty thousand dollars will not be enough. Fifty thousand dollars is really required for other things, and it will take more than \$10,000 to make one approach.

Mr. ALLISON. I should like to ask the Senator from Vermont what other things require \$50,000?

Mr. MORRILL. Curbing that yet has to be done.

Mr. ALLISON. Where?

Mr. MORRILL. At various points.

Mr. ALLISON. I do not think we ought to spend \$50,000 in curbing.

Mr. MORRILL. It is not all for that.

The PRESIDENT *pro tempore*. Is there objection to retaining all the words in this paragraph that the Committee on Appropriations propose to strike out, and then to come to the question of what shall be the amount of the appropriation? ["No!" "No!"] There is no objection to retaining all the paragraph except the amount of the appropriation. The question then is on striking out "\$75,000" and inserting "\$25,000."

Mr. MORRILL. I ask the Senator from Iowa to put that at \$65,000.

Mr. ALLISON. I will compromise on that.

The PRESIDENT *pro tempore*. It is moved to insert \$65,000. Is there objection to that? The Chair hears no objection, and the amendment is so modified. The question is on the amendment as modified.

The amendment as modified was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States; and

A bill (H. R. No. 6520) in relation to land-patents in the Virginia military district of Ohio.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 1845) to authorize the Postmaster-General to extend the mail service in certain cases, and for other purposes;

A bill (S. No. 979) regulating fees and the practice in extradition cases;

A bill (S. No. 1120) for the relief of Eugene B. Allen;

A joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department;

A joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department; and

A joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library.

NAVAL APPROPRIATION BILL.

The message also announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, and agreed to other amendments with amendments in which the concurrence of the Senate was requested.

Mr. HALE. I ask the Senator in charge of the pending bill to give way for a moment, in order that I may call up the naval appropriation bill and move that the Senate insist on its amendments and ask for a conference.

The PRESIDENT *pro tempore* laid before the Senate the following action of the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
August 1, 1882.

Resolved, That the House concur in the amendments of the Senate to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, numbered 7, 26, 28, 29, 32, 33, 37, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 58, 59, 60, 61, 65, and 66, and non-concur in the amendments of the Senate to said bill numbered 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 30, 31, 34, 35, 36, 38, 41, 53, 57, 62, 67, 68, 69, 70, 71, 72, 73, 74, 75, and 76; and that it further concur in amendment numbered 63 with an amendment as follows: In line 7 page 21 of said bill, after the word "advantage," insert "with such necessary attachments and appliances as will render redocking of the ships unnecessary;" and that it further concur in amendment numbered 64 with amendments as follows: In line 5 of said amendment, after the word "report," insert "to the Secretary of the Navy," and at the end of said amendment add "and the said Secretary shall transmit said report to Congress at its next session, with his recommendation thereon."

Attest: EDWARD MCPHERSON, Clerk.

Mr. INGALLS. Will not the Senator explain the amendments the House has concurred in?

Mr. HALE. I have been looking over the amendments. They are simply given by number, and I find that the amendments which have been agreed to which I have marked as I have looked through the printed bill are the immaterial amendments, the amendments where verbal corrections that were made, amendments where there was a small increase or decrease of the running appropriations, and amendments of but little account.

Mr. INGALLS. What was the action of the House on the amendment offered by the Senator from Kentucky [Mr. BECK] in regard to the completion of the unfinished iron-clads.

Mr. HALE. I will come to that as I run over the bill. Such amendments as changing "these purposes" to "that purpose," substituting "thirty-five hundred" for "five hundred," "twenty thousand" for "fifteen thousand," are concurred in. There are two amendments where there are agreements with amendments that we may as well agree to.

To the amendment providing for completing the Miantonomoh and the launching to the best advantage of the iron-clad steamers Monadnock, &c., the House have agreed with an amendment declaring that the work shall be done with such appliances that the ships will not need redocking. If the Secretary will read that amendment every Senator remembering the discussion will at once see what its condition is.

The ACTING SECRETARY. In line 7, page 21 of the bill, after the word "advantage," in the Senate amendment, the House propose to insert:

With such necessary attachments and appliances as will render redocking of the ships unnecessary.

Mr. HALE. So that the amendment will read:

And to the launching to the best advantage, with such necessary attachments and appliances as will render redocking of the ships unnecessary, of the iron-clad steamers Monadnock, Puritan, Amphitrite, and Terror.

I move that the Senate concur with that amendment of the House.

Mr. ANTHONY. Is that reducing the amount?

Mr. HALE. Not changing it.

Mr. ANTHONY. The reduction of the amount was in the Senate amendment.

Mr. HALE. Yes, sir.

The PRESIDENT *pro tempore*. The question is on concurring in this amendment of the House of Representatives to the Senate amendment.

The amendment was concurred in.

Mr. HALE. The next amendment of the Senator from Kentucky reads thus:

That no further steps shall be taken or contracts entered into or approved for the repairs or completion of any of the four iron-clads aforesaid until the further order of Congress; and the naval advisory board, created by this act, is directed to report in detail by the 1st day of December, 1882, as to the wisdom and expediency of undertaking and completing the engines, armor, and armaments of said iron-clads, and whether any changes in the original plan or plans should be made, together with the cost of the completion of each according to the plans recommended, if the completion of any of them is recommended.

The House has agreed to that amendment with this amendment: after the word "report" insert "to the Secretary of the Navy," and at the end of the amendment insert:

And the said Secretary shall transmit said report to Congress at its next session with his recommendation thereon.

It seems to me we had better agree to that, and I make that motion.

The PRESIDENT *pro tempore*. Will the Senate concur in that amendment of the House of Representatives to the Senate amendment?

The amendment was concurred in.

Mr. HALE. Now I move that the Senate insist on all its other amendments disagreed to by the House and ask for a conference.

Mr. ROLLINS. Cannot we have this bill printed so that we can understand it?

Mr. HALE. It is printed.

Mr. ROLLINS. With these amendments?

Mr. HALE. It is printed with the Senate amendments all numbered. All that anybody needs to do is to send for the bill with the numbers and he will see at once how it stands.

Mr. ANTHONY. We have the bill printed as sent to the House.

Mr. HALE. Yes, sir.

Mr. ANTHONY. I should like to have it printed what the House concurs in and what they non-concur in.

Mr. HALE. I have no objection to that being done.

Mr. ROLLINS. Let the bill be printed as it stands.

Mr. HALE. The bill is printed.

The PRESIDENT *pro tempore*. Does the Senator move that the Senate insist on its amendments?

Mr. HALE. I move that the Senate insist on its amendments and ask for a conference, and that the bill and amendments be printed with the action of the House.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. HALE, Mr. LOGAN, and Mr. DAVIS of West Virginia, were appointed the conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 29th ultimo approved and signed the act (S. No. 1068) for the relief of certain citizens of Tennessee.

The message also announced that the President had on the 31st ultimo approved and signed the following acts and joint resolutions: An act (S. No. 114) to amend section 2133 of the Revised Statutes, in relation to Indian traders;

An act (S. No. 314) to designate, classify, and fix the salaries of persons in the railway-mail service;

An act (S. No. 1819) granting an increase of pension to Mrs. Elizabeth C. Custer;

An act (S. No. 838) to grant the right of way for railroad purposes through the lands of the United States powder depot near Dover, New Jersey;

A joint resolution (S. R. No. 83) relating to the memorial cards to accompany the memorial address on the life and character of the late James A. Garfield; and

A joint resolution (S. R. No. 81) to authorize the construction and maintenance of a bridge across the Saint Lawrence River.

RETURN OF REGIMENTAL FLAG.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to said regiment, and which is now in the custody of the Secretary of War; and it was read by its title.

Mr. PENDLETON. I desire that that resolution shall be put upon its passage now. I have consulted the chairman of the Committee on Military Affairs, and there is no objection to it whatever.

The joint resolution was, by unanimous consent, considered as in Committee of the Whole.

Mr. CAMERON, of Pennsylvania. I offer the following amendment to this joint resolution, to come in at the end:

And the Secretary of War is also authorized and directed to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to said regiment by the citizens of Norristown, Pennsylvania, which was captured by the confederate forces on May 12, 1864, at the battle of Spotsylvania, Virginia, and subsequently retaken by the United States troops at the fall of Richmond.

Mr. SHERMAN. I think that might be passed as a separate bill without difficulty. It is hardly worth while to encumber the joint resolution.

Mr. PENDLETON. I ask the Senator from Pennsylvania to withdraw the amendment. He can pass that as a separate bill, but do not embarrass this by sending it back to the House at this stage of the session.

Mr. CAMERON, of Pennsylvania. Very well; I withdraw the amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 3506) amending sections 1926 and 1927 of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana was read twice by its title, and referred to the Committee on Territories.

The bill (H. R. No. 3668) to authorize a change of record in the case of Lewis Rodrick was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. No. 6520) in relation to land patents in the Virginia military district of Ohio was read twice by its title, and referred to the Committee on Public Lands.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House further insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. C. G. WILLIAMS of Wisconsin, Mr. WILLIAM W. RICE of Massachusetts, and Mr. P. V. DEUSTER of Wisconsin managers at the further conference on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "public lands," in line 1696, to increase the appropriation "for contingent expenses of the office of the surveyor-general of Dakota: for rent of office for the surveyor-general, fuel, books, stationery, and other incidental expenses," from \$1,500 to \$2,000.

The amendment was agreed to.

The next amendment was, in line 1737, to increase the appropriation "for contingent expenses of the office of the surveyor-general of Montana: for rent of office for the surveyor-general, fuel, books, stationery, pay of messenger, and other incidental expenses," from \$1,500 to \$2,000.

The amendment was agreed to.

The next amendment was, in line 1769, after the word "each," to strike out "four hundred and eighty" and insert "five hundred;" so as to make the clause read:

For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding \$3,000 each, \$500,000.

The amendment was agreed to.

The next amendment was, in line 1772, to increase the appropriation "for incidental expenses of the several land offices" from \$103,000 to \$120,000.

The amendment was agreed to.

The next amendment was, after the word "claims" in line 1777, to strike out "for indemnity;" and in line 1779, before the word "thousand," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For expenses of agents employed in adjusting claims for swamp lands, and for indemnity for swamp lands, \$15,000.

The amendment was agreed to.

The next amendment was to strike out the following proviso from line 1807 to line 1817:

Provided further, That no certificate issued for a deposit of money for the survey of lands under section 2403 of the Revised Statutes and the act approved March 3, 1879, amendatory thereof, shall be received in payment for lands except at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner deposits and contracts made under the provisions of said act prior to the passage of this act.

Mr. COCKRELL. I hope the Senate will not concur in the recommendation of the committee unless some more satisfactory reason can be given for it than I have yet heard. There has been very serious complaint made in regard to the surveys of the public lands. It has been charged on the floor of the Senate that there has been maladministration in regard to these public-land surveys.

I think it is due to the Senate before we concur in striking out a proviso of this character that we should have more of the facts before us than we have now. This provision of the House bill, which seems to be a wise and judicious one, confines all certificates issued to locations within the land districts within which the lands are surveyed. What reasonable objection can ever be to that system? As the laws in force now have heretofore been interpreted, a universal field has been opened up to these certificates; a certificate issued in New Mexico could be taken and located in Washington Territory or Dakota. We have had during the present session, I believe, a resolution of instruction to the Committee on Public Lands to inquire into this matter and investigate it. I have not heard of their report. I should like to know what has become of the resolution of the Senator from Nebraska, [Mr. VAN WYCK,] which was referred to the Committee on Public Lands, instructing, as I remem-

ber, that committee to make an investigation into this subject. In other words, I should like to have some light on this question.

Mr. BECK. I want to have some light on this question too. We sat in the Appropriations Committee room for four or five days devoting the greater part of the time to hearing discussion upon this very subject. I believe the chairman of the committee has communications from the Secretary of the Interior in regard to it; and the views of persons who appeared before us were absolutely conflicting, some taking one view and some the other. I am obliged to say that I changed my mind three or four different times during the discussion as to what was best. If the Senator from Missouri, who is a member of the committee, wants further information about it I want it as well.

I can state generally that for the current year we are paying \$12 per linear mile for standard and meander lines. We have reduced that \$12 to \$9 in the present bill. We are now paying \$10 for township lines. The present bill reduces it to \$7; \$8 for section lines is here reduced to \$5; \$16 now paid for standard lines in mountainous country is reduced to \$13; \$14 for township lines in mountainous country is put at \$11; and \$10 for section lines in mountainous country is reduced to \$7. The Secretary, and those who take his view, agree that there have been a great many surveys made by young engineers who are out in Colorado and elsewhere for which they have received the high prices we have been paying. They admit that men go on to make surveys tempted a good deal by the high prices. Cutting down the prices, it is believed, will reduce to a great extent this inducement, and the thing will not be carried on to an improper extent; and if it is not, no serious damage can be done by striking out the proviso, which is entirely new legislation inserted by the House.

The Senate may not be aware of how this matter has grown up. Under the provisions of existing law an actual settler has a right to go and make a deposit of, say, \$700 and demand that the township in which his quarter-section or half quarter-section is located may be surveyed, and it has to be done. Although charges have been made that it is not done well, investigation in nearly every case proves that it has been done well; but the United States was having more surveys made than it needed, because there might not be more than one settler in a township, and still it was necessary to have all the public lands in that township surveyed if one man demanded it. The money thus paid for surveys was put in the form of a certificate which can be used by homestead settlers and pre-emptors in lieu of money.

Thus surveys have been made sooner than we needed them, and the attorneys for the Atlantic and Pacific Railroad Company and other railways now being built across the continent west claim the benefit of them so as to take up alternate sections as fast as the surveys are made. In this way large parts of New Mexico and Arizona may be surveyed where surveys may not really be needed for seventy or eighty years. It was shown that in Colorado, Wyoming, and other places the amount of actual locations was very small in comparison with the lands that have been surveyed, and that we were paying for surveys faster than we ought to pay for them.

The Senator from Nebraska [Mr. VAN WYCK] I think can throw a good deal of light on that side of the question and is opposed to the view taken by the committee. I call the attention of the Senator from Nebraska to the tables he exhibited and the reasons he gave why we should agree to the House provision; and yet there are equally intelligent reasons given on the other side, and I do not think the Senate Committee on Appropriations will feel very much aggrieved at any action the Senate takes.

Mr. ALLISON. In order to contribute light on this subject, I ask that the letter of the Secretary of the Interior that the Senator from Kentucky has called for be read. I send it to the desk.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 20, 1882.

SIR: I have received your letter of the 15th instant calling my attention to lines 1480 to 1516, inclusive, of the bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883. I think the entire proviso included within the lines 1506 and 1516 ought to be stricken from the bill. Some complaint has been made against the system of surveying called the deposit system, as provided for in section 2401 of the Revised Statutes. I have expressed my views quite fully on the subject in a letter to the chairman of the Committee on Appropriations of the House of Representatives under date of June 7, 1882. I adhere to the opinion therein expressed that it is not wise to destroy that system. I have no doubt that there has been some surveying done not demanded by the settlers; yet I think it better that large areas should be surveyed before settlements are made thereon than to leave large numbers of settlers on unsurveyed lands, unable to make title to their homes.

The deposit system enables settlers to advance to the Government the cost of the survey of the township in which they reside, the Government taking from the amount so deposited the purchase-money of the settler's lands and returning to him the balance in certificates, which by law are assignable and receivable at all the land offices in lieu of money for the purchase of land. The provision in question, if it becomes a law, will greatly depreciate the certificates, which must be the loss of the settlers.

The statute provides that such deposits shall be made by the settlers, and it is clearly within the power of the Department to see that the provisions of the statute are not abused, and that no surveys of this character are made except in cases where the settlers in good faith desire such surveys for their own protection.

I am of opinion that if proper instructions are given the surveyors-general as to the proof of settlement on the land and the *bona fide* character of such applications for survey there will be no abuse, but the system will be of value to the Government and the people. The price of the surveys as fixed by the bill will afford no temptation to parties not settlers to procure surveying for the profit to be made by so doing.

I especially call the attention of the committee to section 2401. It will be seen that such surveys are as completely in the power of the Government officials as if made under appropriation by Congress. If the provision in question is retained it will in effect, I believe, repeal the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and in such case the appropriations heretofore proposed are entirely too small for the surveys demanded by the rapidly increasing settlement of the country. The appropriation for such surveys ought not to fall below \$1,250,000 if the deposit system is abandoned or the limitation now proposed be put on the certificates issued for such deposits.

Very respectfully,

H. M. TELLER, Secretary.

Hon. W. B. ALLISON,

Chairman of the Committee on Appropriations,
United States Senate.

Mr. WINDOM. I think this a somewhat important question, and I cannot agree with the Secretary of the Interior. No one will go further than myself in providing all necessary means for securing the surveys of the public lands. I think that Congress has fallen far short of its duty in making appropriations for that purpose, and I have no doubt that small appropriations have led to the adoption of the present system of certificates. Believing that, however, I do think that the proposition of the House of Representatives should stand. I believe that it affords all necessary facilities for surveys.

By reading that provision you will perceive, Mr. President, that it authorizes certificates to be used throughout the land district in which the surveys have been made. It seems to me that goes far enough. If there are any settlers in any given land district for whom the Government does not make the necessary surveys, they may make them themselves and use the certificates within that land district. Under the present system you may survey land by the millions of acres on the arid deserts of Wyoming, Utah, and New Mexico, where nobody wants the lands surveyed for any practical purpose except to get paid for surveying them, and use those certificates in any part of the country. That has led to very serious abuses within the last year or two. I want to call attention to one or two of them.

Take Wyoming, for instance. The total number of acres surveyed in 1881 was 1,055,000. The total number of acres taken by pre-emption and homestead was 9,216. Under the existing law certificates may be used by homestead or pre-emption claimants, and these settlers, according to the Commissioner of the General Land Office, are required to make oath when depositing the money for surveys that they themselves are *bona fide* settlers in the district to be surveyed. Notwithstanding that this is the law and these parties were required to make this statement, only 9,216 acres were actually entered by homestead or pre-emption in Wyoming, while 1,055,000 acres were surveyed. I think that makes a very clear statement of the case that the lands were surveyed for the sake of the surveys and the certificates rather than for the use of settlers.

Take the State of Colorado, for instance. The total number of acres surveyed was 7,435,084, and yet the total number of acres taken by pre-emption and homestead settlers was only 115,500, a very small percentage actually taken by the homestead and pre-emption settlers of the amount surveyed.

Let me repeat these figures and I will only give round numbers. The law permits the use of these certificates for homestead and pre-emption. In Colorado there were only 115,000 acres thus used, while 7,435,000 acres were surveyed. There are several other States in which almost the same disparity between the amount surveyed and the amount used would appear.

We know that these certificates are taken in those States and Territories where the surveys are not needed, and they are carried to Dakota, to Minnesota, all over the Northwest, and used for entering land in those States and Territories. Now, Mr. President, I firmly believe that there has been a very great fraud in this business, and that it ought to be stopped. Take the surveys of last year under certificates. The total amount of certificates issued was \$1,803,975.31, and a very large proportion of that was in States where there was no necessity for surveys, where the fact as shown by the Commissioner of the General Land Office is that the settlers have not occupied the lands that have been surveyed. Let me read a brief extract from the report of the Commissioner of the General Land Office:

The vastly increased area of the public-land surveys during the past fiscal year as compared with that of previous years, is due to the facilities afforded to individual depositors under the provisions of the act of Congress approved March 3, 1879, amending section 2403 of the Revised Statutes so as to allow the assignment of certificates of deposit by indorsement, and making them receivable in payment for any public lands of the United States entered by settlers under the pre-emption and homestead laws.

The aggregate of deposits by individuals applying for surveys and declaring themselves, under oath, to be *bona fide* settlers amounted during the year to \$1,874,523.68, thus exceeding the Congressional appropriation (\$300,000) in the ratio of 6 to 1.

Very extensive tracts of inarable lands, devoid of timber sufficient even to supply posts for marking the corners of the public surveys, have been surveyed, and the topographical features, when delineated on township plats from the field-notes of deputy surveyors, fail in a majority of cases to show any evidence of settlement.

As I stated at the outset, I am willing to allow this to stand to an extent that will afford ample facility for these surveys, but it does seem to me that if the settlers have got the lands surveyed under the spirit of the law it is sufficient to allow them to use these certificates within the land district where the surveys are made, and the House bill does authorize that. It goes far enough, in my judgment.

As has been said by several other Senators, this matter has been

referred to the Committee on Public Lands, and the honorable Senator from Nebraska has given a good deal of attention to it and is a member of that committee. I should like to know whether any investigation has been made or any inquiry whatever that will throw further light on this subject.

Mr. ALLISON. There is no doubt of the fact that there have been abuses under this deposit system, and my own judgment is that the whole thing ought to be abolished. I believe that the Government of the United States ought to appropriate money enough to survey the public lands; but failing to do that, some years ago it was provided that any settler in any township could deposit money with the surveyor-general and secure the survey of that township. That went along, until a year or two afterward it was provided that certificates might be issued upon such surveys by the surveyor-general, and that these certificates could be used as money in entering homestead and pre-emption lands. The result of that was that under that law enormous prices were paid for surveys, because, confessedly, if this provision is right, under the old law we paid entirely too much for the survey of the public lands. The result was that a band of engineers or surveyors would gather together in the Territories like Wyoming or New Mexico and survey large quantities of land and procure these certificates. Then the certificates would be sold at a discount of say 5 or 10 per cent., and would be carried off to Minnesota and Dakota and other regions of our country where vast quantities of public lands were needed for settlement.

That class of surveyors came in contact with another class of speculators, the speculators in Minnesota and Dakota, who were doing the same thing; that is, they were going and depositing money in the public land offices and were thus procuring large contracts for surveys, and this scrip which came from Arizona and New Mexico and Wyoming came in conflict with their scrip, and thus in this controversy between these two classes of speculators Congress became aware of the injustice that was being done by this mode. These are the facts. The surveyors in Minnesota of course did not want the surveyors in New Mexico to be bringing their scrip up there. They wanted a monopoly of the scrip, in order that they might sell the scrip at an advance. So they came in and disclosed the enormities of these people in New Mexico and Wyoming.

The Committee on Appropriations are in thorough sympathy with the suggestions made by the Senator from Minnesota in regard to this question. We do not want these frauds to go on, and a majority of the committee believe that under the restrictions already provided in this paragraph the frauds will not longer continue. We have reduced, as the Senator from Minnesota will observe, very largely the price of surveying, so that it will not be any longer an object to speculators in Minnesota or Dakota or New Mexico or Wyoming to make these combinations and deposit a large sum of money with the surveyor-general and thus secure an opportunity of making public surveys. The margin of profit is reduced very largely, indeed 33½ per cent., by the operation of the House bill before we come to the proviso. So that on the whole a majority of the committee believed that these frauds, if you call them frauds, that have been committed hitherto owing to the fact that enormous prices were paid for the surveys would no longer continue under the reduced provisions of this bill.

Mr. COCKRELL. Will the Senator answer me this question? I understand his position is that because of the reduced compensation paid for surveys these frauds will not be carried on to the extent they have been. Is that the position?

Mr. ALLISON. That is one position. That is not all.

Mr. COCKRELL. Now, will the Senator say that the proviso put in this bill by the House will not absolutely stop all chances of fraud? Does it not cut it off absolutely without any ifs and ands about it?

Mr. ALLISON. If I were to exert myself with the vigor of my colleague upon the Committee on Appropriations I should answer him yes; but we must remember that as long as we make these small appropriations for public surveys a settler, even in Wyoming or New Mexico, has some rights. We must not provide simply for the regions of country in Minnesota and Dakota, where lands are valuable. A settler now and then goes to the arid regions, and he has a right to have his land surveyed in some way, and if he does have it surveyed at cost price, it seems to be a very hard measure indeed that he shall not be permitted to use the certificate which he receives for the amount of money which he pays into the office of the Surveyor-General in payment for land.

That is all there is about it. The Committee on Appropriations have no special wish in the matter. The majority have thought it wise to strike out this proviso. For myself I care not whether it is out or in.

Mr. VAN WYCK. Mr. President, I should not trouble the Senate with any considerations or suggestions at this time upon this matter except for the fact that the Senator from Missouri, and also the Senator from Kentucky, both on the committee, and the Senator from Minnesota alluded to the fact that early in the session I had called the attention of the Senate to this matter by a resolution which set forth the difficulties and frauds which were committed by the system, which have been substantially acknowledged to be correct by both gentlemen of the Committee on Appropriations who have spoken, by the Senator from Kentucky as well as the Senator from Iowa. That resolution was referred to the Committee on Public Lands. An investigation was had far enough by them to show that

the specific matter of the resolution was correctly stated; that there were abuses and frauds under this system of special deposits. That the Senator from Iowa admits by a nod of his head, and also by word of mouth.

These abuses and frauds were clearly demonstrated to be in the office of the Land Commissioner of the city of Washington. So there was no need that this matter should be pursued any further by the Committee on Public Lands. The facts stated in the resolution were established, established to such an extent that the committees of both branches have come to the same conclusion. The House committee directed their attention to this matter, and they found that the abuses and frauds under the law and under this management existed, and they directed their attention to the remedy; not to strike out the whole system of surveys by special deposit, not even to put it back where it was before 1879, but to strike a middle course which would secure all that was intended to be secured by the system and protect the Government from frauds and abuses which the Committee on Appropriations this very hour admit exist and have been perpetrated under the existing system.

The committee of the House, as well as the House itself, by a very decided majority, after full investigation and consideration, agreed on this proviso in the bill. It has been thoroughly examined by the committee and by some members of this body.

I supposed that when I called the attention of the Senate and made some few remarks on this matter, and also furnished the proof necessary, my duty ended, and I made no sort of preparation to say anything further on the subject. My only excuse for rising now, when I desired not to do so, is that allusion was made to the resolution and to the investigation in such a way that I did not feel at liberty to let the matter pass without making a suggestion.

The fact that abuses and frauds exist to a very great extent in this matter is conceded. Now the question is, how is it proposed to remedy these frauds and abuses? The law, in the first place, before 1879, which extended the benefits of this system to the settlers on the public domain, was intended to reach the actual settlers of the country. It was not the mining interest, because that was not troubled by the law originally; it only applied to the agriculturist, the settler upon the public domain, that he might know exactly the lines of his farm, that he might be enabled, if he happened to be where there had not been a full public survey, to deposit \$600, which was supposed to cover the cost of the township survey, for which he received certificates. That law provided that the certificates might be used by pre-emptors paying for their lands within the township surveyed, because that law contemplated a survey where more than one settler lived in the township; otherwise, if there was only one or none, (as in hundreds of cases where lands have been surveyed in Colorado and New Mexico, where there were no improvements and no settlers,) it would be asking a great deal of the Government to pay \$600 to survey a township where there were no entries being made. That law, which was supposed to be beneficent when it was passed, was afterward in 1879 amended.

If the gentlemen of the committee had had their attention called to the peculiar manner in which that amendatory act became a law in 1879 it would certainly have aroused some suspicion. It went through this body with very little suggestion and went to the House of Representatives late in the session. The House Committee on Public Lands, after they examined the bill, struck out all after the enacting clause and left the title only, and instead of this little provision to survey the public lands they inserted a timber-claims act, as they thought it would be a great deal more for the benefit of settlers.

That bill as amended did not come back to the Senate. It was near the end of the session; the reaction passed the next session came; it slumbered till nearly the close of that session. It never came back to this body; it slumbered till nearly the close of that session, and then what was suggested? That this bill had been lost, when the committee and the House had taken the bill and struck out all of it and put in a timber clause. But it was said then that it had been lost. The Speaker announced that it was lost, in the interest of those who wanted it lost, and a resolution was passed that the House should ask the Senate for another copy of the bill. Strange that no member of that body or of its Public Lands Committee should have risen and said, "No, the bill was not lost, it was defeated."

This was only two or three days before the end of the session. The bill was called back from this body on the pretense that it was lost, and they immediately put it on its passage. What developed at once? It was developed that these certificates were on hand to be located. It gradually grew until in a little over one year \$2,000,000 were abstracted, possibly not in money from your Treasury, but abstracted from your public domain.

It is said these lands should be settled. I ask my friend from Kentucky, I ask my friend from Iowa, was there any necessity for surveying 7,000,000 acres of lands in New Mexico; was there any necessity to survey 7,000,000 acres of land in Colorado? I ask both these gentlemen if they believe in the interest of any administration, if they believe in protection to any settlers that it was necessary to pay \$600,000 in about sixteen months to survey public lands in the State of Colorado when only about sixty or seventy thousand dollars in value were entered by settlers and pre-empted in that State during that time?

Need anything more be said? That a huge fraud grew out of

this is conceded. If gentlemen had time to examine as it appears in the General Land Office, they would find in the map of Colorado every township marked so as to show the improvements, some of them not one-half the sections taken, most of them very few, some only one ranch. In New Mexico seven million acres surveyed and in the larger portion of the townships not even a single ranch or a corral, no improvements, no settlement, showing this to be an absolute fraud on the Government.

And now my friend from Iowa says this can be held in check by Government officials; that is what the letter that was read stated. The Government officials have had charge of it for the last two years, and the public domain has been robbed and plundered, and both these gentlemen admit it. It was in the hands of the Government officials during the past two years. Do you put it anywhere else for the next two years? You leave it there. You may say that the present Land Commissioner is probably more efficient and more careful. Grant it; but what guarantee have you of the length of service of an official who gets a reputation for honesty and the protection of the land and treasure of the people from those men who seek to plunder and destroy them?

It is too weak a protection to stand between the rapacity and cupidity of men on the one side and the Treasury, or what is the same thing the public domain of this nation, on the other.

My friend from Kentucky the other day told the story of the man who offered to hold the stakes, when it was suggested that it would need somebody to hold the man. That is exactly it. Here are men appointed to protect the domain of this nation. Who is to hold them? Here is their record for the last two years. Two or three hundred thousand dollars' worth of land gone. Was the land entered by the men you say this law was made to protect? Do you believe it? Hundreds of thousands of dollars have gone to survey the hills and rocks of Wyoming; and \$3,000 worth of land was all that was entered there.

Who would suppose that it was necessary to say a single word on this matter? There is the proof conceded, undisputed; frauds and abuses admitted, and yet you retain the system, and you give us nothing in place of it. You say you reduce the price of surveys. My friend from Iowa probably does know that heretofore the price paid for public surveys has been such that your surveying contracts were let out to favorites. It has been so in all administrations. I suggest to my friend from Missouri that when the Democratic party were in power it was so. That has been the system. The price of surveys has been sufficient to enable them to have the surveying done, and one-half of the proceeds of the contract for surveying has been divided among personal and political favorites, the other half paid for the actual work of the survey. That was where the "little joker" was in this case. Two million of survey in sixteen months, and one-half of that was profit.

This public-survey system has been a sort of political hospital out upon the prairies and in the mountains.

Where is your evidence of better administration? To-day the same men are named by the President and confirmed by the Senate. You have done it here; you have sent men in here as surveyors-general to take control of this branch of the Government—of the public-land laws—who know nothing about surveying or the discharge of duties which they can only learn either by being educated to it or having grown up as surveyors. No heed is taken of that. Will you be safe in going to the country on this matter when all your reliance is upon a better administration?

I admit that our Committee on Appropriations are treating this question fairly; but if this law is to be preserved to protect the settler, then I ask if he is not protected by allowing the certificates of deposit to be used within the land district? Before the law of 1879 they might be used in the township; since the act of 1879 they can be used anywhere, and are assignable. They are by the bill allowed to be assignable, and are allowed to be used anywhere within the land district. New Mexico is a land district. They get the benefit of them. Nebraska is a land district, and they can be placed anywhere in Nebraska. What more should be asked?

I think my friend from Iowa admitted that the honest settler, if he desires a survey, will be protected by allowing the certificate to be used within the land district where the survey is made. That, I understand, is the proposition made by the House. In the face of the fact that the abuses and the frauds of this system are admitted and conceded, I ask how it is possible to vote to continue this system which is conceded to have been fruitful of such results?

The proposition of the House is a compromise in this matter; it protects the honest settler in a measure, and it protects the public domain.

Mr. PLUMB. Mr. President, I have an impression about the method in which the act which has been a subject of animadversion by the Senator became a law; and sometimes I suppose Congress does good by stealth.

The original purpose of this law was a good one. It has been abused somewhat, but still I think on the whole that abuse is reduced to rather modest proportions when you come to consider it. The abuse has been, I think, largely one of administration. Perhaps the legislation of Congress had something to do with it in increasing the prices for surveys, and still I will not say that the prices for surveys have been enormously large, but it is so alleged, and I am willing to admit it.

The Committee on Appropriations of the House met that phase of the controversy by reducing the price of surveys to a very moderate limit, within which it is conceded everywhere, I think, that no profit which is unusual or extraordinary will inure to the benefit of the surveyors.

Now what was the original proposition? The proposition was to make a system of surveys which could be adjustable according to the necessities of the frontier. In the first place, we have a class of surveys denominated "public surveys," as distinguished from the deposit system, which are paid for directly by appropriations out of the Treasury. We have appropriated every year for a number of years \$300,000 for what are called public surveys. That sum, under the direction of the Secretary of the Interior, is divided among the different surveying districts of the United States. There is so much to New Mexico, so much to Dakota, so much to Nebraska, so much to Washington Territory, so much to Oregon, so much to California, and so on; and that sum necessarily has been, as it will be hereafter, controlled by the surveyors-general of the respective districts to which the assignment is made.

The surveyor-general under the law lets a contract within the limits provided by the statute for the expenditure of this money and makes the surveys within his district. He says in effect what lands shall be surveyed; he says it upon his judgment *prima facie* of what the necessities of his district require in regard to settlement. I have no doubt that under that assignment many surveys have been made of lands not yet occupied. I have no doubt surveys have been made of lands that will not be occupied for many years to come. I have no doubt there have been minor abuses under the operations of this general law, and there will always be a liability to abuse under the operations of any law where discretion is lodged with anybody.

The experience of the country demonstrated that enough money was not appropriated to enable the surveys to keep pace with settlement. It was therefore provided that if citizens of the United States went upon public lands in advance of the survey they might provide for their necessities by depositing with the surveyor-general the money necessary to survey the lands they were interested in. Bear in mind that you cannot survey under our system of surveying and under any system of surveying anything else than a township of land, thirty-six sections. It would not be economy to do it; it would not be policy to do it; it would not be possible to do it, because you cannot make any alignment or any connection with subsequent surveys unless you survey a township.

It may possibly seem to some persons that it is not wise to survey a township of land in advance of the immediate demands of settlement, unless that township is settled up, unless every quarter section of that township has a settler upon it, or at least half the township; but I beg the Senate to observe that we have not dealt thus with the pioneers of our frontier. Wherever any man goes out upon the public lands to make a home upon the invitation of the Government, the Government interest in that man is that it will survey the land he seeks to enter, even if it is but forty acres, and in order to get that forty acres surveyed there must be a township of land surveyed. We do many things by anticipation. It costs \$700 to survey a township of land, and I think on the whole that \$700 is not thrown away, even if there is not at that particular moment of time more than one settler on that township of land.

In order to make a system of surveys which should be adapted to the necessities of the frontier we provided that a man might deposit the money necessary to survey the township upon which he was located, or one or more men might do that, and thereby place around their possessions a boundary in order that they might obtain title. Subsequently the law was enlarged by a method which the Senator from Nebraska thinks was not entirely right—I do not know anything about that—so that the certificate which a man got for the money he deposited might be used elsewhere than in the entering of those particular lands; and that was right, as I think any one will see in a moment.

Here a man goes out onto the public lands in Dakota and seeks to enter a quarter-section. The price of that land when he enters it is a dollar and a quarter an acre, which is \$200. If he enters it under the homestead law the total fees are \$14, but he is required to put up \$700 in order to get the benefit of his land, and the law as it originally was was to the effect that a man should get a certificate to the amount of \$700, but it could only be used in that township, that is to say, practically in paying for the land surveyed by the deposit of his money. Every one knows that the men on that frontier do not go there because they want to, they go there because fortune has been unkind with them in some other quarter. It is sometimes a burden to go one hundred, two hundred, or three hundred miles, as they must necessarily go in order to reach the nearest land office and enter their land and pay the \$14 fee required by the Government for a homestead. Whether it is \$14 or \$200, it is a burden generally very seriously felt by the persons on whom the burden falls.

The law subsequently was amended in the right direction to allow the man who deposited this money to obtain a certificate of the deposit, and allow that certificate to be located elsewhere than in the township which was surveyed by the deposit, in order that it might have a commercial value and then enable the person who had deposited the money to realize back again that which he had paid for the survey of the land of the Government, and practically speaking

the law could not have been carried out if some such device had not been adopted, because the man who goes on to that frontier with \$700 is as one in a thousand, he is as one in ten thousand. The men who go with their families. The little wagon holds everything they have in the world, and food and supplies enough to get them to their location, but almost nothing else. So it was impossible to carry out this law as originally intended unless a man was authorized to get from the Government something he could use as money in place of the money he was obliged to deposit for a survey.

About two years ago these surveys commenced to be carried on upon a pretty large scale, and I may say here—and I think I am entirely justified in saying it—that grew out of the unfortunate fact that the circular issued by the General Land Office used a word not in the law.

Mr. SAULSBURY. Will the Senator allow me, before he passes from the point as to these moneys being paid by men located upon the land and wanting to have their boundaries established, to call his attention to the language of the Commissioner of the General Land Office? The Commissioner says:

Applications for surveys are fraudulently prepared by or through the instigation and management of deputy surveyors, who, for the purpose of securing the contract for making the survey, either themselves or through friends advance the money for the deposit, thereafter sell and assign the certificates, and thus reimburse themselves and secure their profit from the surveying contracts.

The applications for these surveys, I understood the Senator from Kansas to state, were made by persons locating the lands on which they lived. It seems that they were not made by persons who are *bona fide* settlers, but in order that profit may be made out of surveys.

Mr. PLUMB. I was just coming to that point. What I would have said in a moment or two would have covered that, I think, like a blanket.

I was saying that the whole trouble, or a large portion of it, I think, grew out of the fact that after the law said settlers only should make this application, unfortunately in the wording of the circular of the General Land Office the word "persons" was substituted for the word "settlers."

Mr. VAN WYCK. Will the Senator stop long enough to explain the expression "unfortunately." I want him to explain how it was unfortunate. When we appoint a public officer, a man of intelligence enough to be Commissioner of the General Land Office, and he, with the law plainly before him which applied only to settlers, deliberately sat down and opened the door to these frauds by saying "persons" in violation of the law, now you tell us that it is safe to leave it in the hands of Government officials.

Mr. PLUMB. It is unfortunate in this world of ours that we have to deal with human beings. I have no doubt in that better land to which the Senator from Nebraska will some of these days be deported that he will deal with somebody entirely free from all the ills of flesh, and that he will not have to deal with a Government official at least who seems to have somehow or other come under his ban.

I used the word "unfortunately;" the Senator from Nebraska can treat that as he chooses; he may call it malevolently, corruptly; I do not so say; I say "unfortunately," because I am not now trying anybody; I am speaking now of the system, and I say the trouble has been with the administration rather than with the system.

As I said, the unfortunate substitution of the word "person" for the word "settler" has led to very much, if not the whole of this trouble. But that is not all. While we are looking for the responsibility a part of it has been due to legislation as well. Congress never has provided the means of inspecting these surveys nor the books of the surveyors-general in any way whatever. Persons come in and state, "We have settled down on this land;" the surveyor-general sits there with his hands in his pockets and he must take their statements. The Commissioner of the General Land Office was in a similar condition, he had nobody to send out to ascertain whether there were settlers there or not, and he had nobody to ascertain whether the surveys were performed with fidelity. We have endeavored to remedy that in a bill recently before us. We have provided for an inspection of the offices of surveyors-general in the legislative, executive, and judicial bill which has been passed by the Senate and by the House and is now in conference and will undoubtedly become a law, and in the prior part of the provision which is now the subject of this debate is an appropriation of \$50,000 for the inspection of surveys.

I want the Senator from Nebraska and everybody else to understand that whatever fraud there has been in assuming to survey and in surveying must equally have attached to the regular surveys as well as to the surveys under the deposit system. There has been no way of doing the one that has not been accomplished in the other.

If a man who should make a survey under the deposit system has not done it, thereby defrauding the Government, there is just as much reason to suppose there has been equal fraud committed under the regular system, because there has been no method of inspection in either case. A remedy is provided against that in this bill most carefully, and hereafter I do not think it is possible that any one shall assume to make a survey and get his pay for it without that survey actually having been made.

Something was said by my friend from Minnesota in regard to that practice. I am surprised that a man knowing the operation of the

land laws should make the extraordinary statement that he did when he pilloried this system, as he thought, by the statement that there had been only 9,000 acres of land entered in Wyoming, and therefore no land had been settled upon. Under the homestead laws it requires five years till a man can enter a homestead, and this land may have been surveyed five years before. If the Senator will go to the Land Office here he will find that it may be seven years, because under the practice a man may wait two years after the five before he makes his final application without forfeiting his right. So it may take five years and perhaps seven to disclose the actual fact of entries of public land in the Territory of Wyoming.

But we have done a great many things. The whole western part of the State of Kansas was surveyed ten or fifteen years before settlement and long before the deposit system was adopted. There are millions of acres surveyed in Nebraska to-day that have never been entered and that will not be for years to come.

I can remember well when what is now the Atchison and Topeka Company was discussing the question whether it would build through the State of Kansas or not; when it was believed that every acre of land west of the town of Newton, only one hundred and fifty miles west of the eastern border of Kansas, was perfectly worthless; and yet they have sold millions of dollars' worth of Kansas land west of that line and west of that point, which is the most profitable land in Kansas.

In other words, the boundary line we put between the arid and sub-arid region and what are known as the fertile lands of this country has constantly shifted. There is not a year that that line does not move west at least the width of a county. Men talk about arid land in New Mexico, Arizona, and so on, but I say from my experience during the past twenty-five years that there is not a foot of land on the American continent in the soil of which there are the elements of fertility that will not some day, and within a comparatively brief period, be brought into a condition suitable for cultivation. When you talk about arid land it must be land on which there is no soil, because it is a truism in that country that the men who go into it carry with them all that is necessary to make the climate yield to their necessities. Wherever man has planted himself on that western frontier, and has staid with any degree of persistency, he has lived to see that climatic change which has made profitable cultivation possible.

As I said, there are millions of acres of unsettled land to-day in Kansas which have been surveyed for twenty years, and I suppose on the whole that some cheap economist would sit down and compute the cost of that at 5 per cent. per annum, and say the Government has wasted money in surveying that land. So he would say now in regard to the survey of land in New Mexico in anticipation of a settlement yet to come, that the Government is losing money because it pays 3 or 4 percent. on the public debt, and it is surveying these lands in advance of the needs of settlement.

Mr. President, the American people have always done things wrong end first. We have built our railroads in anticipation of public settlement. We have made our surveys in anticipation of public settlement. We have extended our mail service in anticipation of public settlement. What is the result? No well-ordered American citizen will go anywhere that the Government has not had enterprise enough to go in advance of him. He says, "If the Government wants me to settle that land it must survey it; if the Government wants me to go into that country somebody must build a railroad there." He has a decent respect for himself and says wherever he goes he wants all the appliances of civilization to go along with him, or if not along with him, in advance of him, the mails, the telegraph, and everything else.

So if nothing can be said against this system except that these are surveys in anticipation of settlement, that is in its favor. If you can show me that one man has got a contract to survey the public land and that he has actually not surveyed it, undoubtedly it is the fault of the Government. One of the counties of my own State paid \$2,000 out of its own treasury to resurvey the public lands in its limits because the survey had not been properly done. It will be the millennium, which the Senator from Nebraska hopes for, before we shall get all surveyors to do precisely what they have contracted to do.

But are we to stop all the public business? Are we to stop surveys of the public lands because forsooth somebody says these things are not done perfectly and the Government is cheated out of a few hundred dollars? Is it not the part of wisdom to say we shall continue the invitations of people to go on the public lands? We will widen, we will broaden, we will make more effective the opportunities to acquire land, and along with it we will put the appliances of legislation and see that every dollar we put on the public domain shall be properly expended. We have done that in this case, and I believe that whatever may have been done heretofore, neither denying nor affirming, under the operations of the cheaper system of surveying here provided for, and under the operations of the thorough and complete and exhaustive system of inspection which we have provided for in this bill and in previous bills, I believe fraud in the public surveys will be comparatively unknown hereafter.

I am thinking of the future. The fact is I have got so much of my life ahead of me yet that I cannot think of what has passed. I am thinking of what is to be done rather than of what has been done; and if the Senator from Nebraska or somebody else says that some

law is enacted badly I say that thing is closed up and closed out; let us go ahead; it has been a question of administration and not a question of legislation, as I believe, and I think this law now will be administered to accommodate itself and adjust itself to the growing interests of settlement in remote districts of the country, and will be as free from fraud as any other law we can pass, and unless we simply stop and say because some frauds have heretofore occurred therefore we will have no public survey at all, the best course is to do what is here proposed.

The Senator from Nebraska, I have no doubt, and others who oppose this bill would rather appropriate \$1,200,000, as the Secretary of the Treasury estimates for all the surveys, and then what? Where is the guarantee that that money will be better spent than the money applied to surveys under the deposit system? What is the difference? A surveyor is a surveyor. He is not an angel of light because he happens to survey under the Government for cash. He is the same kind of a man; he labors under the same officers; he gets a contract from the same source; he is amenable to the same power for the manner in which he carries on the contract; there is not a single feature of these contracts that is not mutual, that is not equal in both branches of the case.

Mr. VAN WYCK. I desire to say a word or two in answer to my friend from Kansas. My friend says that the protection we have in the future is that the Government—

Mr. PLUMB. We have three inspectors of the offices of surveyors-general, and we have appropriated \$50,000 for the inspection of surveys in the field.

Mr. VAN WYCK. My friend from Kansas says there is hope now, it is true we have been plundered in the past. My friend utters not a word of defense for the past. That is substantially conceded. It is conceded by every member of the committee who has spoken on this subject. Now, there is hope in the future, because we have \$50,000 appropriated to watch the surveys in the field. Will my friend make a note of one thing, that while in the Senate an amendment was placed that men should be appointed who should have some knowledge of the business for which they were actually appointed, that is, that they should not be as men in the public service appointed without any regard to their fitness and qualifications, but that these three men should be specially qualified to discharge the duties of inspectors; yet, when that went to the other branch, it was there stricken out. Have we any indication that we are to do better in the future because the other House has said no qualifications are needed for the appointment of these three inspectors? I should like the gentleman to go back and see if he can find in the last ten years the appointment of a surveyor-general who, at the time of his appointment, had any fitness or qualification for the office? Not one.

The \$50,000 will be paid to the same class of men who are sent out to watch the public surveys. What guarantee have you in that? My friend is hopeful. He says the door was opened to these frauds. He admits them and places them upon a previous Land Commissioner. A previous Land Commissioner did all the devilry; he says he invited all these men to come in. They thought they had a good thing when the bill passed, but they wanted more.

A law was passed in 1879 for "settlers," but this Land Commissioner stated "unfortunately," my friend says, that the Government statute, which did not authorize anybody and everybody to come in, said "person." My friend from Kansas, who is so hopeful of the future, says that was unfortunate on the part of that Commissioner, and yet that Commissioner, who was so unfortunate in the use of language, has been here within the last few days before this Committee on Appropriations begging them to strike out this very provision.

Mr. PLUMB. I can say to the Senator from Nebraska that he is certainly mistaken in regard to that. He was not before the committee.

Mr. VAN WYCK. Was he not before the sub-committee?

Mr. PLUMB. Who?

Mr. VAN WYCK. Williamson. Was he not before the sub-committee?

Mr. PLUMB. I was not on the sub-committee.

Mr. LOGAN. If the Senator will give way, as he wants to continue longer, I will move an executive session.

Mr. HOAR. Had we not better finish this? The Senate is ready to vote, and we shall have the discussion all over again in the morning.

Mr. ALLISON. Has the Senator from Nebraska finished his remarks?

Mr. VAN WYCK. Not quite. I wanted to speak of the officials of whom my friend from Kansas is so hopeful.

Mr. ALLISON. If we can have a vote on this point I shall be glad.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out the words which have been read.

Mr. COCKRELL. But one word. Under the law in section 2403 of the Revised Statutes where the settlers make deposits they can use the certificates in payment of land situated in the township in which the deposit was made. There was no fraud and no complaint of that. When the law of March 3, 1879, which opened this door, was passed frauds were committed and complaints have been made all over the land. Now every member of the committee admits that

this clause coming from the House will absolutely prevent fraud. Then why oppose it? I hope the amendment of the committee will not be agreed to.

Mr. SAULSBURY. Does the House provision repeal the act which makes the certificates assignable?

Mr. COCKRELL. No; but it confines the certificate to the district in which the land is situated.

Mr. SAULSBURY. It ought to confine it to the township and repeal the act.

Mr. VAN WYCK. So I said; but the House thought it better not to go so far.

Mr. COCKRELL. It is confined to the land district. I hope the amendment proposed by the Committee on Appropriations will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations to strike out the proviso from line 1807 to line 1817.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1823, before the word "dollars," to strike out "sixteen" and insert "thirteen;" so as to make the clause read:

For preliminary survey of unconfirmed and survey of confirmed private land claims in New Mexico, at a rate not exceeding \$13 per linear mile, and office expenses, \$8,000.

The amendment was agreed to.

The next amendment was, in line 1827, before the word "dollars," to strike out "sixteen" and insert "thirteen;" so as to make the clause read:

For preliminary survey of unconfirmed and survey of confirmed private land claims in Arizona, at a rate not exceeding \$13 per linear mile, and office expenses, \$8,000.

The amendment was agreed to.

The next amendment was, after line 1828, to strike out the following clause:

For the survey of about one hundred donation claims in Louisiana, in the Greensburg district, confirmed for six hundred and forty acres each to actual settlers under various acts of Congress, \$8,000.

The amendment was agreed to.

The next amendment was, in line 1834, after the word "continue," to insert "as heretofore;" so as to make the clause read:

To enable the Commissioner of the General Land Office to continue as heretofore to reproduce worn and defaced official plats of surveys now on file, and other plats, constituting a part of the records of said office, and also to furnish local land officers with same, \$20,000.

Mr. HOAR. I make the point of order on the words "as heretofore" in line 1834—a very small phrase, but it makes new legislation by confining the Commissioner to a method once used.

The PRESIDENT *pro tempore*. The point of order seems to be properly taken.

Mr. HOAR. The Commissioner now has a discretion to deal with this thing as he chooses, but the putting in of the words "as heretofore" requires him to do it in the particular way he did it last year or the year before and takes away his discretion. I raise the point of order on that amendment.

The PRESIDENT *pro tempore*. That alters the law. Of course the point is well taken.

Mr. ALLISON. I do not see how it alters the law.

Mr. HOAR. It compels the Commissioner to do it in a particular way by legal enactment "as heretofore," as much as to say that an officer having had this discretion for years and exercising it shall not now be allowed to do what he has been in the habit of doing.

Mr. HALE. He shall do it in his discretion as he has done it heretofore. The presumption is that he has done it according to law heretofore, and must do it hereafter as he has done it heretofore. Really there is no change in the law.

Mr. HOAR. If there is no change in the law what in the world are the words put in for? The Commissioner has a right, under the direction, of course, of the Secretary of the Interior, to have this done in any way he sees fit, spending the money in a certain way. He has had that power for several years, and he has seen fit to do it in a particular fashion. He might have done it in any one of a hundred other fashions. Now the law ties him up so that Mr. Teller, the present Secretary, cannot change the fashion of his predecessor, although under the legal discretion he may desire to do so.

Mr. HALE. I do not believe that any other Senator could have found, by the most careful and painstaking scrutiny, anything in this excepting just as it reads: "To enable the Commissioner of the General Land Office to continue," as he has been continuing, "to reproduce worn and defaced official plats of surveys now on file." He has always been doing it, and this is to authorize him to keep on doing it just as he has been doing.

Mr. HOAR. Why put in the words "as heretofore?"

Mr. HALE. Because that recognizes the fact that it is not a new thing, and we give the appropriation this year, we recognize it, we give an appropriation for a continuing work. In the river and harbor bill we say "to continue as heretofore the improvement on such a river;" that is to say, it is work that has been done. There is not anything in that matter changing the law.

Mr. HOAR. The Senator from Maine of course is sincere; it is impossible for him to be otherwise.

Mr. HALE. I know I am sincere.

Mr. HOAR. As it is impossible for him to be otherwise he will pause a little, I think, in his statement. The provision of the bill as it came from the House was:

To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys now on file.

He does that. The last Commissioner did it by ordering the work to be done in the Bureau of Engraving and Printing. He had a right, however, to do it by advertising for the lowest bidder, which the present Commissioner of the General Land Office and the present Secretary of the Interior want to do. If you had wanted simply to enable him to do just what he could have done before, that is, exercise his discretion in the matter and do what he found best for the Government, you would have left it as the House left it, "to enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats," &c. Then if Secretary Teller had desired to withdraw this instrumentality he would have done it; but somebody has got the committee to add to the usual phrase which is in all provisions for public improvements, as the Senator says, to continue the work, to continue to do it "as heretofore," that is, in the method in which the last Secretary elected to do it.

Mr. HALE. That is certainly a very narrow limitation on those words. I suppose it has been done in a half dozen different ways.

Mr. HOAR. Why put in the words "as heretofore?" To bind him by law to follow his predecessor's example.

Mr. HALE. Why not a pre-decessor? I suppose it has been done half a dozen different ways.

Mr. HOAR. It has never been done in half a dozen different ways.

Mr. HALE. I never heard of this before.

Mr. HOAR. So I supposed.

Mr. HALE. That anybody should have found in these words a change of the law is certainly a brand-new thought to the Committee on Appropriations; at least it is to me.

Mr. HOAR. There is no use in dignifying this matter; there is a desire on the part of the photolithographic persons to have their competition recognized by the Department in the making of these copies. Now, you said in the matter of the Patent Office that although Mr. Osgood could do it in Boston for probably 25 per cent. of the cost to the Government, yet that it was not safe to allow the Patent Office records and the original specifications to go to Boston or elsewhere out of the custody of the Government officers to be copied, and then there was a struggle on the last bill to allow that portion of the old patent records as to which there was no particular risk to the Government in having them go out of the town to be copied, and I was met by a point of order, although I produced a letter written by the chairman of the Committee on Appropriations, the Senator from Iowa, from which it appeared that the original impression had been got at without the action of either branch of Congress in a conference. Now comes this provision in relation to "worn and defaced official plats of surveys, now on file," and the same persons who got that in the conference committee have got in these two little words which are as much a change of that law as can be.

Let me repeat for the information of my friend from Maine that as the law now stands and has stood for a few years since this work was originally authorized, the Secretary of the Interior had the right to make a contract with any person as he thought the interests of the Government required him to do, where he could get it done the cheapest and best for the public; but in point of fact the last Secretary of the Interior thought best to employ the instrumentality of the Washington Bureau of Engraving and Printing. The present Secretary of the Interior and the Commissioner of the General Land Office, as I understand, would like to have the advantage of competition, and the bill as it came from the House permitted them to do it.

Mr. HALE. If the Senator sees any limitation, rather than have any discussion I will let it go.

Mr. HOAR. You have put in this bill that it shall be done in the way in which the last Secretary elected to do it, taking out all the power.

Mr. HALE. Does the Senator believe that if he was Secretary of the Interior those words would limit him to a special and defined and single method of doing things because it happened to be done?

Mr. HOAR. I do; and these words are put in there for that very purpose. They have no meaning whatever otherwise.

Mr. HALE. I do not think they do have any meaning.

Mr. HOAR. Then strike them out.

Mr. HALE. But the Senator makes the point that they change the law. That phrase is to be found in scores of appropriations, alluding to the fact that a thing has been done before. That is my only point. I do not see that the words are of any account, but when the Senator says they change existing law I take issue with him.

Mr. HOAR. That is the issue. The Chair sees it.

Mr. ALLISON. I think this is a very great matter, and it is now six o'clock—

Mr. HOAR. Has the Senator any objection to striking these words out?

Mr. ALLISON. But the Senator from Massachusetts seems to think it is important.

Mr. HALE. Let us have the ruling of the Chair.

Mr. HOAR. One moment. Here are two words which seem to me to be inserted for the purpose of making a change in existing law. They are inserted without knowledge of the committee having the subject in charge. The committee does not mention any other reason for putting them in whatever.

Mr. ALLISON. We did not expect to change existing law. We did not desire to do that.

Mr. HOAR. Then why not consent to strike them out?

Mr. ALLISON. The Senator, I understood, raised the point of order; and this is a very important question. I want to ask unanimous consent that to-morrow this bill may be finished before adjournment, and also that the five-minute rule may be applied to debate on the amendments. We have gone on now two days, and I think we can afford to apply the five-minute rule to the remainder of the bill.

The PRESIDENT *pro tempore*. Is there unanimous consent that the bill shall be finished to-morrow; and also that the five-minute rule in regard to debate shall be applied to the bill and amendments?

Mr. HALE and others. No objection.

The PRESIDENT *pro tempore*. The Chair hears no objection; and that will be the agreement.

Mr. ALLISON. Now will the Chair state what the agreement is?

The PRESIDENT *pro tempore*. The agreement is that the bill is to be finished to-morrow, and that the five-minute rule of debate shall be applied to it.

Mr. BROWN. At what time to-morrow is the bill to be finished?

Mr. ALLISON. At any time. I do not say what time. Let us sit until it is finished.

Mr. MORRILL. Now let the Senator from Iowa move to adjourn.

Mr. ALLISON. That being understood, I move that the Senate do now adjourn.

Mr. HOAR. Will the Senator not have the point of order decided? The PRESIDENT *pro tempore*. It seems to the Chair that if the Senator from Iowa and the Senator from Massachusetts would get together they can decide the point of order.

Mr. ALLISON. I hope the Chair will have an opportunity to make up his mind over night.

The PRESIDENT *pro tempore*. The Senator from Iowa will permit the Chair to lay before the Senate the action of the House of Representatives upon a bill of the Senate?

Mr. ALLISON. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 2151) to provide for the publication of the Tenth Census with an amendment; in which it requested the concurrence of the Senate.

REPORT OF A COMMITTEE.

Mr. MILLER, of New York, from the Committee on Commerce, to whom was referred the bill (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam-vessels, reported it with amendments; and on motion of Mr. MILLER, of New York, the bill was recommitted to the Committee on Commerce.

TENTH CENSUS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 2151) to provide for the publication of the Tenth Census, which was, in line 20, to strike out "15" and insert "6;" so as to read:

Also, that 6,000 additional copies of the report on the history of the national loan be printed for the use of the Treasury Department.

Mr. ANTHONY. I move that the Senate concur in the amendment of the House.

Mr. COCKRELL. What is the change made?

Mr. ANTHONY. The Senate gave to the Secretary of the Treasury 15,000 extra copies of the history of the national loan. The House cut down the number to 6,000, which I believe is in the direction of the wishes of the Senator from Missouri on everything except the Agricultural Reports.

Mr. COCKRELL. I should like to ask the Senator from Rhode Island why it was that none of the census reports on the national loan were printed for the use of the Senate and House?

Mr. ANTHONY. It is printed for the use of the Senate and House with the other census reports, but this is an extra number of copies given to the Secretary of the Treasury. The same number of these reports is printed for the use of the Senate and House as of the other reports.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, August 1, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. PAGE. I ask by unanimous consent that the reading of the Journal be dispensed with. I understand it is very long.

Mr. RANDALL. I object.

The Clerk proceeded with the reading of the Journal.

Mr. BUTTERWORTH. I ask by unanimous consent that we dispense with the reading of that part of the Journal which is merely formal.

Mr. RANDALL. I understand that the Journal of yesterday's proceedings is not finished, and so far as I am concerned as an individual member I would be willing to have the remaining portion of the Journal read to-morrow. The Journal of our proceedings ought to be read. It is the only opportunity we have to know what it is.

The SPEAKER. The Clerk will proceed with the reading of the Journal.

Mr. BUTTERWORTH. I think there will be no objection to the reading of that part of the Journal which relates to the evening session when pension bills were considered.

Mr. RANDALL. Let the reading of that part of the Journal go over until to-morrow.

The SPEAKER. The Chair hears no objection, and the reading of that part of the Journal will be postponed until to-morrow morning.

REGIMENTAL FLAG ONE HUNDRED AND EIGHTH OHIO VOLUNTEERS.

Mr. BUTTERWORTH. I now, Mr. Speaker, ask unanimous consent to call up the joint resolution to which reference was made the other day but which the Clerk did not find at the time consent was asked. I now move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to said regiment, and which is now in the custody of the Secretary of War, and that the same be put upon its passage.

The SPEAKER. The joint resolution will be read, subject to objection.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to said regiment, it being presented by its lady friends, and which was captured by the confederate forces on December 7, A. D. 1862, and was subsequently recaptured by the United States troops, and is now in possession of the Government; said flag to be and remain the property of said association.

Mr. HOLMAN. I did not catch the exact meaning of the resolution from the reading at the desk, and will reserve the right to object until I hear an explanation from the gentleman from Ohio as to the reason for this resolution.

Mr. BUTTERWORTH. The reason is very simple, and I am sure the gentleman will not object when I state the facts. The ladies of Cincinnati presented to the One Hundred and Eighth Volunteer Infantry Association a blue regimental flag. At the time the regiment was captured the color-bearer was killed and the flag was taken by the confederates. Subsequently the flag came into the possession of the United States Government; and this is simply to authorize the Secretary of War to restore it to the regiment to which it belongs.

Mr. HOLMAN. I have no objection whatever to that.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTTERWORTH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH FLEMING AND OTHERS.

Mr. HUTCHINS. I ask unanimous consent to discharge the Committee of the Whole from the further consideration of the bill (H. R. No. 6754) for the relief of Elizabeth Fleming, Francis E. Robinson, and Mary and Margaret Johnston, and move that the same be put upon its passage.

Mr. MCKENZIE. I reserve the right to object.

The SPEAKER. The bill will be read, subject to objection.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCKENZIE and others objected.

Mr. COX, of New York. I hope the gentleman from Kentucky will withdraw his objection to the passage of this bill.

The SPEAKER. Several other gentlemen have objected.

PUBLIC BUILDING, LANCASTER, PENNSYLVANIA.

Mr. SMITH, of Pennsylvania. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill No. 4702, for the erec-

tion of a public building at Lancaster, Pennsylvania, and that the same be put upon its passage.

Mr. BURROWS, of Michigan. I object to the consideration of the bill, and demand the regular order.

Mr. SMITH, of Pennsylvania. I hope the gentleman will not insist upon the regular order.

Mr. BURROWS, of Michigan. I will not insist upon the regular order, but I object to this bill.

Mr. SMITH, of Pennsylvania. This bill is one that ought to be passed.

Mr. BURROWS, of Michigan. I object to it; but withdraw the demand for the regular order.

JURISDICTION OF JUSTICES OF THE PEACE IN CERTAIN TERRITORIES.

Mr. AINSLIE. Mr. Speaker, I ask unanimous consent to take from the House Calendar the bill (H. R. No. 3506) amending sections 1926 and 1927 of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana, and put it upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That sections 1926 and 1927 of the Revised Statutes of the United States are hereby amended by striking out the word "Washington" and the words "Idaho, Montana," where they occur in said section 1926, and inserting the said words immediately after the word "Colorado," where the same occurs in said section 1927.

Mr. HAZELTON. Let me ask the gentleman how does this change the jurisdiction of justices of the peace?

Mr. HOLMAN. I reserve the right to object to this bill until I hear an explanation.

Mr. AINSLIE. I will explain to the gentleman from Wisconsin in a moment. In all of the Territories except the three mentioned in this bill justices of the peace have jurisdiction in all cases amounting to \$300; but in my Territory, Montana, and Washington it is limited to \$100; and in some of the outside counties litigants have to go one hundred and fifty miles to the district court to collect sums of \$100 and over. We only want to place the jurisdiction of the justices in these Territories upon the same footing as those in the other Territories.

Mr. HAZELTON. I would like to ask the gentleman if it changes the subject of jurisdiction at all from the present law?

Mr. AINSLIE. No, sir, not at all.

Mr. BRENTS. It gives exactly the same jurisdiction that the justices now have, but only increases the amount to \$300.

Mr. BURROWS, of Michigan. This in no way changes the subjects of jurisdiction. It only increases the amount to \$300. The Committee on Territories recommend its passage.

Mr. AINSLIE. It is very important for these Territories that this bill should be passed.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALARY OF DISTRICT JUDGE, INDIANA.

Mr. CALKINS. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 4225) to fix the salary of the judge of the district court of the United States for the district of Indiana and put the same upon its passage.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the salary of the judge of the district court of the United States for the district of Indiana shall hereafter be \$4,000 per annum.

Mr. ATKINS. I object.

Mr. CALKINS. If the gentleman from Tennessee will withhold his objection a moment until I can explain the bill, I will be under obligation.

Mr. ATKINS. Through courtesy to the gentleman from Indiana, for whom I have a great deal of respect, I will withhold the objection until he explains the bill, but I must object to it.

Mr. CALKINS. I merely want to state, in the presence of the gentleman from Tennessee, that at the time the district judge was appointed for Indiana there was but one place in which he had to hold court—Indianapolis. Since that time, however, he has been compelled under the law to hold court at three other places—at Evansville, New Albany, and Fort Wayne—while there has been no increase whatever in his compensation to meet the increased expenditure to which he is thereby subjected. There is but one judge in the district of Indiana, while in Florida there are two; in Michigan, two; Wisconsin, two; Ohio, two; New York, three, and so on. In this State of Indiana, which is the sixth in population and wealth in the Union, we have but one district judge, who is compelled to go to these other points to hold court, which duty has been imposed upon him since his salary was fixed. Now, this bill increases the salary only \$500, about what his expenses are for traveling. This is a plain statement of it, and I hope it will not meet with objection.

Mr. REED. I will say, in addition to what has been stated by the gentleman from Indiana, that the Judiciary Committee have thor-

oughly discussed the subject, and advised the increase, as they believe it to be only fair and just.

Mr. CALKINS. I have in my hand the report of the Judiciary Committee.

Mr. COX, of New York. I understand there are four men on each side of the House who have agreed to object to every measure that has in it anything like the raising of a salary or an appropriation. That is the reason why objection was made to the very meritorious bill from New York just now.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. ATKINS. I object.

Mr. CALKINS. I hope the gentleman from Tennessee will not object on the statement I have made.

Mr. ATKINS. I am bound to object.

ORDER OF BUSINESS.

Mr. McMILLIN. I demand the regular order.

Mr. COX, of New York. I think we had better adjourn.

Mr. TUCKER. I ask my friend from Tennessee to withhold the call for the regular order for a moment, that I may present a bill for reference.

Mr. McKINLEY. And also that I may make a report.

Mr. McMILLIN. I withhold the call for the regular order for a moment.

ENCOURAGEMENT OF SHIP BUILDING.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. No. 6884) to amend section 2514 of the Revised Statutes, for the encouragement of American ship-builders and ship-owners; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM A. COURTENAY.

Mr. McKINLEY, by unanimous consent, from the Committee on Ways and Means, reported a bill (H. R. No. 6885) for the relief of William A. Courtenay, agent of the Clyde line of steamers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GUSTAVUS F. JOCKNICK.

Mr. JACOBS, by unanimous consent, introduced a bill (H. R. No. 6886) for the relief of Gustavus F. Jocknick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HAZELTON addressed the Chair.

The SPEAKER. The regular order is called for.

Mr. HAZELTON. The gentleman from New York [Mr. Cox] yields to me that I may call up a measure on behalf of a farmer of my district.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] calls for the regular order.

Mr. HAZELTON. This is the most innocent thing in the world. I have been waiting six months to have it considered.

WILLIAM F. MARTIN.

The SPEAKER. The regular order is called for, which is the proceeding under the Pound rule. The pending question is upon the bill called up yesterday by the gentleman from Alabama, [Mr. OATES,] under instructions from the Committee on Claims. The Clerk will again read the bill.

The Clerk read as follows:

A bill (H. R. No. 2151) to pay William F. Martin, of Mobile, Alabama, the value of one hundred half boxes of tobacco illegally seized and sold by the collector of internal revenue at New Orleans.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to William F. Martin, of Mobile, Alabama, the sum of \$5,621.06, the value of one hundred half boxes of tobacco, the property of said Martin, which were illegally seized and sold by the collector of internal revenue on account of not being stamped, and the proceeds of which were paid into the Treasury of the United States.

The SPEAKER. The bill is subject to objection.

Mr. HASKELL. From what committee is it reported?

The SPEAKER. The Committee on Claims. Is there objection?

Mr. OATES. If I am indulged in a brief statement I do not think any gentleman will object.

Mr. HOLMAN. I wish to inquire if this is subject to a single objection?

The SPEAKER. It is subject to four objections.

Six members objected.

The SPEAKER. Six gentlemen objecting, the bill is not before the House.

Mr. OATES. I thought under the rule five minutes were allowed for an explanation.

The SPEAKER. The five minutes allowed before calling for objections were occupied yesterday with the reading of the report.

LEWIS RODRICK.

The Committee on Accounts was called.

Mr. URNER. I am authorized by the Committee on Accounts to ask that the bill (H. R. No. 3668) to authorize a change of record in

the case of Lewis Rodrick be taken from the Private Calendar and be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause the record in the War Department of Captain Daniel Shawen's company of Maryland militia in the war of 1812 to be so amended as to remove the charge of desertion against Lewis Rodrick, (spelled "Rothrock" on the rolls,) late a private in said company.

The SPEAKER. Is there objection?

Mr. BURROWS, of Michigan. From what committee does this come?

Mr. URNER. It is reported by the Committee on Military Affairs.

Mr. HOLMAN. Is there a report accompanying the bill?

The SPEAKER. There is.

Mr. HOLMAN. Let the report be read.

The report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3668) to change the record in the case of Lewis Rodrick, a soldier of the war of 1812, having had the same under consideration, respectfully submit the following report, it being the same report favorably reported by the House Committee on Revolutionary Pensions in the Forty-fifth Congress:

It is in evidence from a report from the Third Auditor's Office, having in charge the muster-rolls of the war of 1812, that the claimant served in Captain Daniel Shawen's company, Maryland Militia, from September 1 to October 24, 1814, when noted "deserted." It is also in evidence that the claimant made application at the United States Pension Office for a pension for said services, and that the claim was rejected by reason of insufficient service, a period of fifty-four days, and also for having been charged with desertion.

It appears from the evidence submitted, to wit, the affidavits of Frederick Hanman and Jacob Hollen, two privates serving with him, one of them serving in the same company, that the claimant served for a period of sixty days. This, however, is not material, as the act approved March 9, 1878, removes the limitation of the act of February 14, 1871, requiring sixty days' service, and provides for a pension for those serving but fourteen days. It is, however, material as to the second ground for rejection, to wit, that of desertion, as corroborative evidence establishing the truthfulness of the allegation of the claimant that he served through the period of active hostilities, and then, believing that the war was over, and ignorant of the fact that he should be mustered out of the service in due form, and that cold weather having come on and he being thinly clad in summer clothes, went home for other clothing, expecting to return again in a few days, or at any time needed, and all of this with no intention of evasion of his military duties, and that in the mean time the company was mustered out, and not being present at that time, although having served through the whole campaign, including the attack by the enemy on the city of Baltimore, was marked as a deserter.

A number of persons worthy of belief, and including among them a Representative from the State of Maryland, certify to his good character and high standing among the people of his locality.

In view of the foregoing facts the committee are of the opinion that the case is one of merit, and that the charge of desertion is not sustained and should be removed, and therefore recommend the passage of the bill herewith returned to the House.

Mr. DINGLEY. I rise to make a parliamentary inquiry. I notice that the Committee on Accounts have called up this bill which is reported by the Committee on Military Affairs. The inquiry I propound is whether a committee under the Pound rule can call up a bill which has been reported by another committee? I wish for a construction of the rule.

The SPEAKER. The Chair will state that the rule is not very specific in that respect; but the fair construction of it, the Chair thinks, would be that the committee that had considered a matter, and had the subject of the bill in charge properly, under our rules would be the only committee that could authorize one of its members to call up the bill. This bill, as appears from the report, was considered in the Committee on Military Affairs. The Chair does not think the Committee on Accounts could properly authorize one of its members to call it up.

Mr. DINGLEY. I do not object myself, but simply wish the rule to be construed.

Mr. URNER. I think a fair reading of the rule would authorize any bill on the Calendar to be called up by any committee. That is certainly the construction I place upon the rule.

The SPEAKER. It is a question of construction. The Chair thinks the fair construction would be to allow the committee that had considered and reported a measure to call it up. This subject was not before the Committee on Accounts. As there is doubt about it, the Chair is inclined to think the bill should be called up by the appropriate committee.

Mr. URNER. I ask, as this is such a meritorious bill, having reference to a soldier of the war of 1812, that its consideration be allowed by unanimous consent.

The SPEAKER. Is there objection to proceeding with the consideration of the bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. URNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GARFIELD MEMORIAL CARDS.

Mr. MCCLURE. I am instructed by the Committee on Printing to report back for consideration during this hour the joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield.

The joint resolution was read, as follows:

Resolved, &c., That the sum of \$175, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to defray the expense of printing at the Bureau of Engraving and Printing the memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield.

There being no objection, the joint resolution was ordered to a third reading, read the third time, and passed.

Mr. McCLURE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS TO WIDOWS AND MINOR CHILDREN.

Mr. CURTIN. I am directed by the Select Committee on the Payment of Pensions, Bounty, and Back Pay to call up for consideration at this time the bill (H. R. No. 3919) to amend section 4702, title 57, of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, &c., That section 4702, title 57, of the Revised Statutes of the United States is hereby amended so as to read as follows:

"Sec. 4702. If any person embraced within the provisions of sections 4692 and 4693 has died since the 4th day of March, 1861, or hereafter dies, by reason of any wound, injury, or disease which under the conditions and limitations of such sections would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death without payment to her of any part of the pension hereinafter mentioned, his child or children under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and if the widow remarry, the child or children shall be entitled from the date of remarriage, except when such widow has continued to draw the pension-money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid."

SEC. 2. That marriages, except such as are mentioned in section 4705 of the Revised Statutes, shall be proven in pension cases to have been performed in accordance with the law of the place where the ceremony of marriage was performed; and the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the date of the commencement and during the continuance of such cohabitation.

The SPEAKER. Is there objection to the consideration of this bill at this time? [After a pause.] Eight members have risen to object.

Mr. CURTIN. Do gentlemen understand this bill?

Mr. HAZELTON. There is no time to understand it.

Mr. HOLMAN. Is not the gentleman from Pennsylvania [Mr. CURTIN] entitled to explain the bill before objection is made to its consideration?

The SPEAKER. The gentleman is entitled under the modification of the Pound rule to explain the bill for five minutes.

Mr. HAZELTON. To do that after eight members have risen and objected to the consideration of the bill?

The SPEAKER. The Chair thinks the gentleman is entitled to make his explanation, if he desires it.

Mr. CURTIN. I do desire it.

Mr. HISCOCK. When the proposition is submitted to the House for objection, without the gentleman insisting upon his right of explanation, and sufficient objections have been indicated, is not the matter then disposed of?

The SPEAKER. The Chair thinks that the gentleman ought perhaps to have proceeded with his explanation promptly upon the reading of the bill and before the question was submitted to the House for objections. But as the gentleman now states that he desires to make his explanation under the modification of the rule, the Chair thinks he is entitled to five minutes for an explanation, or to the reading for five minutes of the report accompanying the bill.

Mr. CURTIN. I am not familiar with the rules, but have no doubt the decision of the Speaker is right.

Mr. HAZELTON. I desire to make a parliamentary inquiry.

Mr. CURTIN. When I am done.

Mr. HAZELTON. Wait a moment. I desire to inquire of the Chair when the objections indicated by eight members a moment ago operate upon the question of the consideration of this bill?

The SPEAKER. The Chair held originally, under this rule, that the question of objection should be submitted to the House immediately after the reading of the bill. But by unanimous consent, on the request of the gentleman from New Jersey, [Mr. ROBESON,] the rule was so modified on Thursday last as to entitle the member submitting the proposition to the House to explain it for five minutes, or to have five minutes' time occupied in reading the report.

Mr. HISCOCK. Yes; but the point is, when the question is submitted to the House for objection without the gentleman availing himself of that privilege, and a sufficient number of objections have been indicated, is not that privilege waived?

The SPEAKER. The Chair would sustain that point if the gentleman from Pennsylvania [Mr. CURTIN] did not insist that he was entitled to make the explanation, which should have been made in advance of submitting the question to the House for objection. But the Chair very promptly submitted that question after the reading of the bill, and the gentleman did not have the privilege of making his statement before the objections were called for.

Mr. HAZELTON. I would like to have the Clerk read the modification of the rule.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

On motion of Mr. ROBESON, so modified that upon the request of a member five minutes may be allowed in explanation of the bill, or five minutes' time occupied in reading the report, prior to the time when objections are called.

Mr. CURTIN. This bill makes but two changes in existing law. The first is that where a widow of a soldier remarries and draws the pension in violation of law and applies the proceeds to the support of the minor children the Government shall not pay that pension again to the minor children, except from date of last payment to their mother. The second respect in which it changes the law is that where the widow of a soldier lives in improper intercourse with a man to whom she is not married she shall not draw the pension, and on proof of the fact the pension shall be suspended; and also that marriages shall be proven according to the law of the place where the ceremony of the marriage was performed. Those are the wholesome provisions which protect the Government and the person entitled to draw pensions. If they are not right, I cannot understand what change or amendment to our pension laws could appeal with more force to the judgment of the House as just and proper.

The question being taken, the consideration of the bill was objected to by four members.

Mr. BROWNE. I rose for the purpose of saying one word in favor of the bill.

The SPEAKER. The bill is not before the House.

Mr. CURTIN. Are there objections to the bill? Who could object? [Cries of "Regular order!"]

ORDER OF BUSINESS.

The Committee on Elections being called,

Mr. CALKINS said: Mr. Speaker, the Committee on Elections reported the other day, through the gentleman from Ohio, [Mr. ATHERTON,] a resolution which I understand went to the Calendar. It was presented for consideration; but I believe the ruling of the Chair was that it could not be considered until it had gone to the Calendar. I ask my colleague on the committee [Mr. ATHERTON] whether he had not better call it up now?

Mr. ATHERTON. I would be very glad to do so; but it was referred to the Committee on Printing; it did not go to the Calendar.

SALE OF LANDS IN DALLAS COUNTY, IOWA.

The Committee on Ways and Means being called,

Mr. KASSON said: I am instructed by the Committee on Ways and Means to call up for consideration the bill (H. R. No. 6609) to authorize the sale of certain lands in Dallas County, Iowa, devised to the United States by the last will and testament of John Gardner, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to sell, at public auction, in such manner and upon such terms as may, in his judgment, be most advantageous to the public interest, a certain tract of land known as the "Gardner farm," containing about two hundred and twenty-seven acres, situated in the county of Dallas, in the State of Iowa, adjoining the town of Redfield, being the same property devised to the United States by the last will and testament of John Gardner, deceased, late of Charlestown, in the county of Middlesex, Massachusetts, the time, place, and conditions of such sale to be advertised for one month preceding the same in a daily newspaper published in the city of Des Moines, in said State of Iowa, and in such other newspaper published in the vicinity of the said property as he may deem proper, the net proceeds, after payment of the expenses of such sale, to be covered into the Treasury.

Mr. KASSON. I will state in a word the object of this bill. A Mr. Gardner, during the war or soon after, in making his will, devised a farm in Dallas County, Iowa, to the United States to aid in paying off the public debt. The title being in the United States, the property ever since his death has been exempt from taxation. The land lies near a little village, and nothing can be done with it for the improvement of the town, as may be very rightly desired. There is no reason for the retention of the property by the United States; and some one hundred and twenty-five or one hundred and fifty farmers and villagers of the vicinity have presented a petition asking that the land be sold by the Government, that it may stand upon the same footing with other lands in the neighborhood. This bill was prepared at the Treasury Department in order that the officers of the Government may be empowered to dispose of the property, as there is no object in retaining it. Having been prepared at the Treasury Department, the bill has been reported by the Committee on Ways and Means with a favorable recommendation.

Mr. TOWNSHEND, of Illinois. Does the Secretary of the Treasury recommend the sale of the property?

Mr. KASSON. The Treasury Department itself prepared the bill.

Mr. TOWNSHEND, of Illinois. But do the officers of the Treasury Department recommend the sale of the property?

Mr. KASSON. By no written letter. I went personally to the Department to inquire about the matter; and it was taken for granted that the property was to be sold, as there is no object in retaining it.

Mr. TOWNSHEND, of Illinois. The Secretary of the Treasury, as I understand, does not recommend the sale, but has merely prepared this bill.

Mr. KASSON. There is no written recommendation; but there is no reason why the property should not be sold. The fact is the land is now lying useless.

Mr. TOWNSHEND, of Illinois. How many acres are there?

Mr. KASSON. Two hundred and twenty-seven.

Mr. MILLS. Is this a unanimous report of the Committee on Ways and Means?

Mr. KASSON. Not an objection was made to it in the committee within my knowledge. It is unanimous so far as I know. If any member of the committee objects to it, he will say so. I believe I have said all I need say.

Mr. RANDALL. I will state that I was not present when this bill was considered in the committee.

The question being taken on the consideration of the bill, four members objected.

The SPEAKER. The bill is not before the House.

VIRGINIA MILITARY DISTRICT OF OHIO.

Mr. CONVERSE. Mr. Speaker, I am instructed by the Committee on the Judiciary to call up from the House Calendar for present consideration the bill (H. R. No. 6520) in relation to land patents in the Virginia military district of Ohio.

The bill was read, as follows:

Be it enacted, etc. That any person in the actual open possession of any tract of land in the Virginia military district of the State of Ohio, under claim and color of title made in good faith based upon or deducible from entry of any tract of land within said district founded upon military warrant upon continental establishment, and a record of which entry was duly made in the office of the principal surveyor of the Virginia military district, either before or since its removal to Chillicothe, Ohio, prior to January 1, 1852, such possession having continued for twenty years last past, under a claim of title on the part of said party either as entryman, or of his or her grantors, or of parties by or under whom such party claims by purchase or inheritance, and they by title based upon or deducible from such entry by tax sale or otherwise, shall be deemed and held to be the legal owner of such land so included in said entry, to the extent and according to the purport of said entry or of his or her paper titles based thereon or deducible therefrom.

Sec. 2. That so much of the act approved February 18, 1871, entitled "An act to cede to the State of Ohio the unsold lands in the Virginia military district in said State," and of an act approved May 27, 1880, construing said act of February 18, 1871, as conflicts with this act, be, and the same is hereby, repealed.

Mr. CONVERSE. Mr. Speaker, I desire to make a statement in regard to this bill, if I can get the attention of the House for a few minutes. The bill is reported by the unanimous consent of the Judiciary Committee of the House. That committee has carefully examined the questions involved in the bill, and by a unanimous vote recommend its passage.

When Virginia ceded the Northwest Territory to the United States she reserved the right to locate land between the Scioto and Miami Rivers in the State of Ohio, for the payment of her soldiers belonging to the Continental line. Warrants were issued by the State of Virginia, and they were located from the time of the cession up to the year 1852. In the year 1800 Congress passed a law requiring those warrants to be located and the surveys to be completed within three years from the date of the act. Upon the filing of the warrant and the survey in the Land Office patents were issued for the lands. But the certificate of the survey of the land was not usually filed at the time of the filing of the land-warrant and the location of the land. Sometimes it was not filed for years afterward, and in numerous instances the certificate of survey was never filed.

That law was extended from time to time from the year 1800 up to the year 1857, since which time there has been no extension. The last extension of the time for filing surveys was limited to locations made prior to January, 1852. This bill provides that where a warrant has been legally located but no survey has actually been made as required by law, and where the party or those from whom he holds has been in possession under such location for twenty years or more, that possession shall be deemed and held and taken as evidence of title.

That is in substance the provision of this bill. Under the laws of the United States the statute of limitations does not run against the Government, and technically the title of this land which is still unpatented is in the Government, although it has been in the possession of individuals for more than half a century. The lands have been sold, conveyed, passed by will and inheritance, judicial sales, tax sales, &c., and the persons in possession have believed themselves to be the real owners of the land, though the title is still in the Government, and much litigation is growing out of this uncertain condition of affairs. The object of the bill is to give repose and quiet the titles.

As a matter of fact the locations of Virginia military warrants were all made prior to 1852, thirty years ago, but certificates of survey have not been filed and patents have not been issued. This bill authorizes the possession of twenty years, under valid location, to be equivalent to a patent. In other words it simply quiets title.

Mr. BUTTERWORTH. I ask my colleague whether this is not a bill simply to quiet title of old residents?

Mr. CONVERSE. The title is technically in the Government until the patent issues, but the Government cannot issue the patent until the warrant has been located and a lawful survey has been made and returned to the Land Office; but the trouble is there was no law for the return of these surveys after the year 1857, and the warrants were all located prior to 1852.

There being no law for the return of these surveys, it has been thought best by the Judiciary Committee and by every member from Ohio representing any part of the Virginia military district that this bill should be passed in order to quiet title and prevent litigation.

Mr. BUTTERWORTH. This is simply to quiet the title of those who have regularly and properly located on these lands which have been indicated.

Mr. CONVERSE. Yes, sir; that is it exactly.

Mr. BUTTERWORTH. And have been in possession twenty years? Mr. CONVERSE. Twenty years and over. I now yield to the gentleman from New York, [Mr. Cox,] who is familiar with this question.

The SPEAKER. The time has expired.

Mr. CONVERSE. I do not suppose there will be any objection to giving a minute to the gentleman from New York.

The SPEAKER. The Chair hears no objection.

Mr. COX, of New York. Mr. Speaker, about the year 1857, when this matter came up in Congress, Governor Corwin raised a special committee in this House of members from the Virginia military land district. I was one of the representatives to that district at that time. We endeavored to do then what is now being done by this bill, namely, to quiet the title of men in honest possession of this property.

In the old days the Virginia men who had been in the Revolution came out with their 4,000-acre warrants and picked out the best lands leaving certain gores here and there, and cunning speculators finding these gores tried to cover them with warrants. It led to litigation, trouble, and unrest. The object of this bill is, as I conceive, simply to quiet the title of those honestly in *bona fide* possession of this property.

It is an old question. It is in the interest of the people living on the lands, and who have held them for many years, and whose title is unquestioned that such a measure as this should be adopted; and no adverse interest can possibly exist except in the hands of a few speculators who may possibly have found out these little gores on the farms and have taken advantage of them in Pickaway County so as to secure them for their own purposes.

Mr. WHITE. I would like to ask the gentleman from Ohio if it would be possible to word the present bill so as to apply it also to the same state of affairs which exists in Kentucky?

Mr. CONVERSE. We cannot do it now; but I will state to my friend from Kentucky that we will bring the subject up at the next session and give it consideration in our committee if he desires it.

Mr. WHITE. I hope it will be done, because a similar condition of affairs exists there.

Mr. RYAN. Let me ask the gentleman from Ohio with reference to these lands whether any of them are now in litigation?

Mr. CONVERSE. Yes, sir; some of them are. Suits have been brought and are pending now in relation to some of these lands.

The SPEAKER. Is there objection to the consideration of the bill.

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CONVERSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEDUCTIONS FROM GROSS TONNAGE.

The Committee on Commerce was called.

Mr. CANDLER. I am instructed by the Committee on Commerce to call up for present consideration House bill 5841, to provide for deductions from the gross tonnage of vessels of the United States. I move, therefore, to discharge the House Calendar from the further consideration of the said bill and put it upon its passage.

The bill was read, as follows:

Be it enacted, etc. That section 4153 of the Revised Statutes of the United States be amended by inserting before the last paragraph thereof the following words:

"That from the gross tonnage of every vessel of the United States there shall be deducted the tonnage of the spaces or compartments occupied by or appropriated to the use of the crew of the vessel, but the deduction for crew-space shall not, in any case, exceed 5 per cent. of the gross tonnage. And in every such vessel propelled by steam or other power requiring engine-room there shall also be deducted from the gross tonnage of the vessel the tonnage of the space or spaces actually occupied by or required to be inclosed for the proper working of the boilers and machinery, including the shaft trunk or alley in screw-steamers, with the addition in the case of vessels propelled with paddle-wheels of 50 per cent., and in the case of vessels propelled by screws of 75 per cent. of the tonnage of such space, but in no case shall the deductions from the gross tonnage exceed 50 per cent. of such tonnage; and the proper deductions from the gross tonnage having been made, the remainder shall be deemed the net or register tonnage of such vessels."

"That the register or other official certificate of the tonnage or nationality of a vessel of the United States, in addition to what is now required by law to be expressed therein, shall state separately the deductions made from the gross tonnage, and shall also state the net or register tonnage of the vessel. But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered, but the same may be added to the outstanding document, or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended."

SEC. 2. That section 4154 of the Revised Statutes be, and hereby is, repealed, and instead thereof the following is substituted, to wit:

"SEC. 4154. Whenever it is made to appear to the Secretary of the Treasury that the rules concerning the measurement for tonnage of vessels of the United States have been substantially adopted by the Government of any foreign country, he may direct that the vessels of such foreign country be deemed to be of the tonnage denoted in their certificates of register or other national papers, and thereupon it shall not be necessary for such vessels to be remeasured at any port in the United States; and when it shall be necessary to ascertain the tonnage of any vessel not a vessel of the United States, the said tonnage shall be ascertained in the manner provided by law for the measurement of vessels of the United States."

SEC. 3. That the Secretary of the Treasury is authorized and directed to make all needful regulations to carry into effect the provisions of this act, and he shall establish and promulgate a proper scale of fees to be paid for the readmeasurement of the spaces to be deducted from the gross tonnage of a vessel, on the basis of the last sentence of section 4180 of the Revised Statutes, beginning with the words "but the charge for the measurement."

Mr. CANDLER. Mr. Speaker, this bill is unanimously reported from the Committee on Commerce. It is simply to make provision for certain reductions from the gross tonnage of American vessels. The system of measurement in force to-day under our Government is such that no allowance is made for the space occupied by the crew or machinery of the vessels. In other countries a certain allowance is made on this account, and this bill provides that American vessels shall be measured for their freight capacity alone. It will be seen that in competition with foreign vessels, whose laws on this subject are different from our own, American vessels are at a great disadvantage, as they have no allowance made for space occupied by crews or machinery, while the foreign vessels with which they come in competition have such allowance, and consequently their port charges and expenses are less than American vessels.

Gentlemen will at once see the importance of this measure if they consider its effects as regards the carrying trade of this country. It will be remembered that almost 90 per cent. to-day of the carrying trade of the United States is done in foreign ships; and it will also be remembered that our people see the importance of practical and wise legislation to remove by law some of the discriminations which now exist against American vessels. This bill has been approved by the Secretary of the Treasury, who has been consulted with reference to the matter, and who offered some amendments to the bill which the committee prepared, and which they adopted and incorporated in the pending bill. He says the purposes of the bill are wise, and that this system of readmeasurement will be of advantage to the country. As the gentleman from New York [Mr. HEWITT] is very much interested in this bill, and has made many practical suggestions with reference to it, I now yield two minutes to him.

Mr. HEWITT, of New York. The history of the introduction of this bill into the House will probably be the very best argument that could be submitted in support of the measure. The Chamber of Commerce of New York, in considering the impediments to the restoration of our shipping interest, in an elaborate report, enumerated some seven or eight different items where in their judgment changes might wisely be made. On careful examination of all of these items I discovered that this one in regard to the deductions from tonnage measurement is well founded. There were some other alleged grievances which were not so well founded; but I called the attention of the Secretary of the Treasury to this matter and found that he took a great deal of interest in the subject. He wrote to the surveyor of the port of New York, and I ask to have the response to that letter printed in the RECORD in order to show the exact condition of our tonnage laws as compared with those of foreign countries. The fact is we have all the same rule for the measurement of tonnage of steam-vessels, but the British Government and all other maritime nations make deductions from the total tonnage of the vessels for the space occupied by crews, coal-bunkers, and machinery, which amount in the aggregate to about 33½ per cent. of the gross tonnage of the vessel.

Now, when we compete with the British ships for business from New York to Great Britain for instance, we do not suffer any material wrong, for the reason that the British ship pays the tonnage dues the same as an American ship in our waters; but when we go to a foreign port, Havana for instance, for a cargo of sugar, the British register allows 33½ per cent. reduction from gross tonnage, upon which the American vessel has to pay the taxes levied in the foreign port; and in one case which I brought to the notice of the Secretary, it was found that the difference amounted to fifty cents for every hogshead of sugar taken on the vessel. So that a British ship can go into the port of Havana and offer to bring sugar to the port of New York for fifty cents a hogshead less than an American ship can possibly do it. That is due to the fact that we do not make the deduction on the gross tonnage of the vessel which is made on British ships. Of course this ought to be corrected. The Secretary of the Treasury approves it. He caused the bill to be drafted, and it is that bill which the Committee on Commerce have unanimously reported.

The best illustration of the necessity for the proposed legislation is to be found in the attitude occupied by our vessels passing or desiring to pass through the Suez Canal. When that great highway was opened to commerce a conference of the leading maritime nations was held at Constantinople, and it adopted what is known as the "Danube rule" for the admeasurement of vessels passing through the canal. In that conference we did not participate, and the Danube rule was not therefore incorporated in our legislation. The consequence was that an American vessel passing through the Suez Canal was subjected to tolls nearly 50 per cent. higher than those levied upon the nations who had adopted the Danube rule. The consequence was that the Suez Canal was practically closed to our ships.

Under the representations made to the Treasury Department a special form of certificate was prepared, but without any warrant of law, which was accepted in lieu of a register by the authorities in charge of the canal. But not being authorized by law, no knowledge of these certificates has reached the public, and I am informed that not over four of these certificates have ever been issued.

The passage of the proposed bill will therefore be the first important step necessary for the revival of our shipping interest, now the object of so much solicitude, and an awakened public sentiment

which I trust will culminate in the removal of every artificial impediment to its renewed growth, and in allowing our people to buy ships in the open markets of the world, so that they may compete on equal terms with the nations which have practically excluded us from the commerce of the ocean, to a fair share of which we are entitled, and of which our countrymen are determined to repossess themselves.

The following are the papers referred to by Mr. HEWITT, of New York, in his remarks:

CUSTOM HOUSE, NEW YORK,
Surveyor's Office, March 4, 1882.

SIR: The Department letter (10,120 D. L.) dated February 18, 1882, transmitting a communication from Hon. ABRAM S. HEWITT, relative to the statutes providing for the admeasurement of vessels, and suggesting that the same ought to be amended, having been referred to me for examination, &c., I have to report: The method of ascertaining the tonnage of vessels by what is called the Moorsom system of admeasurement was adopted by the British Government in 1854. By this method is ascertained—first, the cubic capacity of the hold or space underneath the main deck; and, second, if the vessel has more than two decks, the cubic capacity of the space or spaces between decks; and, third, the cubic capacity of the break, if any, and the poop, if any, and of all the permanent closed-in spaces on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew, and the aggregate sum of all these capacities divided by 100 gives the gross tonnage of the vessel.

This system of admeasurement for ascertaining gross tonnage was substantially adopted by the United States in 1864, (act approved May 6, 1864;) Austria-Hungary, 1871; the German Empire, 1873; France, 1873; Italy, 1873; Sweden, 1875; Spain, 1875; Norway, 1876; Holland, 1876, and Denmark, 1878.

With the single exception of the United States, each of the nations above named provides in its admeasurement laws for certain deductions from the gross tonnage of a vessel, and which deductions having been made from the gross tonnage, the remainder is called the net or register tonnage; but the extent of the deductions is not the same in all the countries.

The deductions from gross tonnage authorized by the British admeasurement laws are—first, as to all vessels; the capacity of the space provided for berthing the crew; but if the capacity of the crew-space exceeds one-twentieth of the remaining tonnage of the ship, then one-twentieth only of the crew-space is to be deducted; and, second, in vessels propelled by steam or other power, the space occupied by the propelling power—that is to say, the engine or other motor, the boilers, and, in some vessels, in addition thereto, the shaft-alley or trunk.

The deductions authorized are not the actual measured capacities of the spaces occupied by the propelling power, but as regards ships propelled by paddle-wheels, if the aggregate of the actual measured spaces is above 20 per cent. and under 30 per cent. of the gross tonnage, the deduction shall be thirty-seven one-hundredths of the gross tonnage; and in screw-ships, if the aggregate of the actual measured spaces is above 13 per cent. and under 20 per cent. of the gross tonnage, the deduction shall be thirty-two one-hundredths of the gross tonnage.

A second rule for deductions is provided by the British law, and which in its practical result is said to approximate to the first rule above stated, and so far as is shown by inspection of British registers the second rule seems to be invariably followed.

This second rule is as follows: the tonnage of the actual measured spaces occupied by or required to be inclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle-wheels of one-half and in the case of ships propelled by screws of three-fourths of the tonnage of such space, shall be deducted from the gross tonnage.

This last-stated rule is practically identical with the so-called "Danube rule," which was adopted by the international commission at Constantinople in the year 1873. The British rules relative to deductions from gross tonnage have been adopted by France, Spain, Sweden, Denmark, and Holland.

It will be observed that according to the British rules no deduction from gross tonnage is made for the spaces in a steam-vessel occupied as permanent coal-bunkers.

The German Government has adopted rules for deductions from gross tonnage differing in some respects from the British rules, and which seem to possess the merit of exactness and simplicity. The deductions made are in all vessels the crew space, the same as under the British rule, and, in addition thereto, in vessels propelled by steam or other power the actual tonnage of the spaces used for propelling power, to wit, the engine-room, boilers, shaft-alley or trunk, and, in addition thereto, the tonnage of the spaces occupied as permanent coal-bunkers.

The German rule has been adopted by Norway, Italy, and Austria-Hungary. It is considered that the largest deductions from the gross tonnage are allowed by the British rules.

When Congress in 1864 adopted the Moorsom system for the admeasurement of vessels for tonnage, for what doubtless then seemed good reasons, it entirely ignored the provisions of the British law relative to deductions from gross tonnage, and none of such provisions were incorporated in the United States law.

Whether at this late day it is advisable to amend the admeasurement laws so as to provide for the making of deductions, either according to the British or German rules, is a question for serious consideration. A change in the law will necessarily involve a partial readmeasurement of all United States vessels and corresponding changes or modifications of all official documents, papers, and requirements relative thereto, and it will involve a loss to the revenue if the tonnage tax on vessels, domestic and foreign, liable thereto, is collected on their net instead of their gross tonnage.

I shall be glad to prepare and submit, as soon as practicable, a draft of a law making the suggested changes, if such changes upon consideration are deemed desirable, and when the Department shall indicate which of the methods for making deductions, British or German, is to be adopted as the basis for the proposed law.

I return the papers referred to me.

Very respectfully, your obedient servant,

CHARLES K. GRAHAM,
Surveyor.

Hon. WILLIAM H. ROBERTSON, Collector.

TREASURY DEPARTMENT, March 30, 1882.

SIR: Referring to the communication addressed to you by this Department on the 7th instant in regard to a modification of the laws of the United States regarding the admeasurement of vessels, I have the honor to transmit herewith, for your consideration, the draft of a bill to provide for deductions from the gross tonnage of vessels of the United States.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Hon. ABRAM S. HEWITT,
House of Representatives.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANDLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT FREDERICK SCHWATKA.

The Committee on Military Affairs was called.

Mr. HENDERSON. I am directed by the Committee on Military Affairs to call up from the Private Calendar for present consideration the bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic.

The bill was read, as follows:

Be it enacted, &c., That First Lieutenant Frederick Schwatka, Third United States Cavalry, who was on leave of absence, by proper authority, from March 5, 1878, to October 1, 1880, in order to take command of the Franklin search expedition in the Arctic, shall be viewed as on duty during that period, and shall be entitled to full pay and commutation of quarters thereof, and to mileage from Spotted Tail Agency, Dakota Territory, (where stationed March 5, 1878,) via New York City to North Hudson's Bay, and return to Vancouver Barracks, Washington Territory, (where now stationed:) *Provided*, That it shall appear that said Lieutenant Schwatka was not furnished with quarters or commutation thereof by the United States during the period mentioned, and was not furnished with Government transportation over any of the route for which he may draw mileage under the provisions of this act: *And provided further*, That the Secretary of War may require of the said Lieutenant Schwatka, United States Army, any meteorological, geographical, or other scientific reports of said Franklin search expedition in the Arctic that he may deem fit as valuable for record or deposit in Government scientific institutions, or for other purposes. But such requirements shall not be construed to the withholding of these payments upon the approval of this act. And the Paymaster-General of the Army is hereby authorized to make these payments out of any moneys on hand for pay of the Army, commutation of quarters, and mileage.

The SPEAKER. Is there objection?

Mr. HOLMAN. I trust the report will be read.

Mr. HENDERSON. I ask for the reading of the report.

The Clerk read the report in part, as follows:

That Lieutenant Schwatka, of the United States Army, in June, 1878, on leave of absence, granted for that purpose, commanded an Arctic search party, the object of which (founded upon certain information) was to explore the Arctic regions in and around King William's Land, to make discovery, if possible, of the remains, relics, and records of the British exploring expedition of Sir John Franklin, searching for a northwest passage, whose whole party perished in that region in 1848-49. He and his party of four other persons left New York Harbor in the whaling ship Eothen June 19, 1878; landed at Depot Island, in North Hudson's Bay, August 8, 1878, and there having collected a party of seventeen Esquimaux proceeded, April 1, 1879, with dogs and sledges to King William's Land.

Mr. McMILLIN. I rise to a point of order. Has the hour expired?

The SPEAKER. It has not.

Mr. McMILLIN. When will it expire?

The SPEAKER. There are yet eight minutes of the hour remaining.

Mr. HENDERSON. I would be very glad if members would listen to the reading of the report. I want to say simply this: that Lieutenant Schwatka made one of the most remarkable expeditions into the Arctic regions that have ever been made. He had leave of absence from the Army, and was therefore on only half pay. He made the longest sledge journey into the Arctic region that has ever been made; and it has been the praise and admiration of all countries, unless it may be ours. He discovered beyond question the last remains of the Franklin party and ascertained that the records of Sir John Franklin were destroyed beyond all reasonable doubt.

Mr. HOLMAN. Will the gentleman state what will be the precise effect of the provisions of the bill as to this officer's pay?

Mr. HENDERSON. The bill provides for giving him full pay instead of half pay while on leave of absence.

Mr. HOLMAN. How long a period does that cover?

Mr. HENDERSON. I cannot say precisely; but it was about a year and a half I think.

Mr. HOLMAN. Does it cover anything except the pay?

Mr. HENDERSON. The bill allows him pay, mileage, and commutation of quarters while he was absent.

Mr. HOLMAN. I think the pay is proper enough. But should it go to the extent of allowing mileage?

The SPEAKER. The time for explanation has expired. Is there objection to the consideration of the bill?

Mr. HOLMAN. I understand there are five minutes allowed for explanation.

The SPEAKER. The five minutes have been occupied partly in reading the report and partly in debate.

Mr. HOLMAN. I ask my friend from Illinois if he is able to approximate the amount of mileage?

Mr. HENDERSON. I am not certain, but think some three thousand miles.

Mr. MAGINNIS. At eight cents a mile.

Mr. HENDERSON. And mileage is not to be allowed where he had transportation.

Mr. HOLMAN. It seems to me the general features of the bill are proper enough. I am not quite so sure about the provision as to mileage.

Mr. HENDERSON. He is not to be allowed mileage by the provisions of the bill if transportation was furnished. I think there can be no reasonable objection to the bill.

The SPEAKER. Is there objection? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FEES OF REGISTERS AND RECEIVERS.

The Committee on the Public Lands was called.

Mr. STRAIT. I am instructed by the Committee on Public Lands to call up for present consideration the bill (S. No. 171) in relation to certain fees allowed registers and receivers.

The bill was read, as follows:

Be it enacted, &c., That the fees allowed registers and receivers for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights and mineral entries, and in contested cases, shall not be considered or taken into account in determining the maximum of compensation of said officers. SEC. 2. That registers and receivers shall, upon application, furnish plats or diagrams of townships in their respective districts, showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor, from the party obtaining said plat or diagram, at such rates as may be prescribed by the Commissioner of the General Land Office; and said officers shall, upon application by the proper State or Territorial authorities, furnish, for the purpose of taxation, a list of all lands sold in their respective districts, together with the names of the purchasers, and shall be allowed to receive compensation for the same, not to exceed ten cents per entry; and the sums thus received for plats and lists shall not be considered or taken into account in determining the maximum of compensation of said officers.

Mr. HOLMAN. I ask that the report may be read.

The SPEAKER. The hour has expired, and the bill goes over as unfinished business.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I rise to make a privileged report. I report back from the Committee on Appropriations the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes. I ask the Clerk to read the report of the Committee on Appropriations.

The Clerk read as follows:

The committee recommend non-concurrence in all of the amendments numbered 1 to 76, inclusive, except 63 and 64.

They recommend concurrence in the amendments numbered 63 and 64, with amendments as follows:

In line 7, on page 21 of the bill, after the word "advantage," insert the following: "With such necessary attachments and appliances as will render redocking of the ships unnecessary."

In line 5 of amendment numbered 64, after the word "report," insert the words "to the Secretary of the Navy;" and at the end of said amendment insert the following: "And the said Secretary shall transmit said report to Congress at its next session, with his recommendation thereon."

Mr. RANDALL. I ask for separate votes on these amendments.

The SPEAKER. The gentleman is entitled to have separate votes on the several propositions.

Mr. ROBESON. I wish to say in general explanation of this report, which refers to the bill only by numbers, that in the consideration of this bill in the Senate that body in its wisdom has seen fit to strike out substantially all the provisions which this House made for reform in the naval service, and some of its provisions for the improvement of the Navy itself. It has taken square ground as far as can be judged from its action against any reform of any kind, and in the face of the admitted fact that we have too many officers and too few ships the Senate seem to favor more officers and fewer ships.

The bill as it left the House consisted of two general divisions, one of which comprised a series of provisions for the reduction in the future of the *personnel* of the service, and the other provided certain measures which looked to the increase of the *material* of the service. The one provided for a reduction of the number of officers, admitted to be now too great; the other provided for an increase of the effective ships of the Navy, which were deemed by the House and admitted by all hands to be too small in number and too weak in effective power.

The Senate in their wisdom have stricken out the provisions with regard to both of these measures. As I understand them, they have endeavored, as far as they could, to neutralize all the attempts of the House toward a limitation of the *personnel* of the service; and they have postponed the work on the engines of the iron-clads until the next session of Congress, taking the responsibility, in the face of passing events, of postponing for another year the possibility of our having any effective engines of naval warfare, and submitting in the mean time to the naval advisory board, which is provided for in the bill, the old questions which have been already submitted and decided affirmatively by half a dozen boards.

For myself I was in favor of the bill as it passed the House. I myself agreed with the majority of the House that the time had arrived when we should reduce the proportions of this top-heavy institution, and that we should do it with a firm though not unfriendly hand. I thought also that the time had arrived when we should adopt some measures looking toward increasing as far as we might the defenses of our coast lines and our harbors by completing the iron-clad ships upon which only we could rely for that defense. Since, however, the Senate has taken the responsibility of this delay let the responsibility rest upon them, and if disgrace or disaster should happen let them be held responsible for it by the people. And since the Senate have thought proper to antagonize both of the propositions of the House it may be that we should yield something on one or the other. To my mind the first proposition, that of reducing the *personnel* of the service to a manageable number and

putting it upon an economic basis for efficiency, is of the more pressing importance at this time than the question of temporary delay in commencing work upon the engines of the monitors. The four months remaining between now and the 1st day of December next, when by the action of the Senate this board is required to report, in the absence of misfortune will make but little difference.

And though these monitors were built on my responsibility, and I am sure it is both wise and patriotic to finish them at once rather than wait till we feel their want while they are still unfinished, yet I have personally no objection to the delay if the wisdom of the Senate cannot afford to be prompt, and I certainly have no objection to their being submitted to a hundred boards, if that is desired. I have so much confidence in the fact that they are right and the best that we can do that I am willing to submit them over and over again, even when it is done as a pretext for unpatriotic delay; and although they have already been submitted to five or six boards, I am willing they shall be submitted to a dozen other boards if it is necessary to satisfy Congress that they are right. If they are wrong, let them sink; if they are right, examination will only illustrate the fact, and I am willing to take all the means which are necessary to ascertain that fact and make it so evident that he who runs may read while he runs.

With that feeling and under that understanding your Committee on Appropriations have agreed to concur substantially in the recommendations of the Senate with regard to the monitors, adding only to it such an amendment as is necessary to accomplish effectively and economically what the Senate declares itself ready to do. To recapitulate, the Senate have agreed to provide for finishing the turrets of the Miantonomoh, as the House did. They have agreed also to provide for launching of the four other double-turreted monitors, and they postpone the building of the engines until after a new investigation by the advisory board, to be reported to Congress at its next session.

While we differ from the Senate upon that subject, your committee are willing, so far as they are concerned, to give the fullest delay the Senate wishes, and to submit these things to as many fair boards as anybody cares to have put upon them. Therefore we have agreed to ask concurrence in the amendment of the Senate with this following amendment as to the application of the money: "and to the launching to the best advantage with such necessary attachments and appliances as will render the redocking of the ships unnecessary."

These ships are now to go off the ways and be launched, and when this is done we desire to have them so launched—which can be done with a comparatively small additional expense, I believe—that if found proper to be completed they will not require redocking. Redocking after they were launched, without proper preparation for their engines, would be a very expensive process, and would add some hundreds of thousands of dollars to their ultimate cost. The work can be done now without completing the engines, and they can be launched with the necessary appliances and in such condition as not to require us to go to the expense of redocking them. If any additional appropriation is necessary to put these ships in the condition contemplated, this amendment will leave the whole clause open, and we can increase the allowance of the Senate in conference. This provision has met the unanimous consent of the Committee on Appropriations, and with that amendment we are willing to concur in the Senate proposition for delay. I wish, Mr. Speaker, to say that I myself concur in this the more readily because, while I have no other desire than to have this matter thoroughly examined over and over again, if necessary, and both Congress and the country informed as to what is the best to be done for the interest of the Government with regard to our iron-clad ships, I trust I am above letting the pride of my personal opinions interfere with my public duty, and I am anxious so far as I am concerned to strip this bill of all personal considerations, of all idea that I have any pride of opinion to maintain or any idea to enforce in this House or elsewhere about any proposition which is not ascertained to be for the real substantial good of the country. And I am willing to waive for the present all questions in which I may be supposed to have any personal concern or pride to the end that we may be in a better condition to enforce, without incumbrance, the other great reforms which we have sought in this bill; and, Mr. Speaker, when we have yielded to the Senate on every point where we can be suspected of pride or feeling, when the bill has been stripped of all these questions, then if the House will sustain us, we will do what men can toward enforcing the views of the House in favor of those reforms in the general service of the Navy which are so much needed and which we have attempted to inaugurate, and which the Senate in their wisdom have sought to defeat. If need be let all personal considerations, all questions involving any individual or official pride of opinion, be sacrificed to endeavor to accomplish those general reforms in the service, in the desire for which we as lovers of our country are or ought to be substantially unanimous.

These amendments of the Senate number over seventy. Many of them are merely amendments of detail; some are only amendments of phraseology. It is impossible at this late period of the session to go over amendments of this character specially, because it is not possible for the House without critical examination to see the effect of even the insertion or omission of a single word. We can arrange

those matters in the committee of conference. There are some perhaps to which we would gladly agree; but we desire to have the whole subject of the reform in the *personnel* of the service placed in the hands of the conference committee in order that we may be able to do the best we can to enforce those principles which this House by its overwhelming vote has declared should be inaugurated. Therefore I say on the other question I am willing to yield any feeling of personal pride in order that this House may be clear of any suspicion of standing upon anything but what it is sure is exactly right. With these views we make these propositions, to concur in the Senate amendments with regard to the iron-clads, with the amendment I have indicated, and to non-concur in the remaining amendments.

Mr. HEWITT, of New York. Will the gentleman from New Jersey yield to me for a question?

Mr. ROBESON. Certainly.

Mr. HEWITT, of New York. The amendment which I understand the gentleman from New Jersey to suggest is applicable, I believe, to amendment 63 on page 27. The language of that amendment is this:

And to the launching to the best advantage of the iron-clad steamers *Monadnock*, *Puritan*, *Amphitrite*, and *Terror*.

Now, I have not been able to understand from anything the gentleman has said how the language which he proposes to add can by any possibility protect the public interest more effectually than the language of the amendment, which is "the launching to the best advantage." I take it that "the best advantage" means that every possible appliance for the protection to the Government shall be used.

Mr. ROBESON. That would be my construction also; the words "to the best advantage" undoubtedly mean that. But other people might not think so; and if that be true, there can be no objection to the amendment which I have indicated in order to make it absolutely certain that we mean, and mean only, that such necessary appliances and attachments shall be used as will prevent the necessity of redocking the ships. Redocking, as members are aware, is an expensive operation. I do not know that the Government has any docks suitable for docking these vessels. To dock one of these great ships would cost, I suppose, from \$150 to \$200 a day, merely for the use of the dock.

Mr. HEWITT, of New York. The dock at the Brooklyn navy-yard can receive any one of these monitors.

Mr. ROBESON. Possibly; but the provision which the Committee on Appropriations propose will limit and settle this question beyond dispute.

Mr. Speaker, before sitting down I desire to ask, as we have entered upon the discussion of this bill and as I do not wish to take advantage of that, to ask that these amendments be considered in the House as in Committee of the Whole.

The SPEAKER. They are being considered in the House. The gentleman from Pennsylvania, [Mr. RANDALL,] as the Chair understands, demands a separate vote on each proposition.

Mr. RANDALL. Yes, sir.

The SPEAKER. Can the amendments upon which the gentleman desires a separate vote be classified?

Mr. RANDALL. I make this demand for a separate vote because I believe that a great many of the amendments of the Senate should be concurred in by the House, and that we can expedite an adjournment by limiting so far as possible the questions of difference between the two Houses upon this bill. In the present state of our business we have ample time for considering these amendments separately.

Mr. ATKINS. Mr. Speaker, I do not think that the suggestion of the gentleman from Pennsylvania [Mr. RANDALL] if adopted will have the effect which he seems to anticipate. On the contrary, it will, I believe, prolong the session. If we enter upon a discussion, either in the House or in Committee of the Whole, upon these amendments the debate may last two or three days.

The gentleman from Pennsylvania indicates very serious opposition, as I understand, to one or two amendments.

Mr. RANDALL. I have not indicated any opposition or any advocacy of anything.

Mr. ATKINS. Pardon me, I understood the gentleman differently.

Now, Mr. Speaker, I think if we discuss these amendments in the House it will prolong the session rather than expedite an adjournment. The suggestion made by the gentleman from New Jersey is one agreed to by all the members of the Committee on Appropriations who were present.

Mr. O'NEILL. Not entirely by all.

Mr. ATKINS. I understood the action to be unanimous; but I believe the gentleman from Pennsylvania, [Mr. O'NEILL,] who is a member of the committee, perhaps dissents on some propositions.

Mr. O'NEILL. There are some Senate amendments which I would be glad to have acted on in the House, but I agree to the bulk of them.

Mr. ATKINS. If the House will give attention to the motion made by the gentleman from New Jersey, it is this: that the House non-concur in all amendments of the Senate save and except those which relate to the monitors, and that the House concur in the amendments which relate to the monitors with the simple verbal

amendment the gentleman from New Jersey has indicated. My opinion is it should be the judgment of the House to adopt that suggestion, that the reform which the House with a full House has already adopted may be better secured than by a scant House, which we have at this time. This matter has been discussed in a full House, by the committee when we had a full House, and I think, sir, there is not any likelihood the House would reverse its action upon subjects upon which it has already passed, especially when they are in the interest of economy.

Mr. RANDALL. One moment, if the gentleman will yield to me.

Mr. ATKINS. Certainly, sir.

Mr. RANDALL. Very many of these Senate amendments have never been voted on in the House.

Mr. ATKINS. The most of the amendments made by the Senate are such as to strike down the reform proposed by the House. The body of the amendments—the gravamen of the amendments—offered by the Senate are those which strike down the provisions looking to the reform of the service which were adopted by the House.

Now, sir, I have no care, none in the world, if the House prefers to go into this matter and go through with it; but it will take two or three days, two at any rate.

Mr. RANDALL. Not more than two hours.

Mr. ATKINS. Very well; I care nothing about it; but my judgment is that it would be better to non-concur in the amendments of the Senate, save those indicated by the gentleman from New Jersey, in which he proposes to concur with a verbal amendment.

Mr. RANDALL. I wish to say as a general proposition, Mr. Speaker, in my judgment it is safer and more satisfactory (and I say it without reflecting on any one) the House should legislate itself rather than remit it to three members of a conference committee. That is one of the principles upon which I think this House should rest its action. We remitted the legislative appropriation bill and the general deficiency bill long ago to committees of conference, and we have not heard from them yet.

Mr. ATKINS. Allow me to say right here that if the House and the Senate had agreed on every single proposition in the legislative and deficiency bills, save the points of difference which now exist, those bills would have been still where they are to-day. There is no doubt about that.

Mr. RANDALL. I do not know the reason why there is no agreement, but I wish to express my regret there has not been an agreement, because those are bills which ought to have been enacted into law before we had commenced the second month of the fiscal year.

I really think, Mr. Speaker, this House should exercise its right and perform its duty in legislating itself and not remitting these various questions to a conference committee in order to see whether we cannot come to an understanding with the Senate on at least some of the amendments. I do not believe in remitting to a conference the bulk of the amendments when perhaps there is no disagreement. Why send matters to a conference committee when the House may reconcile disagreements at this time.

Mr. ROBESON. If the gentleman will pardon me I should like to make a suggestion.

Mr. RANDALL. Certainly.

Mr. ROBESON. The gentleman has a right to call for a separate vote on each amendment.

Mr. RANDALL. I know that.

Mr. ROBESON. That is his right and privilege. I desire to say to him there are none of these amendments we ask to non-concur in which are new propositions of the Senate. They are simply non-concurrence of the Senate with the deliberate vote of the House after long debate.

Now, then, the whole subject-matter has been gone over by the House. Every one of these questions has been discussed until it is threadbare. It is true that we can take them all up and still go over the same ground and debate the matter for another week if necessary, and we can discuss it and have the same speeches substantially made over again if it is preferred. But we are considering nothing but what has been already considered by the House; and with that view, having only a desire to expedite the consideration of the matter, I would ask the gentleman from Pennsylvania, in order to facilitate the time of adjournment, in order that we may get away, if we can, by or before the end of the week, if he will not point out the particular amendments on which he wishes a separate vote, instead of reading the whole bill and going through these amendments, seventy-six in number, *seriatim*.

Mr. RANDALL. I have read the debate in the Senate upon this bill with a great deal of care, but I could not now go through and pick out with certainty, out of the seventy-six amendments to the bill, those upon which I desire to have a separate vote. There are some that I could indicate, of course; for instance, I would like to have a separate vote on the Senate amendment to the commodore question.

Mr. ROBESON. All right, let us have a separate vote on that.

Mr. RANDALL. Then, I think, as to the closing of the navy-yards.

Mr. ROBESON. Very well, have a separate vote on that too.

Mr. RANDALL. And there may be others which escape my memory just at present.

Mr. BOWMAN. There may be also, Mr. Speaker, other members

who would like to have separate votes on some of these amendments.

Mr. RANDALL. I think the intelligent way would be to proceed now to consider these amendments *seriatim*. There will be little or no debate.

Mr. O'NEILL. Mr. Speaker, I desire to say a few words in this connection. The gentleman from New Jersey has spoken of the long and exhaustive debate which has been had upon all of the various provisions of this bill when it was first reported from the Committee on Appropriations of the House. The course the House has pursued upon the bill up to this time has suited the views of a majority of the members. The probability is, though, that now some may have seen fit to change the views which they upheld and advocated upon the floor when we considered the bill in Committee of the Whole. I, too, have read the debate in the Senate upon this appropriation bill very carefully. It was made, it seems to me, the most important appropriation bill which came before that body, and the discussion and action of the Senate was looked upon with great interest by Senators and members. Both House and Senate devoted a great length of time in considering its provisions. Many of us were disappointed by the action of the House upon some portions of the bill. I confess that I have learned a good deal with reference to its purposes by looking over the debates in the Senate just as my colleague [Mr. RANDALL] has by reading those debates as they occur.

I do not believe we gain time by at once referring appropriation bills, as we have been doing so frequently at this session, to conference committees as soon as they come back to us from the Senate with amendments. I think the proof as to whether or not we have hurried business through by doing so must be apparent to every member of the House. Where are we now at the end of an eight months' session of Congress? Many of our appropriation bills are not yet laws. Some of them have been hanging fire in the conference committees for weeks. I doubt, sir, very much whether this letting them go into conference as soon as it is ascertained that there is a difference between the two Houses is likely to expedite business. I believe that if we were to go over this naval bill to a certain extent, at least with reference to some of the more important amendments which might be pointed out, that we could get through the bill finally much sooner than by letting it go now to a conference.

The gentleman from New Jersey has control of the bill. If he is so inclined or in order to defeat further discussion upon these points it will be within his power to demand the previous question, and very likely he will be able to get it, for certainly there are none of us who want to waste any time in useless discussion here in that way. I think we can get through with it much sooner than by letting it go to a conference committee without now considering the amendments. Besides that, it is not at all unlikely that some of us may have seen occasion to change our opinions as to certain features of the bill since it passed the House. I feel myself like concurring in some of these amendments of the Senate, and would like to have a direct vote upon some of them; and I have no doubt that other members feel as I do and would also like the privilege of separate votes.

Now, there is not much to do to-day that I know of. I do not see that we are specially hurried just now in our legislation. We cannot go on with private bills here, because certain members seem to think it within their individual province to decide which private bills shall be taken up, without reference to the knowledge of them which may be possessed by the immediate Representative who has presented them to the House or of the necessities for proposed legislation of their respective constituents; therefore we cannot go on with that character of business. I think, Mr. Speaker, that under this condition of things we can do no better than to consider these amendments of the Senate as far as we may desire to consider them; to debate them if necessary, and vote upon them. I believe this will do more to hurry the passage of the bill than anything else. I certainly hope and desire that the final action of Congress upon it will be expedited and not delayed, and therefore I suggest that we take up the amendments as they may be indicated by the members who desire separate votes upon them, and proceed to dispose of them in order.

I, like my colleague from Pennsylvania, [Mr. RANDALL,] desire to vote upon the proposition giving the power to the Secretary of the Navy to close up navy-yards at his will. I am for the Senate amendment and am for concurring. I desire to vote on the amendment of the Senate authorizing the appointment of a commission to examine all the navy-yards of the country, so that we may ascertain through men who probably understand the subject where a navy-yard should be maintained and what it should be used for before we give the power into the hands of the Secretary to close them just as he may see fit.

I hope upon these main propositions we may have a direct vote. And I hope this House will consider that four months is too long a time to put off commencement of the completion of the monitors. I do not agree with the views of my colleague upon the committee who has charge of this bill that we should concur in this Senate amendment. Were I he I should insist on the House provision, which authorizes the completion of them; and I would not yield, if I were conferee, to the amendment of the Senate which cuts down so largely the appropriation for the purpose. Let us, then, have separate and distinct votes upon some of these amendments.

Mr. WHITTHORNE rose.

The SPEAKER. Does the gentleman from New Jersey yield?

Mr. ROBESON. Yes, sir.

Mr. WHITTHORNE. I simply desire to say one word. In the hasty examination I have made of the amendments of the Senate to the bill I think when the House comes to look upon them on one side and the other it will discover, as far as the *personnel* of the Navy is concerned, the amendments made by the Senate amount to very little. Except as regards the rank of commodore there is very little difference in that respect between the Houses.

Then, summing it up altogether, I think it will be found if the House could and would now accept the amendments of the Senate, on a balancing of the account the advantage on the score of economy would be with the Senate as against the House. And I do not think the House would make any serious mistake if it were at once to end all discussion on this matter and agree to the Senate amendments.

Mr. ATKINS. Will the gentleman allow me to ask him one question?

Mr. WHITTHORNE. Certainly.

Mr. ATKINS. If you take out the concurrence which is proposed by the gentleman from New Jersey, does my colleague from Tennessee think the balance would then be on the side of the House on the score of economy?

Mr. WHITTHORNE. I would not, answering by the arithmetic of the case, say ay. But when I look to what I conceive to be the amount of danger in the propositions as contained in the House bill and as remedied, in my judgment, by the Senate, and when I look to the harmony and efficiency of the service ultimately, I believe it would be found that on the score of economy the balance would be in favor of the Senate.

There are some amendments made by the Senate which individually I would not be inclined to accept. But taking them as a mass, looking to the future harmony and future efficiency of the service in its *personnel* and its material aspects, in my judgment the Senate has not committed any mistake. That is all I desire to say.

Mr. ROBESON. I yield to my colleague on the committee, the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON. I suppose if members would designate the amendments they desire to vote upon separately they have the power, as a matter of right, to force a vote. But in rising at this time I more particularly wanted to say something in answer to the argument that has been thrown in by both of the gentlemen from Pennsylvania in support of the proposition to have all these amendments considered one by one in so far as they referred to the legislative bill and the deficiency bill, which are now in conference.

The legislative bill had nearly four hundred amendments. The House did non-concur substantially in those amendments in bulk. But long ago the disagreement on every one of those amendments, except those in section 6, has been closed up and the report adopted; and as to that section, upon a vote of the House under circumstances where its opinion could be had, the House stood 98 to 4 in favor of a certain proceeding. That was a week ago; and the Senate in its wisdom did not see proper to grant our request for a further conference for one week. It only did so last night just before adjournment. So that the fact of non-concurring in bulk in the amendments upon that bill did not at all embarrass its passage. The conference committee on the part of the House has been substantially instructed on one section, and that alone keeps that bill from becoming a law; and upon that the House are ready to meet the Senate when the Senate will meet them.

On the deficiency bill it is also true, while we non-concurred in all the amendments, yet the whole bill is closed up by the report of the conference, except on one matter, that of mileage, upon which the House refused to recede by a majority of such a size that the conferees felt they must obey the will of the House. The criticism, therefore, of the gentleman, so far as it may reflect on non-concurring in the amendments as a whole, does not lie in regard to those two bills.

Mr. RANDALL. I desire to say that I did not reflect on anybody, but simply expressed my regret that those two bills were still in conference. I think my language will bear no other construction. I remarked that here we were in August with those two bills still pending.

Mr. ROBESON. I yield to the gentleman from Texas, [Mr. REAGAN.] How much time does the gentleman desire?

Mr. REAGAN. I only want a moment. I desire to state now, very briefly, the reasons which will induce me to support the recommendations of the Committee on Appropriations in reference to this bill. It has been explained that the Committee on Appropriations are willing to concur, with the slight amendments which they propose, in so much of the bill as relates to the partial completion of the monitors. The features of the bill which remain unagreed to are those which relate to the attempt of the House to reduce the *personnel* of the Navy.

When we remember that we have about thirty-eight ships afloat, with over 1,000 officers in commission, and when we remember that the English navy, with ten times the number of ships afloat that we have, has only about 1,800 officers in commission, we must see that either the British Government has failed to furnish the necessary number

of officers to take charge of their ships of war, or we have a very great superabundance of officers.

The House of Representatives desire to take some steps to reduce what has perhaps been aptly termed the top-heaviness of the Navy, not in any spirit looking to a crippling of the service, but with a desire to preserve its efficiency and at the same time not burden that branch of the service with a large number of supernumerary officers.

The provisions that go to this point are those which are chiefly in issue. The mere slight and verbal amendments of the Senate are of but little consequence, and we can safely trust the conferees on the part of the House with the adjustment of those. There may be some amendments of the Senate to which we would not object. I certainly should not object to the sixteenth amendment, which provides against the increase of salaries by the promotion of retired officers. I think that is entirely right and in the spirit and number of the action of the House. And there may be others to which there would be no objection.

But when we go into conference, if in the House here we disarm our conferees by agreeing to all of the amendments which are unobjectionable, then, to use an expression which is perhaps more significant than elegant, we give them no fighting ground. We yield everything we can and then go into conference upon that which is demanded of us without any ground to compromise upon. It is this fact which will induce me to sustain the recommendation of the Committee on Appropriations. My judgment is that we would have done better to have accepted the proposition of the chairman of the committee to concur in the amendments he mentions and non-concur in the remainder, and intrust the bill to the committee of conference for safe and speedy results.

My own strong desire is that the House shall sustain the reformatory provisions of this bill, reducing the number of supernumerary officers and preserving the efficiency of the service, without weighting it down with unnecessary officers and unnecessary service. With this view, I shall sustain, so far as my vote goes, the recommendation of the Committee on Appropriations to concur in the amendments of the Senate in regard to which they recommend concurrence, and non-concurrence in the remainder, so as to leave the whole subject open, and enable them to go as far as they can in the execution of the expressed views of the will of the House of Representatives.

Mr. ROBESON. I now yield to the gentleman from New York, [Mr. HISCOCK.]

Mr. HISCOCK. I believe that this bill as it was first formulated in the House was to some extent a disappointment to some portions of the country and perhaps to some portions of the House itself. The two great reforms initiated by this bill, perhaps I should say the three great reforms, were, first, the decrease of the *personnel* of the Navy; second, the initiating of a movement to build steel cruisers; and third, the provision looking to the closing of certain navy-yards, or at least to the discontinuance of work in certain navy-yards. I believe that those three points in the bill met the approval of a large majority of this House and met the approval of the country.

There was but one thing left in the bill for the most captious and the most critical to discuss and criticise. That was the very moderate provision looking to the completion of the monitors or the iron-clads. When the bill was reported to the House the Committee on Appropriations of the House guarded carefully those provisions in respect to the completion of the monitors. There was no member of the committee who had any other motive in reference to those provisions than the good of the Navy, the building up of the navy as was expected of Congress by the people.

When the bill left the House and went to the Senate they dissented from two of the reforms which had been initiated by the House, the reduction of the *personnel* of the Navy and the discontinuance of work to a certain extent in some of the navy-yards; those two features as to which there was great unanimity in the House. In reference to the third provision of the bill, which excited some criticism in the House, the completion of the monitors, the Senate have guarded somewhat the provisions of the House bill, and in reference to that feature the Committee on Appropriations have substantially accepted the action of the Senate.

It is the disposition of the Committee on Appropriations of the House to eliminate from the bill everything which is objectionable, everything which can be justly and properly criticised. After fully considering the monitor clause of the bill, we have concluded that some slight verbal changes should be made in the Senate provisions; but, as already suggested by members on the floor, it may be questionable whether those changes are necessary or not. I do not hear of any objections to them, except that the Senate provisions without the changes which we propose mean substantially what they would with those changes.

Mr. HEWITT, of New York. Allow me to say that I think they weaken the original provisions of the Senate.

Mr. HISCOCK. The gentleman from New York [Mr. HEWITT] says that he thinks they weaken those provisions. I think they strengthen them. But that is a mere matter of detail.

So far as the substantial amendments of the Senate are concerned, which look to guarding the features of the bill with reference to the iron-clads, we accept them in all good faith. And I say that I am gratified that my colleague on the Committee on Appropriations, a

member on the sub-committee that had charge of this bill, [Mr. ATKINS,] whose good faith, and whose patriotism, and whose economy can never be questioned, indorses the proposition which has been made by the gentleman from New Jersey, [Mr. ROBESON,] and favors the motion which he proposes to submit. I am gratified also that the gentleman from Texas, [Mr. REAGAN,] of whom I can likewise say that his motives in the direction of economy and good government can never be questioned, gives this proposition his approval, and accepts the action of the Committee on Appropriations in the spirit in which it was tendered—the object being to present to the country the best possible naval appropriation bill which can be produced.

I heartily hope, Mr. Speaker, that the action desired by the gentleman who has charge of this bill will be taken by the House; that all these amendments of the bill which, though to a certain extent as you glance at them, may appear non-essential, bear possibly upon the two great reforms which I have indicated upon which the House and the Senate differ may be non-concurred in. Upon those two great questions we have had a decided expression from the House; and it is desirable that the conferees on the part of the House may have full power to go into the conference and work out the wishes and judgment of the House.

Mr. ROBESON. Mr. Speaker, after this debate there remain, I think, only two questions substantially. One is the question of the general principles of reduction of the personnel of the service as inaugurated, voted upon, and sustained by the House. The other is the question of giving to the Secretary of the Navy, if he finds that the money can be expended more economically in fewer navy-yards, the power not to sell, but to close up and stop work at those navy-yards which are supernumerary. Both these questions were thoroughly discussed in the House; both were decided by the House by overwhelming majorities in accordance with the provisions of the House bill as recommended by the Appropriations Committee. We propose that there be inaugurated for the future a system which without interfering with any officer now in the service shall reduce our overgrown naval establishment from its inconvenient and expensive proportions to such a size as it is our interest to maintain. We propose also that where it has been demonstrated by the reports from the bureaus of the Navy Department themselves that it takes ninety-nine cents to spend a dollar, where for the last five years \$10,500,000, exclusive of the pay of officers, has been consumed in merely expending \$11,900,000 for labor and materials, there shall be a reduction so far as practicable consistent with the demands of economy.

The questions have been thoroughly discussed here in Committee of the Whole; they are fully understood. I have no power to prevent a separate vote on any amendment, but for the purpose of facilitating the action of the House I shall move before I sit down the previous question upon the report of the Committee on Appropriations, so that these amendments if voted upon *seriatim* shall be disposed of without consuming any more time in debate, to the end that we may, if possible, escape from this thralldom during the progress of the present week.

Before taking my seat I will say in reference to these proposed reforms in the Navy that we have here on duty in Washington one hundred and three naval officers who, with their families and friends, are influential and powerful; but I want it understood that they are not a third branch of the Legislature of this country.

I now move the previous question on the adoption of the report.

Mr. BOWMAN. Will the gentleman allow me a question?

Mr. ROBESON. Yes, sir.

Mr. BOWMAN. I wish to ask whether the previous question will so apply that nothing can be said concerning individual amendments when they come up?

Mr. ROBESON. Yes, sir; it will cut off all debate.

The previous question was ordered.

First amendment:

After the words "two assistant surgeons not in the line of promotion" insert the following: "Who shall, after fifteen years' service, be entitled to receive as annual pay when at sea \$2,100; when on shore duty, \$1,800, and when on leave or waiting orders, \$1,600."

Mr. ROBESON. The committee recommend non-concurrence.

Mr. RANDALL. I move to concur in the Senate amendment.

The amendment was non-concurred in.

Second amendment:

Strike out the following words: "Various staff corps of the Navy and of the Marine Corps, but naval constructors and assistant naval constructors may be appointed from civil life;" and insert in lieu thereof: "Engineer Corps of the Navy and of the Marine Corps: And provided further."

The SPEAKER. The committee recommend non-concurrence.

Mr. RANDALL. It is a mere change of phraseology, and I move to concur.

Mr. ATKINS. I rise to a question of order. I think the remark of the gentleman from Pennsylvania is in the nature of debate.

Mr. RANDALL. What remark?

Mr. ATKINS. The remark just made by the gentleman. He said it was a mere verbal amendment, and I think that is in the nature of debate. It is not merely verbal.

Mr. RANDALL. I demand a division.

The House divided; and there were—ayes 16, noes 42.

So the amendment was non-concurred in.

The third, fourth, fifth, and sixth Senate amendments were non-concurred in, as recommended by the Committee on Appropriations.

Seventh amendment:

Strike out the words, in the paragraph in reference to naval honorably discharged cadets, the following words: "And one year's sea pay, under the provisions of this act."

The SPEAKER. The committee recommend non-concurrence.

Mr. RANDALL. I move that the amendment be concurred in.

The House divided; and there were—ayes 32, noes 35.

Mr. RANDALL. A quorum has not voted.

The Speaker appointed as tellers Mr. ROBESON and Mr. RANDALL.

The House again divided; and the tellers reported—ayes 48, noes 36.

So the amendment was concurred in.

The eighth, ninth, and tenth amendments of the Senate were non-concurred in, as recommended by the Committee on Appropriations.

Eleventh amendment:

In the paragraph relating to the active list of the pay corps of the Navy, strike out "and thirty-five assistants and" and in lieu thereof insert "twenty;" so it will read "twenty passed assistant paymasters."

The SPEAKER. The committee recommend non-concurrence.

Mr. KNOTT. I move concurrence.

The House divided; and there were—ayes 25, noes 42.

Mr. KNOTT. No quorum has voted.

The SPEAKER appointed Mr. ROBESON and Mr. KNOTT tellers.

The House again divided; and the tellers reported—ayes 28, noes 33.

So the amendment was non-concurred in.

The twelfth, thirteenth, fourteenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-seventh, thirty-first, and thirty-fourth amendments of the Senate were non-concurred in, as recommended by the Committee on Appropriations.

Fifteenth amendment:

Strike out the following:

"Provided, That hereafter all promotions to the grade of rear-admiral on the active list shall be made from the grades of commodore and captain, and no more promotions to the grade of commodore shall be made after July 1, 1883: *Provided, however,* That no commodore now in the service shall be reduced in rank or deprived of his commission by reason of this act: *And provided further,* That no officer shall be promoted under the provisions of this act unless his mental, moral, and professional fitness shall have been established according to the provisions of sections 1496 and 1497 of the Revised Statutes."

The SPEAKER. The committee recommend non-concurrence.

Mr. RANDALL. I move to concur in that amendment.

The amendment was non-concurred in.

Seventeenth amendment:

Strike out in the following the words "at sea:"

"That whenever on an inquiry had pursuant to law, concerning the fitness of an officer of the Navy for promotion, it shall appear that such officer is unfit to perform at sea the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his own misconduct."

The SPEAKER. The committee recommend non-concurrence.

Mr. THOMAS. I move concurrence in that amendment.

The amendment was non-concurred in.

Twenty-sixth amendment:

In the paragraph in reference to "officers of the Navy traveling abroad under orders" insert the following words: "hereafter issued shall travel by the most direct route, the occasion and necessity for such order to be certified by the officer issuing the same."

The SPEAKER. The committee recommend non-concurrence.

Mr. DINGLEY. I move to concur.

The amendment was concurred in.

Twenty-eighth amendment:

Strike out, under the head of "Bureau of Ordnance," "that purpose" and in lieu thereof insert "these purposes."

Mr. ROBESON. Let that amendment be concurred in.

The amendment was concurred in.

Twenty-ninth amendment:

Strike out "\$5,000" and insert "\$3,500" in the following paragraph:

"For miscellaneous items, namely: For freight to foreign and home stations, advertising and auctioneers' fees, cartage and express charges, repairs to fire-engines, gas and water pipes, gas and water tax at magazines, toll, ferrage, foreign postage, and telegrams, \$5,000."

The SPEAKER. The committee recommend non-concurrence.

Mr. HOLMAN. I move to concur.

The amendment was concurred in.

Thirtieth amendment:

Insert the following:

"The Secretary of the Navy may, in his discretion, furnish to the American Ordnance Company fourteen smooth-bore iron guns, of the Rodman, Dahlgren, and Parrott models, of not less than nine-inch bore, and four gun-carriages, and the use of instruments for testing the velocity of projectiles, for the purpose of making tests and experiments in the improvement of heavy ordnance: *Provided,* That the Government of the United States shall not incur or be liable in any event for any expense in the conduct of such tests or experiments; and after the same have been completed, and not later than the 1st day of March, 1883, said guns and gun-carriages and instruments shall be returned to the United States; and said American Ordnance Company shall not be liable for any damage said guns or gun-carriages may sustain in the conduct of such tests or experiments, or in consequence of any alterations made in the same."

Mr. HISCOCK. The committee recommend non-concurrence.

The amendment was non-concurred in.

Thirty-second amendment:

Strike out "\$40,000" and insert "\$35,000," relating to the transportation of enlisted men and boys at home and abroad.

The SPEAKER. The committee recommend non-concurrence.

Mr. RANDALL. I move concurrence.

The amendment was concurred in.

Thirty-third amendment:

Strike out "\$20,000" and insert "\$15,000" in the following paragraph:

"For contingent expenses equipment and recruiting: For extra expenses of training-ships, freight and transportation of equipment stores, printing, advertising, telegraphing, books and models, postage, car tickets, ferriage, ice, apprehension of deserters and stragglers, assistance to vessels in distress, continuous-service certificates and good-conduct badges for enlisted men, school books for training-ships, extra medals for boys, and emergencies arising under cognizance of Bureau of Equipment and Recruiting unforeseen and impossible to classify, \$20,000."

The SPEAKER. The committee recommend non-concurrence.

Mr. RANDALL. I move to concur.

The amendment was concurred in.

Thirty-fifth amendment:

Strike out the following:

"Provided, That if the Secretary of the Navy shall find that work at all the navy-yards now maintained cannot be carried on with advantage to the service and economy to the governments for the amounts in this act appropriated for the maintenance of and civil establishment at the navy-yards, he shall not make any deficiency for these purposes, but he shall suspend work at those yards where he finds it can best be dispensed with, and shall close such yards and transfer all perishable stores and property therefrom to other yards for use therein, and report the facts and reasons governing his action to the next session of Congress; and at the yards so closed only such officers and employes shall be retained as are necessary to preserve and take care of the property of the Government, and all other persons shall be transferred or discharged: *Provided further*, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard for the Bureaus of Equipment and Recruiting and Ordnance, and that work may be continued in the rope-walk in the Boston navy-yard: *And provided further*, That nothing herein shall be held to interfere with the permanent improvement of any navy-yard as now authorized by law, or the expenditure for such purpose of any money appropriated by Congress therefor."

The SPEAKER. The committee recommend non-concurrence in this amendment.

Mr. BOWMAN. I move to concur.

Mr. REED. Is not this a motion to strike out and insert. There are some sections added in place of what is proposed to be stricken out.

The SPEAKER. The question is to strike out.

Mr. REED. I desire to call attention to the fact—

The SPEAKER. Debate is not in order.

Mr. REED. Was debate closed on all these amendments?

The SPEAKER. Absolutely.

Mr. REED. Was not this a motion to strike out and insert? Here is a substitution in this bill of the Senate for something put in by the House and stricken out by the Senate.

Mr. ATKINS. I object to debate.

The SPEAKER. The Chair thinks this is not a parliamentary inquiry.

Mr. BOWMAN. I move concurrence in the amendment of the Senate.

The House divided; and there were—ayes 10, noes 35.

So the motion to concur was not agreed to.

Mr. REED. I submit to the Speaker as a parliamentary inquiry, what would be the effect of rejecting this motion to strike out, and then retain that which the Senate have inserted as an additional section?

The SPEAKER. It is not for the Chair to determine that point.

Mr. REED. It is a matter it seems that ought to be taken into consideration in connection with the other amendment. It would seem proper that they should be considered together.

The SPEAKER. They are regarded as separate amendments.

The thirty-sixth amendment was non-concurred in.

The thirty-seventh amendment was read, as follows:

That the Secretary of the Navy shall appoint a commission, to consist of three persons, one of whom shall be appointed from the line officers and one from the staff officers of the Navy, and one from civil life, which commission shall consider and report to the next session of Congress upon the question whether it is advisable to sell any of the navy-yards, and, if so, which; and as to each of said yards said commission shall report as to its cost, its area, its present value, including in separate items the value of the land, structures, machinery, and other personal property; the depth of water at the yard, and whether it remains and will remain at such depth, or will require expense to keep open its water communication; its condition as to being in working order or otherwise; the condition and value of its "plant" in the different departments; its advantages and disadvantages as a naval station, and for the construction of vessels; its probable value for other purposes, in case the yard is discontinued; whether there is any demand for the yard for mercantile or other purposes; whether it can probably be sold, and at what price, in case of discontinuance; the annual cost during each of the past fifteen years of maintaining it; the value of what it has produced during each of said years, so far as it can be ascertained; its value or necessity for purposes of defense on that part of the coast where it is situated, or in general, and also as regards any city in its vicinity; and any other facts which such commission may deem useful or advisable to report in regard to this question.

Mr. HOLMAN. I move to concur in that amendment. I believe the motion is debatable.

The SPEAKER. It is not; the Chair will submit the motion to the House.

The amendment was concurred in.

The thirty-eighth amendment was non-concurred in.

The thirty-ninth amendment was read, as follows:

In line 452 insert "rent of rooms for naval dispensary."

Mr. HEWITT, of New York. I move concurrence in that amendment.

The amendment was concurred in.

The next amendment, No. 40, in line 454, was read, as follows:

Strike out "20" and insert "15."

Mr. RANDALL. I move to concur in that amendment.

The amendment was concurred in.

The forty-first amendment was non-concurred in.

The forty-second amendment was read, as follows:

Provided, Nothing herein contained shall deprive the Secretary of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home.

Mr. HEWITT, of New York. I move concurrence in that amendment.

The amendment was concurred in.

The next amendment, No. 43, was read, as follows:

Insert in line 501, after the word "authorized," "at a total cost, when fully completed, not to exceed the amount estimated by the late naval advisory board for such vessels."

Mr. HEWITT, of New York. I move to concur in that amendment.

The amendment was concurred in.

The forty-fourth amendment was read, as follows:

After the word "having," in line 504, insert "as near as may be."

Mr. HEWITT, of New York. I move concurrence in that amendment.

The amendment was concurred in.

The forty-fifth and forty-sixth amendments were read, as follows:

Before the word "armed," in line 512, insert the words "adapted to be;" and also, before the word "armed," in line 520, insert the same words.

Mr. HEWITT, of New York. I move concurrence in these amendments.

The amendments were concurred in.

Amendment No. 47 was read, as follows:

Strike out in line 527 the words "naval board of advice survey" and insert "naval advisory board."

Mr. ATKINS. I move to concur in that amendment. It is simply a change of a name which seems proper.

The amendment was concurred in.

Amendment No. 48 was read, as follows:

Before the word "experts," in line 536, insert the word "as;" so that it will read "and two persons of established reputation and standing as experts," &c.

Mr. HEWITT, of New York. I move to concur in that amendment.

The amendment was concurred in.

Amendment No. 49 was read, as follows:

Strike out in lines 536 and 537 the words "science and in the arts of ship-building, steam-engineering, and naval ordnance" and insert "naval or marine construction."

Mr. HEWITT, of New York. I move to concur in that amendment.

The amendment was concurred in.

Amendment No. 50, in line 541, was read, as follows:

Strike out "fifty" and insert "eleven;" so that it will read "\$11,000."

Mr. RANDALL. I move to concur in that amendment.

The amendment was concurred in.

Amendment No. 51 was read, as follows:

Insert in line 546, after the word "armament," the words "nor in any contract for the same."

Mr. HEWITT, of New York. I move to concur.

The amendment was concurred in.

Amendment No. 52 was read, as follows:

Strike out, after the word "contractor," in line 560, the words "but shall in all things be subject to the order and direction of said Secretary."

Mr. HEWITT, of New York. I move to concur.

The amendment was concurred in.

Amendment No. 53 was non-concurred in.

Amendment No. 54 was read, as follows:

Insert after the word "cause," in line 586, the words "either of;" so that it will read "the Secretary of the Navy is hereby authorized to cause either of the said cruising vessels," &c.

Mr. HARRIS, of Massachusetts. I move to concur in that amendment.

The amendment was concurred in.

Amendment No. 55 was read, as follows:

Insert in line 592, after the word "proper," the words "public advertisement and."

Mr. HEWITT, of New York. I move to concur in the amendment.

The amendment was concurred in.

Amendment No. 56 was read, as follows:

Strike out, in line 601, the word "exceeding," and insert "less than."

The amendment was concurred in.

Amendment No. 57 was read, as follows:

Strike out the words "Secretary of the Navy shall report the facts to Congress, with a statement of the amount which in his opinion should be paid to such person," and insert "contractor shall bind himself to discharge the Government from all liability on account of such adoption and use."

Mr. HEWITT, of New York. I move to concur in that amendment.

The House divided; and there were—ayes 34, noes 49.

Mr. HEWITT, of New York. No quorum has voted. I demand tellers.

Mr. HEWITT, of New York, and Mr. HISCOCK were appointed tellers.

The House again divided; and the tellers reported—ayes 37, noes 51.

So (no further count being demanded) the amendment was non-concurred in.

Amendment No. 58 was read, as follows:

Strike out, in line 617, the words "board of advice and survey" and insert "the naval advisory board."

Mr. RANDALL. That amendment ought to be concurred in.

The amendment was concurred in.

Amendment No. 59 was read, as follows:

Strike out, in line 633, the words "two millions two hundred thousand dollars" and insert "one million six hundred thousand dollars."

Mr. ATKINS. I move concurrence.

The amendment was concurred in.

Amendment No. 60 was read, as follows:

Strike out, in line 639, "one million" and insert "four hundred thousand."

Mr. ATKINS. I move to concur.

The amendment was concurred in.

Amendment No. 61 was read, as follows:

Insert in line 640, after the word "amount," the words "or so much thereof as may be necessary."

The amendment was concurred in.

Amendment No. 62 was read, as follows:

Strike out, in line 643, the word "to" and insert "under the board of construction and repair."

Mr. ATKINS. I move to concur.

The amendment was concurred in.

Amendment No. 63 was read, as follows:

Strike out, in line 645, the word "and."

The committee recommend concurrence, with an amendment as follows:

After the word "Terror," in page 647, insert the words "with such necessary attachments and appliances as will render redocking of ships unnecessary."

The amendment was concurred in with the amendment.

Amendment No. 64 was as follows:

Strike out the words beginning in line 647, as follows: "To the completion of the engines and machinery of said vessels as he may, on examination, think most expedient and best for the interest of the service;" and insert: "That no further steps shall be taken or contracts entered into or approved for the repairs or completion of any of the four iron-clads aforesaid until the further order of Congress; and the naval advisory board created by this act is directed to report in detail by the 1st day of December, 1882, as to the wisdom and expediency of undertaking and completing the engines, armor, and armaments of said iron-clads, and whether any changes in the original plan or plans should be made, together with the cost of the completion of each according to the plans recommended, if the completion of any of them is recommended."

The committee recommend concurrence, with an amendment as follows:

Add to the end of the paragraph the words "and the said secretary shall transmit such report to Congress at its next session with his recommendations thereon."

The amendment with an amendment was concurred in.

Amendment No. 65 was concurred in.

Amendment No. 66 was read, as follows:

Strike out, beginning with line 665, the words "Provided, That all plans for the completion of the armor and armament of the said iron-clad vessels provided for in this bill shall be submitted to the board of advice and survey created by this act for its approval or disapproval."

Mr. HEWITT, of New York. I move concurrence in that amendment.

The amendment was concurred in.

Amendment No. 67 was read, as follows:

For the purchase of one testing-machine for making tests of plating iron, &c., \$8,000.

Mr. BAYNE. I move to concur.

The amendment was non-concurred in.

Amendment No. 68 was non-concurred in.

Amendment No. 69 was read, as follows:

On page 37, section 2, line 13, strike out the following: "All such stores and supplies as shall be found by boards of appraisers to be unserviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury," and insert in lieu thereof, as follows: "The Secretary of the Navy shall report the same to Congress at its next session."

Mr. HOLMAN. I move to concur.

The question being taken, there were—ayes 40, noes 51.

So (further count not being called for) the amendment was non-concurred in.

Amendments numbered 70, 71, and 72 were non-concurred in.

Amendment numbered 73 was read, as follows:

On page 41, section 3, line 10, add these words:

"And also the duration of such service, beyond which time it shall not continue."

Mr. RANDALL. I move to concur.

The question being taken, there were—ayes 23, noes 37.

So (further count not being called for) the amendment was non-concurred in.

Amendments numbered 74, 75, and 76 were non-concurred in.

Mr. ROBESON moved to reconsider the several votes of concurrence and non-concurrence in amendments of the Senate; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTIONS AND BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolutions and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department;

Joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library;

Joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department;

A bill (S. No. 979) regulating fees and the practice in extradition cases;

A bill (S. No. 1120) for the relief of Eugene B. Allen; and

A bill (S. No. 1845) to authorize the Postmaster-General to extend the mail service in certain cases, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a joint resolution and bill of the following titles:

Joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws; and A bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts.

The message also announced that the Senate had passed without amendment a joint resolution and bills of the following titles:

Joint resolution (H. R. No. 280) authorizing the Secretary of War to loan tents to the Washington Light Infantry Corps;

A bill (H. R. No. 5222) to restore the Fort Benton military reservation to the public domain, and for other purposes;

A bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court and post-office and other Government offices at the city of Williamsport, Pennsylvania; and

A bill (H. R. No. 2402) to quiet title to certain land in Washington, District of Columbia.

The message also announced that the Senate had passed a joint resolution and bill of the following titles; in which the concurrence of the House was requested:

Joint resolution (S. R. No. 100) authorizing the Secretary of War to supply tents to the annual muster of the State militia of Kansas; and

A bill (S. No. 2171) to remove the political disabilities of Frank C. Armstrong, of Maryland.

The message further announced that the Senate had agreed to the amendments of the House to bills of the following titles:

A bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes; and

A bill (S. No. 101) for the relief of G. W. Thompson and others.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate, (the House concurring.) That the proceedings of the American forestry convention held at Cincinnati in April, 1877, be printed under the direction of the Commissioner of Agriculture, and that 5,000 additional copies be printed, of which 1,300 copies shall be for the use of the Senate, 2,600 copies for the use of the House, and 1,100 copies for the use of the Commissioner of Agriculture.

INTERVENTION BETWEEN CHILI AND PERU.

Mr. WILLIAMS, of Wisconsin, from the Committee on Foreign Affairs, to whom was referred a resolution of the House relative to certain missing papers from the files of the Department of State, and also directing inquiries to be made as to the connection of one or more ministers plenipotentiary of the United States with business transactions in which the intervention of the United States was requested between Chili and Peru, submitted a resolution; which, with the accompanying report, was referred to the House Calendar, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. WILLIAMS, of Wisconsin. I rise to make a privileged report. I present the report of a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1052) entitled "An act in relation to the Japanese indemnity fund," having met, after full and free conference have been unable to agree.

CHAS. G. WILLIAMS,

W. W. RICE,

P. V. DEUSTER,

Managers on the part of the House.

T. F. BAYARD,

W. WINDOM,

JOHN SHERMAN,

Managers on the part of the Senate.

Mr. WILLIAMS, of Wisconsin. I move that the House further insist on its disagreement to the Senate amendments and ask for another committee of conference.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees Mr. WILLIAMS of Wisconsin, Mr. RICE of Massachusetts, and Mr. DEUSTER of Wisconsin.

ORDER OF BUSINESS.

Mr. HISCOCK. I move that the House now proceed to the consideration of business on the Speaker's table.

The SPEAKER. The gentleman from Kansas [Mr. ANDERSON] rises to present a privileged resolution.

FINAL ADJOURNMENT.

Mr. ANDERSON. I offer the resolution which I send to the desk. The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned sine die at twelve o'clock, noon, Friday, August 4, 1882.

Mr. ANDERSON. I move the adoption of that resolution.

Mr. BROWNE. I move to refer the resolution to the Committee on Ways and Means.

The SPEAKER proceeded to put the question on Mr. BROWNE's motion.

Mr. HISCOCK addressed the Chair.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. HISCOCK. I was about to make the suggestion that I believe at this stage of the session that resolution should be referred to the Committee on Appropriations.

The SPEAKER. The House is dividing.

The question being taken, there were—ayes 35, noes 47.

So (further count not being called for) the motion to refer the resolution to the Committee on Ways and Means was not agreed to.

Mr. HISCOCK. I move that the resolution be referred to the Committee on Appropriations.

The question being taken, there were—ayes 49, noes 45.

Mr. RANDALL. I call for the yeas and nays.

The yeas and nays were ordered, 32 members voting therefor.

Mr. RANDALL. If gentlemen will consent, it will save time to have the vote by yeas and nays taken on the passage of the resolution rather than on the motion to refer.

Mr. HISCOCK. This resolution fixes the date of adjournment on Thursday.

Mr. ANDERSON. No, sir; it fixes it on Friday at twelve o'clock. That gives ample time.

Mr. RANDALL. I suggest that the gentleman from New York [Mr. HISCOCK] allow the vote to be taken on the passage or rejection of the resolution.

Mr. HASKELL. I hope the motion to refer will not be withdrawn. It is the usual practice to refer such a resolution to a committee.

Mr. SPRINGER. I move to reconsider the vote by which the yeas and nays were ordered. I think there is no use of consuming time with the yeas and nays unless we can have them on the passage of the resolution.

The SPEAKER put the question on the motion to reconsider, and declared it agreed to.

Mr. KNOTT. Can we have the yeas and nays upon that?

Mr. RANDALL. Is it the understanding that we will have the yeas and nays on the passage of the resolution?

Mr. ROBESON. I would like to ask a question of the gentleman from Pennsylvania if he will permit me. It is whether, when we have four bills in conference, the House wishes to tie itself so that it will adjourn whether the Senate agrees or not, or if it would not be better to have that question referred to the appropriate committee?

Mr. RANDALL. That is in the nature of an argument. We have been here so long and done so little, I think some such spur as this should be given to those who apparently want to stay longer.

Mr. HISCOCK. I say we have been here so long and done so much that I feel very well content.

Mr. RANDALL. That depends on the way you look at it.

Mr. BLACKBURN. I wish to ask a question of the gentleman from New Jersey or the gentleman from New York, whether they do not both believe it is just as competent for Congress to determine to-day it will adjourn at noon on Friday, without doing any injustice to those four appropriation bills, as it is to fix Friday two weeks as the day of adjournment?

Mr. HISCOCK. I will answer that question. For myself I believe that it is entirely feasible for this House to adjourn on Friday next; but I do not propose to put it in the power of the Senate at this time to coerce the House into concessions in committees of conference.

And I desire to say another word, as the subject has been referred to by the gentleman from Illinois, [Mr. CANNON,] my colleague on the Committee on Appropriations, that so far as the legislative appropriation bill is concerned but one provision of that bill remains now open. That provision remains open because the conferees on the part of the House have for a week past solicited a meeting with the conferees on the part of the Senate and have been denied.

This House also differs with the Senate upon only one proposition in the deficiency appropriation bill, and that is the proposition to pay mileage to the Senate for the extra session. I have in this House

twice made the motion to recede from the position the House had taken and to concur in the Senate amendment, which would close up action on that bill; and twice the House has voted that down. Now so far as that proposition is concerned, I do not propose to put it in the power of the Senate to say that that bill may fail because Congress has determined to adjourn on a particular day.

Mr. BLACKBURN. Will the gentleman permit a question?

Mr. HISCOCK. Certainly.

Mr. BLACKBURN. As the chairman of the House conferees, is not the gentleman thoroughly satisfied that if this House shall determine and the Senate shall agree to adjourn this session on Friday next, the only question of difference between the two Houses upon the deficiency bill, which as he has stated is the question of mileage for the extra session, will be promptly yielded by the Senate?

Mr. HISCOCK. So far as that is concerned I will say that I understand from certain Senators that they are willing to recede, and from certain other Senators that they will never recede. Now, I believe that this House is as capable of settling this question of adjournment as the Senate.

Mr. BLACKBURN. Does the gentleman believe that there can be found in the other branch of Congress a single Senator who will assume the responsibility of allowing that bill to fail unless he gets mileage for the extra session?

Mr. HISCOCK. So far as Senators are concerned who are persistent in insisting upon the payment of mileage, the relations of the gentleman from Kentucky [Mr. BLACKBURN] with them are far more intimate and close than mine; because the objections to an agreement, as I understand it, come from his side of the Senate.

Mr. BLACKBURN. I do not so understand it, but on the contrary I understand that both sides of the Senate alike are demanding it.

Mr. KASSON. It is certainly customary, Mr. Speaker, to allow a little debate on an important question of this sort, and I ask permission to speak for a moment on the part of the Committee on Ways and Means.

I desire to ask the gentleman from Pennsylvania, [Mr. RANDALL,] or any gentleman on the other side of the House who may feel authorized to answer the question, whether he thinks it is the duty of the House to adjourn before some final action has been taken by the Senate on the bill for the reduction of unnecessary taxation. [Laughter.] I do not wonder that gentlemen on the other side smile, and smile aloud, at the idea that anybody should doubt the fact that they have endeavored in this body and the other to thwart the passage at this session of any bill for the reduction of taxation.

Now, sir, let me say in regard to adjournment, expressing my opinion as a member of the Committee on Ways and Means, that this House ought not to pass any resolution for adjournment until decided action has been taken in the Senate, so that no misconception can arise as to the purpose of the other body either to reject or adopt the bill for the reduction of taxation.

Mr. BLACKBURN. I will answer the gentleman if he will permit me.

Mr. KASSON. I will be glad to have the gentleman do so.

Mr. BLACKBURN. I desire to tell him that the chairman of the Committee on Ways and Means of this House, [Mr. KELLEY,] who has left the city not to return any more during this session, as I understand—

Mr. KASSON. That is an error.

Mr. BLACKBURN. Informed me that the taxation bill now before the Senate would not be acted on until the next December session.

Mr. KASSON. I must say that I have no such information from the chairman of my committee.

Mr. BLACKBURN. I have his authority to say so.

Mr. KASSON. And I think he has not authorized any declaration in public of any such purpose.

Mr. BLACKBURN. Mr. KELLEY made that statement to me, and not in private.

Mr. KASSON. On the floor of the House?

Mr. BLACKBURN. Not through the RECORD.

Mr. KASSON. I wish to say that whoever has made that statement, no action of the Committee on Ways and Means has been the foundation of that declaration.

Mr. BLACKBURN. I never suspected that it was.

Mr. KASSON. Then I will go back and say that the member who insists on drawing taxes from the people that the executive branch of the Government even declares officially it does not want, and refuses to reduce taxation when such reduction is positively urged by the Executive messages, will be shown by his going on record in favor of an adjournment of this session prior to any final action on the bill for the reducing of taxes. I will not so vote.

Mr. RANDALL. The gentleman's voice should have been raised in the direction which he indicates in the Republican caucus which was held at an early period in the session.

Mr. KASSON. It was so raised, and raised early and promptly.

Mr. RANDALL. And I regret without success.

Mr. TOWNSHEND, of Illinois. And the gentleman was voted down.

Mr. KASSON. And I was supported by the caucus.

Several members, amid great confusion, addressed the Chair.

The SPEAKER. The Chair must insist on having order. No member can be recognized until the House is in order.

Mr. BURROWS, of Michigan. I wish to know whether the pending question is not upon the demand of the gentleman from Kentucky [Mr. KNOTT] for the yeas and nays, and whether that question is debatable?

Mr. ANDERSON. The vote ordering the yeas and nays was reconsidered.

The SPEAKER. The pending question is on the motion of the gentleman from New York [Mr. HISCOCK] to refer the resolution to the Committee on Appropriations. On that question the gentleman from Kentucky, [Mr. KNOTT,] as the Chair understands, has demanded the yeas and nays.

Mr. SPRINGER. I moved to reconsider the vote by which the yeas and nays were ordered.

Mr. KNOTT. The gentleman from Illinois moved to reconsider the vote by which the yeas and nays were ordered and I demanded the yeas and nays on his motion. We might as well have a direct vote as go way around Robin Hood's barn.

The SPEAKER. The Chair did not understand the gentleman from Kentucky to demand the yeas and nays on the motion to reconsider.

Mr. SPRINGER. I withdraw the motion.

The SPEAKER. The motion has been put and carried.

Mr. SPRINGER. I understand that the gentleman from Kentucky demands the yeas and nays on that motion.

The SPEAKER. The Chair did not understand the gentleman from Kentucky to demand the yeas and nays on the motion to reconsider, but to make a second demand for the yeas and nays on the motion to refer, after the result of the motion to reconsider had been declared.

Mr. KNOTT. I demanded the yeas and nays upon the motion of the gentleman from Illinois to reconsider immediately upon that motion being made. The gentleman from Illinois, as I understand, now withdraws that motion.

The SPEAKER. Then the yeas and nays will be considered as ordered—

A MEMBER. On what?

The SPEAKER. On the motion of the gentleman from New York. This debate has proceeded because there seemed to be no objection to it. The yeas and nays have been ordered upon the motion of the gentleman from New York to refer the resolution to the Committee on Appropriations.

Mr. CANNON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CANNON. I have been standing here trying to catch the eye of the Speaker for ten or fifteen minutes.

The SPEAKER. For what purpose?

Mr. CANNON. I want to ask unanimous consent to speak a minute upon this question.

The SPEAKER. If there be no objection the gentleman will proceed.

Mr. WISE, of Virginia. I object.

The SPEAKER. Objection is made. The Clerk will call the roll.

The question was taken; and there were—yeas 90, nays 77, not voting 122; as follows:

YEAS—90.

| | | | |
|--------------------|--------------------|-------------------|--------------------|
| Aldrich, | Dingley, | Lynch, | Robinson, Jas. S. |
| Atkins, | Ellis, | Mackey, | Shallenberger, |
| Bayne, | Errett, | McKinley, | Sherwin, |
| Bingham, | Farwell, Sewell S. | Miller, | Shultz, |
| Bowman, | Fisher, | Murch, | Smalls, |
| Briggs, | Ford, | Norcross, | Smith, J. Hyatt |
| Browne, | Guenther, | O'Neill, | Springer, |
| Brum, | Hammond, John | Parker, | Strait, |
| Buck, | Harris, Benj. W. | Payson, | Thomas, |
| Burrows, Julius C. | Haseltine, | Peelle, | Townsend, Amos |
| Butterworth, | Haskell, | Pearce, | Tyler, |
| Calkins, | Hepburn, | Pound, | Updegraff, J. T. |
| Candler, | Hill, | Prescott, | Urner, |
| Cannon, | Hiscock, | Ray, | Valentine, |
| Carpenter, | Holman, | Reed, | Van Aernam, |
| Crapo, | Horr, | Rice, John B. | Ward, |
| Cullen, | Hubbell, | Rice, Theron M. | Watson, |
| Curtin, | Jadwin, | Rice, William W. | Webber, |
| Dawes, | Jones, George W. | Rich, | White, |
| Deering, | Kasson, | Richardson, D. P. | Williams, Chas. G. |
| De Motte, | Ketcham, | Ritchie, | Wilson. |
| Deuster, | Le Fevre, | Robeson, | |
| Dezendorf, | Lewis, | Robinson, Geo. D. | |

NAYS—77.

| | | | |
|-----------------|------------------|------------------|--------------------|
| Anderson, | Dibrell, | Latham, | Singleton, Otho R. |
| Armfield, | Dunn, | Leedom, | Smith, A. Herr |
| Atherton, | Evins, | Manning, | Talbott, |
| Berry, | Forney, | McClure, | Thompson, P. B. |
| Blackburn, | Fulkerson, | McCoid, | Townsend, R. W. |
| Bliss, | Garrison, | McKenzie, | Tucker, |
| Buchanan, | George, | McLane, | Turner, Henry G. |
| Buckner, | Gunter, | McMillin, | Turner, Oscar |
| Cabell, | Hammond, N. J. | Mills, | Updegraff, Thomas |
| Caldwell, | Hardy, | Mutcher, | Upton, |
| Carlisle, | Harmer, | Oates, | Vance, |
| Cassidy, | Harris, Henry S. | Page, | Warner, |
| Chapman, | Hatch, | Phelps, | Washburn, |
| Clements, | Hewitt, Abram S. | Randall, | Wellborn, |
| Colerick, | Hoblitzell, | Reagan, | Whitthorne, |
| Converse, | House, | Robertson, | Willis, |
| Cox, William B. | Hutchins, | Robinson, Wm. E. | Wise, George D. |
| Cravens, | Jones, James K. | Ross, | |
| Culbertson, | Klotz, | Scales, | |
| Cutts, | Knott, | Simonton, | |

NOT VOTING—122.

| | | | |
|-------------------|-------------------|-------------------|--------------------|
| Aiken, | Dowd, | King, | Ryan, |
| Barbour, | Dugro, | Lacey, | Scoville, |
| Barr, | Dunnell, | Ladd, | Scranton, |
| Beach, | Dwight, | Lindsey, | Shackelford, |
| Belford, | Ermentrout, | Lord, | Singleton, Jas. W. |
| Beltmont, | Farwell, Chas. B. | Lowe, | Skinner, |
| Beltzhoover, | Flower, | Marsh, | Smith, Dietrich C. |
| Bisbee, | Frost, | Martin, | Sparks, |
| Black, | Geddes, | Mason, | Spaulding, |
| Blanchard, | Gibson, | Matson, | Speer, |
| Bland, | Godshalk, | McCook, | Spooner, |
| Blount, | Grout, | Miles, | Steele, |
| Bragg, | Hall, | Money, | Stephens, |
| Brewer, | Hardenbergh, | Moore, | Stockslager, |
| Burrows, Jos. H. | Hazelton, | Morey, | Stone, |
| Camp, | Heilman, | Morrison, | Taylor, |
| Campbell, | Henderson, | Morse, | Thompson, Wm. G. |
| Caswell, | Herbert, | Mosgrove, | Van Horn, |
| Chace, | Herndon, | Moulton, | Van Voorhis, |
| Clardy, | Hewitt, G. W. | Muldrow, | Wadsworth, |
| Clark, | Hoge, | Neal, | Wait, |
| Cobb, | Hooker, | Nolan, | Walker, |
| Cook, | Houk, | Orth, | West, |
| Cornell, | Hubbs, | Pacheco, | Williams, Thomas |
| Covington, | Humphrey, | Paul, | Willits, |
| Cox, Samuel S. | Jacobs, | Pettibone, | Wise, Morgan R. |
| Crowley, | Jones, Phineas | Phister, | Wood, Benjamin |
| Darrall, | Jorgensen, | Ramsey, | Wood, Walter A. |
| Davidson, | Joyce, | Richardson, J. S. | Young. |
| Davis, George R. | Kelley, | Rosecrans, | |
| Davis, Lowndes H. | Kenna, | Russell, | |

So the resolution was referred to the Committee on Appropriations. During the roll-call the following pairs were announced from the Clerk's desk:

Mr. JONES, of New Jersey, with Mr. HERBERT.
 Mr. HEILMAN with Mr. BLAND.
 Mr. MCCOY with Mr. CLARK.
 Mr. LINDSEY with Mr. LADD.
 Mr. HUMPHREY with Mr. BRAGG.
 Mr. HALL with Mr. WISE of Pennsylvania.
 Mr. HUBBS with Mr. SHACKELFORD.
 Mr. BARR with Mr. DAVIDSON.
 Mr. STONE with Mr. HEWITT of Alabama.
 Mr. YOUNG with Mr. CLARDY.
 Mr. ORTH with Mr. SPARKS.
 Mr. THOMPSON, of Iowa, with Mr. COOK.
 Mr. SCRANTON with Mr. BEACH.
 Mr. CORNELL with Mr. DOWD.
 Mr. HAMMOND, of New York, with Mr. PHISTER.
 Mr. GEDDES with Mr. NEAL.
 Mr. MASON with Mr. MONEY.
 Mr. GROUT with Mr. STOCKSLAGER.
 Mr. MILES with Mr. SINGLETON of Illinois.
 Mr. UPDEGRAFF, of Iowa, with Mr. RICHARDSON, of South Carolina.

Mr. STEELE with Mr. COBB.
 Mr. CASWELL with Mr. MOULTON.
 Mr. BELTZHOVER with Mr. MCCOOK.
 Mr. RUSSELL with Mr. SPEER.
 Mr. CHACE with Mr. SCOVILLE.
 Mr. MOORE with Mr. MATSON.
 Mr. SMITH, of Illinois, with Mr. MORSE.
 Mr. PETTIBONE with Mr. ATHERTON.
 Mr. MORRISON with Mr. KELLEY.
 Mr. GODSHALK with Mr. AIKEN.
 Mr. HOUK with Mr. COVINGTON.
 Mr. LACEY with Mr. BENJAMIN WOOD.
 Mr. FARWELL, of Illinois, with Mr. MULBROW.
 Mr. CUTTS with Mr. KENNA.
 Mr. NOLAN with Mr. DWIGHT.
 Mr. BREWER with Mr. HARDENBERGH.
 Mr. ERMENTROUT with Mr. JADWIN.

Mr. UPDEGRAFF, of Iowa. I am announced as paired with Mr. RICHARDSON, of South Carolina. I was paired some days ago on one vote, but that pair has long since expired.

Mr. CALKINS. I was paired with Mr. BARBOUR, but that pair is at an end, and I have voted.

On motion of Mr. CALKINS, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

EVENING SESSION VACATED.

Mr. ROBESON. I move, by unanimous consent, that the session for this evening be vacated.
 The motion was agreed to.

ORDER OF BUSINESS.

Mr. CALKINS. I move that the House proceed to the consideration of business upon the Speaker's table.

The House divided; and there were—ayes 74, noes 22.

Mr. ATKINS. No quorum has voted.

The Speaker appointed as tellers Mr. CALKINS and Mr. ATKINS.

Mr. POUND. In the interest of good order and safe legislation I think the House should adjourn; and if the tellers will yield the floor I will make that motion.

The House again divided; and the tellers reported ayes 86, noes 22. Mr. TOWNSHEND, of Illinois. No quorum has voted, and I move the House do now adjourn.

The House further divided; and there were—ayes 42, noes 56.

So the House refused to adjourn.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. SPRINGER. I rise to make a privileged report from the Committee on Printing.

The SPEAKER. The Chair will recognize privileged reports.

HOUSE BILLS AND JOINT RESOLUTION APPROVED.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 1048) granting an increase of pension to Bernard Brady;

An act (H. R. No. 2872) to increase the pension of James Hawthorne;

An act (H. R. No. 2104) granting a pension to Mrs. Electa L. Baldwin;

An act (H. R. No. 4082) granting a pension to Ellen Gillespie;

An act (H. R. No. 5809) for the relief of Jacob Humble;

An act (H. R. No. 1543) granting a pension to Albert O. Miller, and for other purposes;

An act (H. R. No. 6514) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1883, and for other purposes;

An act (H. R. No. 5388) to fix the times for holding terms of the circuit and district courts of the United States in the northern district of Ohio;

An act (H. R. No. 4174) for the erection of a public building at Marquette, Michigan;

An act (H. R. No. 4178) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pennsylvania;

An act (H. R. No. 1873) for the relief of Patrick Sullivan;

An act (H. R. No. 2374) granting to certain parties right of way over lands and waters of the United States;

An act (H. R. No. 1858) to provide additional industrial training-schools for Indian youth, and authorizing the use of unoccupied military barracks for such purposes;

An act (H. R. No. 864) granting a pension to Amanda J. McFadden;

An act (H. R. No. 3599) granting a pension to David T. Stephenson;

An act (H. R. No. 6739) for the relief of Lucretia R. Garfield; and Joint resolution (H. R. No. 271) authorizing the Secretary of War to loan twenty-five wall-tents to the colony of Russian Hebrew refugees at Cimarron, Foote County, Kansas.

PUBLICATION OF THE TENTH CENSUS.

Mr. SPRINGER. I desire now, Mr. Speaker, to submit the following privileged report from the Committee on Printing.

Mr. REED. Is not the regular order the motion to go to the Speaker's table?

Mr. SPRINGER. This is a privileged report.

Mr. REED. It is not privileged to come in while we are dividing.

The SPEAKER. The Chair entertained the motion to go to the Speaker's table, as no objection was made to it, somewhat out of its regular order.

Mr. REED. But we are dividing on that question now.

The SPEAKER. Tellers were ordered upon the question and have withdrawn, no quorum having voted upon it. A motion to adjourn has intervened, and was voted down. The privileged matter is now in order as presented by the gentleman from Illinois.

Mr. CALKINS. To simplify the question, I withdraw the motion to go to business on the Speaker's table.

Mr. SPRINGER. I ask now the consideration of the bill (S. No. 2151) to provide for the publication of the Tenth Census.

The SPEAKER. The bill will be read.

The bill was read. It is as follows:

Be it enacted, etc., That the reports of the Tenth Census of the United States be printed, and that 10,000 additional copies be printed, of which 3,000 shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 1,000 for the use of the Department of the Interior.

That, in addition to the above, 20,000 copies of the report on population be printed, of which 6,000 shall be for the use of the Senate, 12,000 for the use of the House of Representatives, and 2,000 for the use of the Department of the Interior. That 20,000 additional copies of the report on agriculture be printed, of which 6,000 copies shall be for the use of the Senate, 12,000 copies for the use of the House, and 2,000 copies for the use of the Department of the Interior.

That 10,000 additional copies of the report on manufactures and mechanics be printed, of which 3,000 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Department of the Interior.

Also, that 15,000 additional copies of the report on the history of the national loan be printed for the use of the Treasury Department.

Also, that 1,500 additional copies of the report on fish and fisheries be printed for the use of the Fish Commission.

And, also, that the compendium of the Tenth Census be printed, and that 100,000 additional copies be printed, of which 30,000 copies shall be for the use of the Senate,

60,000 copies for the use of the House, and 10,000 copies for the use of the Department of the Interior.

And in order to avoid duplication in the distribution of these documents, and to secure complete sets to libraries and other public institutions, the additional copies herein ordered, excepting those ordered for the Treasury Department and for the Fish Commission, be delivered to the document-rooms of the Department of the Interior; and the Secretary of the Interior shall distribute those ordered for the use of Congress as follows: in sets to each of such fifteen libraries and other public institutions or individuals as shall be named to him for this purpose by each Senator, and to each of such ten libraries and other public institutions or individuals as shall be named to him for this purpose by each Representative and Delegate, and in volumes to Senators and Representatives or such other parties as shall be designated by Senators, Representatives, and Delegates until the quota of each shall be exhausted: *Provided*, That one copy of each volume shall, on its reception from the Public Printing Office, be transmitted to each Senator, Representative, and Delegate in Congress: *And provided further*, That duplicate copies shall not be sent to any library or individual on the request of any Senator or member of the House of Representatives until both Senator and Member shall be notified that they have named the same library or individual: *And provided further*, That the party receiving the work upon the order of a member of Congress shall be informed by the Secretary of the Interior upon whose request it is supplied. And the Secretary of the Interior shall report to Congress at its next session the names and locations of the libraries and other public institutions designated to receive these reports under the provisions of this bill.

And the sum of \$678,624.61, or so much thereof as may be necessary to defray the cost of the above-named printing and binding, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. SPRINGER. I will ask that the report of the Committee on Printing be printed in the RECORD. It is not necessary to read it now. There is a correction at the bottom of the first page, which I have entered in the report. The amount appropriated by the bill is \$678,624.61 instead of what is printed in the report.

As stated by the gentleman from New York, the chairman of the Committee on Appropriations, there was no appropriation made in the regular appropriation bills for carrying on the public printing that included in the estimates the printing of these census reports. Therefore it was necessary in providing for their printing to make an appropriation to cover the cost. The report, which I have asked to be printed in the RECORD, contains a detailed account of the various items of expenditure involved in the bill.

Mr. RANDALL. That report ought to be read.

Mr. SPRINGER. The gentleman from Pennsylvania desires to have the report read. I ask therefore that it be read for the information of the House.

Mr. ANDERSON. I would like to make an inquiry.

Mr. SPRINGER. Let the report be read first and that will answer many inquiries.

The SPEAKER. The report will be read.

The Clerk read as follows:

The House committee adopt the following portions of the report of the Senate committee on this bill:

"The Tenth Census is doubtless the most extensive and complete that has been taken; more comprehensive in its scope, more minute in its details. Its reports constitute a wonderful exhibition of the population, the resources, the accumulated wealth, and the varied industries of the country. Its preparation has been laborious and costly. The results of the work can be made available only by general distribution among the public libraries, and, to a considerable extent, among individuals.

"Of course it has not been possible for the members of the committee to examine with any degree of minuteness the voluminous reports that have been sent to the Government Printing Office, which include only a portion of the work. The committee have been obliged to rely upon the reputation and the representations of the two intelligent and distinguished statisticians under whose direction the work has been performed.

"It has, however, been objected that some of the compilations, interesting in themselves, do not properly belong to the enumeration of the census, and that they swell the series of reports to unwieldy proportions. The committee, while feeling the force of this objection, and thinking that some of this work might have been omitted without great disadvantage to the value of the series of reports, do not feel authorized to recommend that their publication be withheld. The expense of their preparation has been incurred and the work executed under the superintendence of able and accomplished specialists. To refuse the comparatively small cost of printing a reasonable number of them would render useless all the cost of their preparation, and they add highly interesting and valuable information upon the subjects on which they treat. Nevertheless, upon consultation with Colonel Seaton, now the head of the Census Bureau, it has been decided that while no report or essay shall be omitted, the aggregate can be condensed from 18,000 pages to 15,000, securing a very considerable reduction in cost without loss of interest or value.

"The committee therefore recommend that the 'usual number' of the complete series of separate reports, reduced to 15,000 pages, be printed, with 10,000 additional copies of the entire series of reports, 20,000 additional copies of the report on population, 20,000 additional copies of the report on agriculture, 10,000 additional copies of the report on manufactures and mechanics, and the 'usual number' of the compendium, with 100,000 additional copies. This last-named volume will be of the most practical value for popular reference, and the committee would recommend a larger number, but the work being stereotyped new editions can be ordered if found desirable.

"The entire cost of the publication recommended in the bill which accompanies this report is \$678,624.61.

Estimates of the cost of printing and binding the Tenth Census.

| | |
|---|--------------|
| For composition, corrections, and stereotyping the whole series of reports, making 15,000 pages | \$126,500 70 |
| For engraving the same, not yet executed | 15,000 00 |
| | 141,500 70 |
| For printing, paper, and binding the regular number, 1,900 sets | 62,407 50 |
| | 204,007 20 |
| For printing, paper, and binding 10,000 sets | \$278,250 00 |
| For printing illustrations for 10,000 sets | 50,000 00 |
| | 328,250 00 |

| | |
|--|------------|
| Total cost of composition, corrections, stereotyping, engraving, press-work, paper, binding, and printing illustrations, 10,000 sets and 1,900 sets..... | 532,257 20 |
| The cost of printing additional sets, \$32.82..... | |
| For 20,000 additional copies of the volume on population, (cost per volume, \$1.87)..... | 37,587 52 |
| For 20,000 additional copies of the volume on agriculture, (cost per volume, \$1.80)..... | 36,007 36 |
| For 10,000 additional copies of the volume on manufactures and mechanics, (cost per volume, \$1)..... | 10,188 22 |
| For composition, corrections, and stereotyping the compendium..... | 6,163 00 |
| For printing, paper, &c., the regular number, 1,900 copies..... | 916 51 |
| For printing, paper, and binding 100,000 additional copies..... | 48,237 00 |

| | |
|--|------------|
| Total cost of composition, stereotyping, corrections, printing, paper, binding, engraving and printing illustrations, with the regular numbers, 10,000 sets, 20,000 of the volume on agriculture, 20,000 of the volume on population, 10,000 of the volume on manufactures and mechanics, and 100,000 volumes of the compendium..... | 671,356 81 |
| For 1,500 copies of the census report on fish, for the Fish Commissioner..... | 2,978 00 |
| For 6,000 copies of the history of the national loan in the census reports, for the Treasury Department..... | 4,289 80 |

Total..... 678,624 61

"The bill provides a system of distribution which is intended to secure these valuable publications in complete sets to public libraries, as well as to individuals. The provision on this subject is as follows:

"That in order to avoid duplication in the distribution of these documents, and to secure complete sets to libraries and other public institutions, the additional copies herein ordered, excepting those ordered for the Treasury Department and for the Fish Commission, be delivered to the document-rooms of the Department of the Interior; and the Secretary of the Interior shall distribute those ordered for the use of Congress as follows: in sets to each of such fifteen libraries and other public institutions or individuals as shall be named to him for this purpose by each Senator, and to each of such ten libraries and other public institutions or individuals as shall be named to him for this purpose by each Representative and Delegate, and in volumes to Senators and Representatives or such other parties as shall be designated by Senators, Representatives, and Delegates, until the quota of each shall be exhausted: *Provided*, That one copy of each volume shall, on its reception from the Public Printing Office, be transmitted to each Senator, Representative, and Delegate in Congress: *And provided further*, That duplicate copies shall not be sent to any library or individual on the request of any Senator or member of the House of Representatives until both Senator and Member shall be notified that they have named the same library or individual: *And provided further*, That the party receiving the work upon the order of a member of Congress shall be informed by the Secretary of the Interior upon whose request it is supplied. And the Secretary of the Interior shall report to Congress at its next session the names and locations of the libraries and other public institutions designated to receive these reports under the provisions of this bill."

Mr. ANDERSON. I desire, Mr. Speaker, to offer an amendment.

Mr. SPRINGER. Before that is done I wish to offer an amendment to the text of the bill in order to perfect it. The estimates for printing, as embraced in that report, make a provision for 6,000 copies of the history of the national loan contained in the census report for the Treasury Department, and embrace an item of \$4,289.80 to provide for the cost.

The bill itself, however, provides for printing 15,000 copies. I move to strike out the word "fifteen," in line 23 of the bill, and insert the word "six;" so that it will read "six thousand additional copies of the report on the history of the national loan," &c., that number being sufficient for the Treasury Department.

The amendment was agreed to.

Mr. COX, of New York. I desire to offer an additional section to the bill.

Mr. ANDERSON. I have an amendment to offer to the bill.

The SPEAKER. The Chair will entertain the amendment to the text of the bill before the additional section proposed by the gentleman from New York is considered.

Mr. ANDERSON. I desire to move an amendment to strike out all that portion of the bill which changes the present system of the distribution of these documents.

The SPEAKER. The gentleman will send his amendment to the desk.

Mr. ANDERSON. I move to strike out the words contained in the bill beginning with line 35, down to and including line 64.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

And in order to avoid duplication in the distribution of these documents, and to secure complete sets to libraries and other public institutions, the additional copies herein ordered, excepting those ordered for the Treasury Department and for the Fish Commission, be delivered to the document-rooms of the Department of the Interior, and the Secretary of the Interior shall distribute those ordered for the use of Congress as follows: in sets to each of such fifteen libraries and other public institutions or individuals as shall be named to him for this purpose by each Senator, and to each of such ten libraries and other public institutions or individuals as shall be named to him for this purpose by each Representative and Delegate, and in volumes to Senators and Representatives or such other parties as shall be designated by Senators, Representatives, and Delegates until the quota of each shall be exhausted: *Provided*, That one copy of each volume shall, on its reception from the Public Printing Office, be transmitted to each Senator, Representative, and Delegate in Congress: *And provided further*, That duplicate copies shall not be sent to any library or individual on the request of any Senator or member of the House of Representatives until both Senator and Member shall be notified that they have named the same library or individual: *And provided further*, That the party receiving the work upon the order of a Member of Congress shall be informed by the Secretary of the Interior upon whose request it is supplied. And the Secretary of the Interior shall report to Congress at its next session the names and locations of the libraries and other public institutions designated to receive these reports under the provisions of this bill.

Mr. ANDERSON. Mr. Speaker, I would like to call the attention of the House to the fact that this provision of the bill will change the present mode of distributing documents by members of Congress.

The reason for it is a good one in one sense, namely, a desire on the part of the committee, if I understand the question properly, that the census reports shall be placed by sets in public institutions; and in order to accomplish that it is provided that the Secretary of the Interior, when furnished by a Senator or member of Congress with a list of public libraries or individuals, shall then send a complete set of these documents to that one library or to that one individual.

Of course that would accomplish the purpose which the committee has in view. But then it is easy to see that that proceeds upon the theory that a member of Congress will not do the same thing. In other words, you propose to limit him by placing this work in the hands of the Secretary of the Interior. And you do one thing more, you place it in the hands of the members of this Congress to designate the libraries or the individuals who shall receive all of the books published respecting this census. Now, that strikes me as being a little bit too grasping. It appears to me that the members of the next Congress have some rights as to the distribution of these books.

Furthermore, it strikes me that this is undertaking to limit a man's liberty as to how he shall make a distribution of the quota of the books assigned to him; and with the utmost deference to the committee and its plan, I do not feel like limiting myself in that respect for any such purpose. I hold I have just exactly as much competency to say how I will distribute these documents, whether I will send one set complete to one man or send some volumes of the set to one man and some volumes to another man, as the committee has to tell me how I shall do it.

For that reason I have offered this amendment. If it be adopted, and if this portion of the bill be stricken out, then the distribution of the census reports, if I correctly understand it, will be exactly as it now is with respect to all reports; and every Senator and every Member can then make the distribution just as he sees fit.

Mr. SPRINGER. The gentleman from Kansas is mistaken in one respect. He says this provision limits the right of the members of Congress to make the distribution in their own way.

Mr. ANDERSON. It limits it as to the mode of distribution.

Mr. SPRINGER. It limits it in only one respect. It provides a different place for distributing the work. But the gentleman himself must indicate to whom the books go, every one of them. Nobody indicates it for him. He is the sole judge of the persons, libraries, and associations that are to receive these books.

If you do not adopt this provision what will be the result? On the 4th of March next a new Congress will come into power and by that time a portion of these complete sets will have been distributed by the members of this Congress. Another Congress comes in having in it thirty-two members more than there are in this Congress; and then if you recast the whole thing to make another distribution and the members of the next Congress distribute in another way, the consequence will be when you have printed the census reports they will be scattered hither and thither and there will be no complete sets in existence.

This proposition was moved by the Senator from Massachusetts [Mr. HOAR] as an amendment to the bill as it came from the Committee on Printing of the Senate, and was adopted, I believe, with almost entire unanimity by the Senate after it had been explained by that gentleman. The object, as in the case of the official records of the rebellion, is to secure complete sets of this valuable work in the public libraries of the country as far as possible. But the bill does not limit gentlemen to sending these books to public libraries. They may select individuals and the individuals selected will get, if you so indicate, the complete sets of the reports. I think it is desirable that gentlemen should have the privilege of naming the institutions to which these valuable books should be sent, and that the complete sets should go where the order indicates.

Now, a word as to the other proposition, whether it is wrong for this Congress to take to itself the entire distribution of this work. I say it is not. It devolves on this Congress to order the work to be printed; and whenever Congress orders a book to be printed the same Congress should indicate the manner of the distribution which should be made of that book. That is all we propose to do. If those who come after us want more copies printed, they are all stereotyped and they can have them printed to their heart's content, and they are controlled by nothing in making those orders, because each Congress is supreme in such matters.

But we have deemed the number indicated in this bill a proper number to be distributed by this Congress, and the number has been limited much below the number which this House indicated as to some of these reports. When the Committee on Printing brought in a special bill to print the first volume on population, indicating 55,000 copies to be printed, that number was increased, I believe on the motion of the gentleman from Michigan, [Mr. HUBBELL], to 90,000. This report limits the number of copies of the volume on population to 10,000 of the regular set and 20,000 additional copies, which is 30,000 in all upon the subject of population. We print only 10,000 of the complete sets of these reports, which will embrace fifteen volumes of a thousand pages each, and which ought to be placed in the public libraries of the country. We have provided 20,000 additional copies of the volume on agriculture and 20,000 additional of the volume on manufactures.

Then there is a provision to print 100,000 copies of the compendium

of the census. This is intended for popular circulation and distribution among the people, so that gentlemen will be unlimited in the number of addresses, except within the limit of 100,000, that they may indicate for the compendium of the census. Therefore I think this House ought to indicate the manner in which the distribution we have ordered in this bill should be made; and I think the mode indicated is a reasonable one, considering the value of the work.

Mr. REAGAN. I desire to say a word on the subject of this bill. The bill before us provides for the publication of nearly 200,000 volumes of books; what the number will be annually I am not able to say. One point to which I desire to call the attention of the House is that we now have the necessary rooms and organization for the distribution of public documents. If the provisions of this bill shall be adopted, and we be required to go to the Interior Department to secure the distribution of these documents a large additional amount of room will be required there and also a considerable number of clerks; so that directly we will have a bureau added there to the present expensive system of the distribution of public documents. The whole bill proceeds upon the idea that the Senators and Representatives of the people will not have sufficient discretion to place the valuable portions of these documents in such libraries and public institutions as will render them most valuable to the several States and districts which they represent. Now, I do not think that there is any necessity for invoking the guardianship of the Interior Department, with the heavy expense of the additional machinery which will follow the adoption of the course here recommended.

Under this bill, if a member of the House or of the Senate receives a request from one of his constituents for a copy of the Agricultural Report, for instance, which we are receiving daily, instead of going where our documents are here, or sending a page to obtain a document, which we direct and send off, we would be required to address a formal communication to the Department of the Interior, and an answer from that Department would be sent stating to whom that volume of the Agricultural Report had been sent. Now, when you think of the hundreds of thousands of documents which are distributed you will see the necessity of a large clerical force in the Interior Department, and when these documents are taken from the depository here in the Capitol, where there is ample room for them, and transferred to the Interior Department, provision will have to be made there for double the room which that Department now has. I am opposed to the whole change. I think members of the House are as capable of sending these documents where they will be the most useful, without all this proposed machinery, as they will be with this machinery. The whole thing is very well calculated to give places and salaries to an additional number of persons, without, as it seems to me, any compensating benefit to the public at all, and with an amount of inconvenience to Senators and Representatives that it would be unwise and imprudent to bring upon ourselves.

Now, who is it, when he has received an application from a constituent for a particular document and can send it off from the Capitol without any trouble, wishes to write a letter to the Interior Department and have that Department notify that constituent by letter that such a member has directed such a document to be sent to him, and then notify the member that the document has been sent? How many clerks will it take to do all this? The Secretary of the Interior and the principal officers of the Department will not do it; it will have to be done by a corps of officers appointed to superintend and discharge this duty.

I think the whole proposed machinery is unnecessary, cumbersome, inconvenient, and undesirable, and I trust that the whole proposition will be defeated.

Mr. SPRINGER. One word in reply to the gentleman from Texas [Mr. REAGAN] in regard to the inconvenience of this manner of distribution. The gentleman desires to retain the old machinery which we have had for some time. Let me give him an instance of how it operates. We have for many years been distributing what are called Hayden's Reports, a very valuable scientific work. Yet the gentleman cannot find in a single library in the country, except by accident, a complete set of those reports. The other day the Interior Department had to buy a complete set of those reports from a second-hand dealer in this city. The distribution of public documents has been a public scandal, an enormous waste, a useless extravagance that ought to be abated.

Mr. BUTTERWORTH. And the gentleman might say that in the public libraries of Europe there are six hundred complete sets of that work.

Mr. RANDALL. Does not the Department now distribute under the law continuous volumes of each work to eight libraries in each Congressional district?

Mr. SPRINGER. To only one library in each district. I went to the Department the other day myself and made inquiry, and found that only one library in my district was supplied with these public documents.

Mr. REAGAN. The law authorizes the member from each district to designate some public library in his district to which these documents shall be distributed; that is already done by law.

Mr. RANDALL. That is the law.

Mr. SPRINGER. Only one library in each district.

Mr. RANDALL. Then I was mistaken about that.

Mr. SPRINGER. Now, one word to the gentleman from Texas as to this proposed method of distribution costing a great deal of money. There is no provision under our present system for distributing these documents. Under that system, if continued in force, these documents will be piled by the wagon-load into the basement of the Capitol, rendering it a perfect tinder-box to endanger all this public property.

Mr. REAGAN. Will the gentleman allow me—

Mr. SPRINGER. One moment. The present force which we now have for folding the public documents is so much crowded that the other day we had to go outside of the Capitol and hire another building, in order to give them room for folding and distributing the documents which we now have.

The gentleman says that this method of distribution will cost a great deal of money. But, Mr. Speaker, we are not going to get this work done for nothing; and it will not cost any more to have it done in one place in this city than another, or by one administration than another. I believe that the most expensive of all systems of distribution is that conducted here in the House of Representatives through our own employés.

Mr. REAGAN. The gentleman says that these books, if stored in the Capitol, will form a tinder-box. I wish to say to him that they will be just as much a tinder-box in the Interior Department; and if there is to be expense in obtaining room for the purpose, that expense is likely to be increased rather than diminished by putting the matter in charge of the Interior Department.

Mr. SPRINGER. These books will remain in the Printing Office or in some other secure place until they are needed, and then they will be sent to such persons as members may designate and no others. Members will have the matter under their own control entirely.

Mr. ROBINSON, of Massachusetts. Mr. Speaker, this seems to me an extremely good measure, one which I think is to be commended and should be generally supported. It is a step in the right direction. Not many of us stay here a great many successive terms; and so long as publications of this kind issued by the Government are distributed through members of Congress, one member sending a portion of a set to one person or one institution and his successor sending the residue of the set to another person or another institution, the sets are all broken up and the benefit intended from the publication is not realized.

It is of the utmost importance that some such arrangement as this should be made with regard to this very valuable and to the Government expensive publication. It is no derogation from the privileges of members of this House to adopt some method of distribution by which they may be relieved from the labor of distributing public documents. For my part I should be very glad indeed if some plan should be adopted—and I hope it may be in the near future—by which the various publications of this Government may be fairly distributed throughout the country without passing through the hands of members of Congress. The distribution of these documents ought not to be made a matter of party preference or personal benefit. If we could rise to the level of having seeds and plants distributed in some general way so that as members of Congress we might be relieved from the work of supervising the distribution of such matters, and have our time left to us to attend to great matters of legislation, it would be vastly better for ourselves and certainly better for the country.

The Gazette, issued by the Patent Office, is, as we all know, circulated under a general plan which meets the public approval. It seems to me the method proposed in this bill will work well; and I certainly welcome the measure not only as suitable in the present instance but as a step in the right direction—the inauguration, as I hope, of what will be the general policy by and by. I hope that members of Congress may be relieved as soon as possible from the business of distributing books and seeds, and finding places for people of the country, and may be allowed opportunity to attend properly under the law to the duty of legislation. [Applause.]

Mr. REAGAN. I would like to say one word in reply to the gentleman from Massachusetts.

Mr. ROBINSON, of Massachusetts. I shall be very glad to hear the gentleman, and to reply to him if necessary.

Mr. REAGAN. The gentleman is not discussing any matter before the House.

Mr. ROBINSON, of Massachusetts. I understand that I am.

Mr. REAGAN. There is no bill here executing the purpose for which the gentleman indicates a preference. If this bill be passed, members of Congress will still designate where these documents shall go, but instead of sending them directly they must write a letter to the Secretary of the Interior, receive an answer, and have the answer transmitted.

There is no provision in the bill for the deposit of these documents in public libraries. It will still be the duty of members of Congress to indicate in their discretion public libraries and private persons who shall receive these documents. This being so, I do not see the advantage of incurring additional expense to execute the pleasure of the Senator or Representative in the distribution.

I fully agree with the gentleman that it would be desirable to relieve members of Congress from the distribution of seeds and plants, allowing us more time to attend to our legislative duties; but as to

documents, the publication of which is deemed of public importance, I do not conceive that there can be a better agency for their proper distribution, with reference to the benefit of the public, than through Senators chosen by the States and Representatives chosen by the people.

Mr. ROBINSON, of Massachusetts. The gentleman from Texas, it seems to me, misapprehends the purport of this matter.

Mr. ANDERSON. I think I have the floor.

The SPEAKER. The Chair recognizes the gentleman from Kansas.

Mr. ANDERSON. I understood the gentleman from Massachusetts to be through, and when the gentleman from Texas replied that I was recognized.

Now, Mr. Speaker, when you bring it down to the nut-shell there are two effects of this proposed change. The first is to substitute public libraries for individuals to a large extent. The design is to have the libraries taken care of. My recollection is that this proposition has been voted down three or four times already.

Mr. SPRINGER. It was unanimously agreed to in the sundry civil appropriation bill, in reference to the distribution of the annals of the rebellion.

Mr. ANDERSON. It ought to have been voted down. The question is whether, when the Government provide these publications, we shall go out of our way to prefer public libraries to the individual citizen? That is the first point I wish to make. It is exactly in keeping with this whole idea of ignoring the individual and building up libraries. That is my first objection to this plan.

The second is that this is exactly in keeping with that atmosphere of fungus growth of eternal, everlasting system of red tape. As it is now, you can send your list and have your documents sent out. By the new system you must send to the Secretary of the Interior and get a letter from him in regard to what the Senator has done, and finally, after a lot more of red tape, you may get the documents distributed. But the real milk in the cocoanut is an effort on the part of members of this House to regulate the distribution of these documents, and I am opposed to it for that reason.

Mr. BAYNE. Mr. Speaker, I think it is important this bill should be adopted as recommended by the Committee on Printing. It is an essential measure. It is a measure which will secure a just and fair distribution of these documents. I venture to make the prediction that if the old method be retained in distributing these documents, as the gentleman from Kansas would have it, there would not in all probability be in the whole Union one dozen or twenty sets of these documents anywhere.

Now, there are in each Congressional district four or five, or from eight to ten public libraries, and if the members of Congress now indicate these libraries shall have these census reports the census reports will be distributed until the very last one shall have been distributed to each one of these libraries, and then each one of these libraries in each one of these Congressional districts will have them preserved for reference. In this way the people can reach them, as suggested by the gentleman from Maine.

Moreover, such individuals as may be designated by the members of the present Congress to whom these documents are to be distributed will be gentlemen of public character, scientific men, who take an interest in public affairs, and who will be worthy recipients and custodians of these books. But if it be permitted to go the other way, a book of one description will go to one person, and yet another to another, and a certain number will go to certain libraries, and others, so that there will be broken sets of these books which should be uniform throughout the whole country, found everywhere and complete sets nowhere.

The remedy which may be required to meet the case of new members of Congress, those not members of this Congress, and for an additional number of Congressmen who will come into the next Congress, can be provided by a supplemental bill for an additional publication, and then these gentlemen can distribute to their districts and to the new Congressional districts.

Take the instance of Kansas, where there are now but three Representatives, where there are new Congressional districts, where partiality and favoritism necessarily will be shown, because gentlemen now here will not reach all the parts of that State, where lines have not been sufficiently indicated to know, some gentleman will come from one district and some from another, there you will find the whole number which will go to Kansas will now only go into the three present Congressional districts, while the other four new Congressional districts will scarcely get a book. I can understand, therefore, why the gentleman from Kansas is so energetic in his effort to secure for himself the distribution of these books, because there will be four new districts in that State which, by the old distribution, will not be reached at all, nor by any other member from Kansas, unless their sense of fairness will induce them to reach out further than the gentleman who is now so vigorously opposing this bill.

Mr. ANDERSON. Will my friend allow me to make just this suggestion, that the present three Congressional districts of Kansas cover the entire State, and secondly, that I am in favor of making such a distribution of these documents as will allow my new colleagues to have a fair show in the matter. This measure is simply porcine. [Laughter.]

Mr. BAYNE. I have no doubt that the gentleman knows now what the next Congressional districts are to be as fixed by the apportionment bill.

Mr. ANDERSON. No, I do not; I wish I did.

Mr. BAYNE. And it is probable that he will make a distribution of the documents that will be entirely satisfactory to the people of his district, however unsatisfactory it might be to the people of the State generally. I hope the bill will pass. It is a step in the right direction, and I hope it will be adopted with reference to all these Congressional publications.

Mr. COX, of New York. I desire to say but a word, Mr. Speaker. I echo all that my friend from Pennsylvania has said simply for the reason that I do not want the reproach to rest upon Congressmen that they are selling out these documents to second-hand book stores in future as we have heard stated here in the past.

Mr. VALENTINE. That is right.

Mr. COX, of New York. And this is intended to prevent that sort of business in future. It is intended to prevent disgrace in that direction.

Mr. REED. I hope it is not intended for that purpose, for it does not seem to me that the practice to which the gentleman refers prevails to any considerable extent. The object of this, as I understand it, is that these complete sets of documents may go to the public libraries or to individuals deemed worthy to possess them under the circumstances; and it is a principle that is inapplicable to any other public documents except those which are published in sets or continuously from year to year. The same principle ought to be adopted as to sets of all other public documents, leaving the question entirely open as to whether any such system would be useful with reference to single documents. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. I desire simply to make a correction, as there seems to be a misapprehension in what I have said with reference to the number of these copies which will go to members. They will be entitled to about twenty copies each; and the word "ten" was used simply as a decimal to indicate the ratio or proportion, but had no reference to the number of copies they would receive.

The SPEAKER. The question is on the motion of the gentleman from Kansas to strike out the words which have been read.

The motion to strike out was not agreed to.

Mr. COX, of New York. I now offer the amendment which I send to the desk as an additional section.

The Clerk read as follows:

That in case the Public Printer should find it impossible to complete the printing of the census reports within the current fiscal year, he may rent additional accommodations for not exceeding one year and at a cost of not exceeding \$2,500, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SPRINGER. So far as I am individually concerned, I have no objection to that amendment.

Mr. RANDALL. Has the committee agreed to it?

Mr. SPRINGER. The committee has not agreed to it; it was not before them.

Mr. RANDALL. Then of course the gentleman has no power to accept the amendment.

Mr. SPRINGER. I stated that as an individual I was willing to accept it.

The SPEAKER submitted the question to the House, and the amendment was not agreed to.

Mr. COX, of New York. Mr. Speaker, I rose for the purpose of being heard upon that amendment.

Mr. SPRINGER. I hope the gentleman will be permitted to explain the amendment.

Mr. COX, of New York. I addressed the Speaker before the question was put.

The SPEAKER. The gentleman can only be heard by unanimous consent, the question having been already decided by the House.

Mr. COX, of New York. I addressed the Speaker in the gentlest manner that I could before the question was submitted. [Laughter.]

The SPEAKER. The Chair did not understand the gentleman as rising to debate the proposition.

Mr. RANDALL. Let it go over until next session.

Mr. SPRINGER. Unless something of this kind is done the probability is that the printing will be delayed.

Mr. RANDALL. I object to debate.

Mr. COX, of New York. I would like to ask unanimous consent for only a moment.

The SPEAKER. Without objection the gentleman from New York will be heard briefly.

There was no objection.

Mr. COX, of New York. I will do my best to make it short. These reports of the census, in which I take perhaps more interest than any other member of the House, were intended in the first place for apportionment. That is foregone. In the next place they were intended for social science—for legislation. In order to make them useful in the last regard we want prompt publication of them. If they go beyond the year, or if their publication is much delayed, they are almost as useless as a ticket after the election or a newspaper—

Mr. ANDERSON. At any time. [Laughter.]

Mr. COX, of New York. What I want to say to the House is this: I do not believe, in view of the facts which I wish to print, and which I cannot speak in the impatient temper of the House at this time, it is possible for the Public Printer to have the reports provided for in this bill published within one year unless we give him more room, unless we extend his facilities so that he may do considerably more press-work than he can do now.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. COX, of New York. Yes, sir.

Mr. RANDALL. Has the Public Printer asked for anything of this sort?

Mr. ANDERSON. I move to reconsider the vote by which the amendment of the gentleman from New York was rejected.

Mr. RANDALL. And I move to lay the motion to reconsider on the table.

Mr. HISCOCK. I desire to make this suggestion—

Mr. COX, of New York. I am not off the floor yet. The census bill requires 10,000 copies of the full report to be printed, 20,000 copies on population, 20,000 on agriculture, 10,000 on manufactures and mechanics, 15,000 on national loan, 1,500 on fish, and 100,000 of the compendium.

To print 10,000 copies of the full report will require 10,000,000 sheets of paper. This will take ten presses seven months to print this alone. The compendium contains 1,200 pages and 100,000 copies, and to print this will require 7,500,000 sheets of paper, and this will require ten presses one hundred and fifty days; or to print the census and compendium alone will require ten presses three hundred and fifty days; and to print all the reports of the census will require at least one and one-half years with the present facilities in the Government Printing Office.

The census report demands to be printed promptly, as I said. If delayed, all its advantages will be lost. My amendment only asks that we shall appropriate \$2,500 in case the Superintendent of the Public Printing shall find he cannot do the work within one year.

Mr. ATKINS. What for?

Mr. COX, of New York. For lack of room and lack of sufficient facilities for press-work. Therefore I think we can give that discretion to the Public Printer, and it will forward the publication of this important document.

Mr. RANDALL. Has the Public Printer asked for this?

Mr. COX, of New York. I do not care whether he has asked for it or not. He is a new man here. I do not take my notions of the publication of the census or its necessities from the Public Printer.

Mr. RANDALL. I think he should know the capacity of his building and his presses.

Mr. COX, of New York. This places it entirely within his discretion. If he is a good man, very well; if not, otherwise.

Mr. RANDALL. We have in nearly every Department a printing establishment, and we have an enormous public printing establishment. I do not hear the Public Printer has asked for this at all. I understand perfectly well that the place to be reached and rented is the old Congressional Globe office on the Avenue. I understand about this better, perhaps, than the gentleman from New York supposes I do. I think, although we only take it for one year, this is but an entering-wedge to a new printing establishment. The Committee on Public Printing have not asked for this amendment. The gentleman from Illinois reporting the bill says it is all right. But his committee has not asked for it; the Public Printer has not asked for it, and in my judgment there is no occasion for it.

Mr. SPRINGER. The Public Printer is not presumed to dictate to Congress the time in which its publications shall be made. The Public Printer is ready at all times to discharge to the utmost of his ability, with the machinery he has, every order made by Congress. But he has indicated to the chairman of the House Committee on Printing that it will require the additional time the gentleman from New York has stated to print these reports. He has not asked Congress to do anything in the premises. He has simply stated the fact that it will require the time stated by the gentleman from New York to print these books. It is not for the Public Printer to say whether he wants this or not. It is for Congress to say whether they will have the work printed in one year or in two.

Mr. RANDALL. I have no doubt the Public Printer will put these documents in our hands at the earliest possible time.

Mr. ANDERSON. I move to reconsider the vote by which the amendment of the gentleman from New York [Mr. Cox] was rejected.

Mr. RANDALL. And I move to lay the motion to reconsider on the table.

The question being taken, there were—ayes 62, noes 19.

So (further count not being called for) the motion to reconsider was laid on the table.

The SPEAKER. The question is on the third reading of the bill as amended.

Mr. REAGAN. Will the gentleman from Illinois not amend the bill by providing for clerk hire and additional room?

Mr. SPRINGER. I do not want to provide for any additional expenses. I do not think any will be required.

The bill was ordered to a third reading, and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. REAGAN. Upon that I call for the yeas and nays.

The yeas and nays were not ordered, only five members voting therefor.

The bill was passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF ATLANTA COTTON EXPOSITION.

Mr. SPRINGER, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (S. R. No. 74) for printing 5,000 copies of the official report of the Atlanta cotton exposition.

The joint resolution was read, as follows:

Resolved, That the official report of the international cotton exposition of 1881 be printed, and that 5,000 additional copies be printed; 1,000 copies for the use of the Senate; 3,000 copies for the use of the House of Representatives, 500 copies for the use of the Department of State, and 500 copies for the use of the Department of Agriculture; and that the sum of \$3,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to enable the Public Printer to purchase at a fair price the stereotyped plates of the official report of the said exposition now in the hands of H. I. Kimball, the director-general of said exposition.

Mr. HISCOCK. I desire to inquire what the cost of that will be?

Mr. SPRINGER. The work will embrace about seven hundred pages, and \$3,000 is the price for the stereotyped plates. The rest of the expense is simply for press-work and paper.

Mr. HISCOCK. I know it is; but how much will that be?

Mr. SPRINGER. I have not an estimate of the exact amount, but it will not be very great. The gentleman from Georgia [Mr. HAMMOND] can answer that question better than I can.

Mr. HAMMOND, of Georgia. I will answer the question of the gentleman from New York, [Mr. HISCOCK.] I am informed by the Senator who reported this resolution to the Senate that the cost will not exceed \$10,000. I have his letter here in which he makes that statement. He further states that the purchase of these stereotyped plates will enable us to get the book perhaps one year earlier than we would get it otherwise.

Mr. MILLS. It would be of no use, anyhow.

Mr. HAMMOND, of Georgia. It will be of more use to the farmers of the country than many other documents sent to them.

Mr. MILLS. It will enable gentlemen to circulate the high-tariff speeches made in that convention.

Mr. SPRINGER. That is not in this report.

Mr. HAMMOND, of Georgia. If there is any tariff speech in the report I do not know it.

Mr. MILLS. There was one made there.

Mr. BOWMAN. Is not this a new departure in the printing line? Was not this either a State or a private exposition? Did the United States have anything to do with it? In Massachusetts, for example, we have fairs of mercantile associations and other institutions which we deem of great importance. Now, is not this a new departure in the line of printing reports of expositions which are in no respect national expositions?

Mr. SPRINGER. It is just as national as the product which gave the name to the exposition is national. And it is just as usual to print this document as it was for the Government to print the reports of the Centennial Exposition, of the Paris Exposition, and of the Vienna Exposition; all of which were printed by the Government, and in all of which the Government was an exhibitor, as the people of the United States were exhibitors in this exposition.

Mr. BOWMAN. Those were great international expositions; this was in no sense a national exposition.

Mr. SPRINGER. Those were international, not national. I call the previous question.

Mr. HISCOCK. Was this exposition, the proceedings of which it is proposed shall be published by the Government, inaugurated by Congress or dependent in any way upon an act of Congress?

Mr. SPRINGER. No; neither was the Centennial Exhibition dependent upon an act of Congress.

The SPEAKER. The question is upon ordering the joint resolution to a third reading.

The question was taken, and it was not agreed to.

Mr. MILLS moved to reconsider the vote by which the House refused to order the joint resolution to a third reading; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

VETO MESSAGE, RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

Having watched with much interest the progress of House bill No. 6242, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and having since it was received carefully examined it, after mature consideration I am constrained to return it herewith to the House of Representatives, in which it originated, without my signature and with my objections to its passage.

Many of the appropriations in the bill are clearly for the general welfare and most beneficent in their character. Two of the objects for which provision is made were by me considered so important that I felt it my duty to direct to them the attention of Congress. In my annual message in December last I urged the vital importance of legislation for the reclamation of the marshes and for the establishment of the harbor lines along the Potomac front. In April last by special message I recommended an appropriation for the improvement of the Mississippi River. It is not necessary that I say that when my signature would make the bill appropriating for these and other valuable national objects a law, it is with great reluctance and only under a sense of duty that I withhold it.

My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare, and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the law-making power.

The appropriations for river and harbor improvements have, under the influence to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was \$3,975,000; in 1875, \$6,648,517.50; in 1880, \$8,976,500; and in 1881, \$11,451,000, while by the present act there is appropriated \$18,743,875.

While feeling every disposition to leave to the Legislature the responsibility of determining what amount should be appropriated for the purposes of the bill, so long as the appropriations are confined to objects indicated by the grant of power, I cannot escape the conclusion that, as a part of the law-making power of the Government, the duty devolves upon me to withhold my signature from a bill containing appropriations which in my opinion greatly exceed in amount the needs of the country for the present fiscal year. It being the usage to provide money for these purposes by annual appropriation bills, the President is in effect directed to expend so large an amount of money within so brief a period that the expenditure cannot be made economically and advantageously.

The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a greater injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of Government.

Those objections could be removed and every constitutional purpose readily attained, should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year, and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I feel authorized to make this suggestion because of the duty imposed upon the President by the Constitution "to recommend to the consideration of Congress such measures as he shall judge necessary and expedient;" and because it is my earnest desire that the public works which are in progress shall suffer no injury. Congress will also convene again in four months, when this whole subject will be open for their consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, August 1, 1882.

Mr. WASHBURN. I move that the House adjourn.

Mr. REAGAN. I suggest that the message be printed in the RECORD.

The SPEAKER. It will be printed in the RECORD.

Mr. COX, of New York. Every message that is read is printed in the RECORD.

WITHDRAWAL OF PAPERS.

Mr. ROSECRANS, by unanimous consent, obtained leave to withdraw from the files of the Committee on Claims papers in the case of Charles T. Martin.

PRIVATE LAND CLAIMS IN ARIZONA.

On motion of Mr. NORCROSS, by unanimous consent, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. No. 4664) to confirm title to certain private land grants in Arizona Territory, and the same was recommitted to the Committee on Private Land Claims.

LEAVE TO PRINT.

Mr. ROBINSON, of Ohio, by unanimous consent, obtained leave to have printed in the RECORD remarks on House bill No. 6520, in relation to patents in the Virginia military district in Ohio. [See Appendix.]

ORDER OF BUSINESS.

Mr. WHITE. I rise to a question of order. I desire to know whether it is in order at this time to move to refer the river and harbor bill, with the veto message, to the Committee on Commerce?

The SPEAKER. That motion cannot take precedence of the motion to adjourn.

The question being taken on the motion of Mr. WASHBURN that the House adjourn, it was agreed to; and accordingly (at four o'clock and forty minutes p. m.) the House adjourned.

PETITION, ETC.

The following petition and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. S. S. COX: The petition of John Charles F. Beyland, for a pension—to the Committee on Invalid Pensions.

By Mr. PRESCOTT: Paper relating to bill to suppress newspaper license and forgery—to the Committee on the Judiciary.

Also, papers relating to bill granting an increase of pension to Henry N. Halstead—to the Committee on Pensions.

SENATE.

WEDNESDAY, August 2, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior transmitting, in answer to a resolution of July 22, information as to the issue of pension certificates for a double pension to General Ward B. Burnett, which will be referred to the Committee on Pensions. Does the Senator from Connecticut [Mr. PLATT] desire to have the communication printed?

Mr. PLATT. I presume the Senator from Nebraska, [Mr. VAN WYCK,] who is on the Committee on Pensions, would desire it printed.

The PRESIDENT *pro tempore*. It will be printed and referred to the Committee on Pensions.

PETITIONS AND MEMORIALS.

Mr. SAULSBURY presented a preamble and resolutions adopted by the Philadelphia Board of Trade, in favor of the plan of letter-delivery proposed by Oliver Evans Woods; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LOGAN presented the petition of Hiram Powers, late of the Fourteenth Michigan Battery Light Artillery, praying to be allowed a pension; which was referred to the Committee on Pensions.

SALT IN THE INDIAN TERRITORY.

Mr. DAWES. I should like to ask the attention of the Senate for a moment to a matter which will not lead to debate. The Senate passed a few weeks ago a bill reported from the Committee on Indian Affairs. The House has passed another bill almost exactly like that, there being nothing but verbal alterations. That bill has come to the Senate and been referred to the Committee on Indian Affairs. I am instructed by that committee to report the House bill, and to ask the Senate to pass it. It is almost exactly like the one which the Senate has already passed, there being nothing but verbal changes.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory.

Mr. VEST. To whom is the grant? What is the nature of it?

Mr. DAWES. It is a bill to authorize the Cherokee Nation to make a lease (subject to the approval of the Secretary of the Interior, for a period of not more than twenty-five years, but revocable whenever the Secretary of the Interior shall desire to revoke it) of certain salt springs on that Territory, the royalty from which to be appropriated to the school fund of the Cherokees.

Mr. VEST. I was under the impression that that power existed already.

Mr. DAWES. It may exist; but this measure was considered by the committees of both Houses, and both Houses have passed bills on the subject, and the bills have crossed each other. The Secretary of the Interior has considered it. It was thought that some salt springs going to waste, and being of no use as they are, might be turned to an account for the educational fund of the Cherokees without harm to any one.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INVALID PENSIONS.

Mr. PLATT. The Committee on Pensions have instructed me to report an original bill, and to ask for its present consideration.

The bill (S. No. 2172) to amend section 4702, title 57, Revised Statutes of the United States, and for other purposes, was read the first time by its title.

Mr. DAVIS, of West Virginia. Let the bill be read for information.

The bill was read the second time at length, as follows:

Be it enacted, &c., That section 4702, title 57, of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4702. If any person embraced within the provisions of sections 4692 and 4693 has died since the 4th day of March, 1861, or hereafter dies, by reason of any wound, injury, or disease which under the conditions and limitations of such sections would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death without payment to her of any part of the pension hereinafter mentioned, his child or children under sixteen years of age shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and if the widow remarry, the child or children shall be entitled from the date of remarriage, except when such widow has continued to draw the pension-money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid."

SEC. 2. That marriages, except such as are mentioned in section 4705 of the Revised Statutes, shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at a time when the right to pension accrued, and the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT. If any explanation is desired, I can make it in a few words.

Mr. INGALLS. Is this a House bill?

Mr. PLATT. No; it is an original bill, reported by the Committee on Pensions. I will state the only change it makes from the present law.

Where a widow, in violation of law, after the death of her husband, has continued to draw the husband's pension, and has supported the children in the mean time, if there are any, the bill provides that the children shall take from the time when the widow ceased to draw the pension, which we think is right if she has supported the children.

The second change is a provision that notorious and adulterous cohabitation by a widow shall terminate the pension. The Secretary of the Interior has decided that under the present law it does not terminate the pension. The committee think it ought to terminate the pension. I hope there will be no objection to the bill.

Mr. DAVIS, of West Virginia. I should like to ask the Senator how much will be the additional expenditure?

Mr. PLATT. Nothing.

Mr. DAVIS, of West Virginia. Oh, yes; there must be an additional expenditure.

Mr. PLATT. On the other hand, it diminishes the expenditure.

Mr. DAVIS, of West Virginia. In what way? I understand the second section, but the first section, which the Senator explained, certainly gives additional pension.

Mr. PLATT. It does not give any additional pension. If I had made myself clear the Senator would have understood it. There are cases now where the widow, when her husband dies, goes forward in violation of law, saying nothing about the death of her husband, and draws the pension. The only remedy now is to bring suit to recover that amount. The object of the bill is to make the children's pension date from the time when the widow ceased to draw the pension in violation of law; that is, from the time of discovery, when her pension is stopped, provided she has in the mean time supported the children.

Mr. INGALLS. Take the \$72 rate, which lapses at the death of the person entitled to receive it, under the bill reported by the committee would the widow be entitled to that?

Mr. PLATT. She would only be entitled to the widow's pension of \$8. The bill does not change the existing law in that respect. It re-enacts the statute just as it is except the provision made for exceptional cases.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution directing that committee to have compiled the laws, rules, &c., on the subject of public printing, has directed me to report the same without amendment and to recommend its passage, and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution, submitted by Mr. ANTHONY July 17, 1882:

Resolved, That the Committee on Printing have compiled the acts, resolutions, and rules of the two Houses of Congress relating to the public printing, to engraving, and to the distribution of public documents, and that 500 copies of the same be printed, with 500 additional copies for the use of the Committee on Printing.

The resolution was agreed to.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a resolution for the printing and distribution of public documents, to report it with an amendment, and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution, submitted by Mr. COCKRELL July 17, 1882:

Resolved by the Senate of the United States, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate at the beginning of the next session of Congress a tabulated statement showing the number of public documents printed by order of the Forty-fifth, Forty-sixth, and Forty-seventh Congresses, and the number of public documents appertaining to said Congresses printed in compliance with provisions of previously existing statutes, and the distribution directed to be made of the same, together with a compilation of all laws permanent or continuous in their nature governing the printing and distribution of the publications of the Government.

The amendment of the Committee on Printing was to strike out the following words at the end of the resolution:

Together with a compilation of all laws permanent or continuous in their nature governing the printing and distribution of the publications of the Government.

The amendment was agreed to.

Mr. HOAR. Is the cost added as one of the items to be reported?

Mr. ANTHONY. It will add nothing to the expense to include that. If the Senator from Massachusetts wishes that amendment made I do not object to it.

Mr. HOAR. Let the words "and the cost thereof" be added to the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Massachusetts, [Mr. HOAR.]

The amendment was agreed to.

The resolution as amended was agreed to.

GEOLOGICAL SURVEY.

Mr. ANTHONY. I have another report to present, but I will yield to my colleague on the committee, [Mr. GORMAN,] who has an important resolution that should be considered.

Mr. GORMAN. I ask the Senate to proceed to the consideration of the joint resolution (H. R. No. 92) to print 25,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey, which was reported from the Committee on Printing July 14.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Printing with amendments.

The first amendment reported by the Committee on Printing was, in line 4, to strike out "twenty-five" and insert "ten;" so as to read:

That there be printed at the Government Printing Office 10,000 copies each of the second and third annual reports of the Director of the United States Geological Survey, with the necessary illustrations and charts.

Mr. CHILCOTT. Mr. President, I hope this amendment will not be adopted, and I desire to say a few words on the subject.

The joint resolution as it came from the House provided for the printing of 25,000 copies each of the second and third annual reports of the geological surveys of the United States. The Senate Committee on Printing have seen proper to reduce the number of said reports to 10,000 copies each, which will be inadequate to meet one-fourth of the calls which will be made on Senators and Representatives from the mining States and Territories of the West. There is scarcely a day passes that we do not receive letters from our constituents asking us to send them copies of the geological reports heretofore published, with which we are unable to supply them; and it now seems to me nothing more than a matter of justice that a sufficient number of copies be published to meet the demands of our people. There is no public document published of so much value to the people of the Western States and Territories as those treating of the mineral deposits, and from the fact that the Government of the United States has expended over \$600,000 in making surveys and procuring this scientific knowledge (of such great value to the people of the whole country) some liberality should be exhibited in order that the people may be benefited thereby.

Not only has the Government expended a large amount of money for the purpose of obtaining this information but all the necessary expenses have been incurred in preparing the work for the press, including the necessary illustrations and charts, and I contend that the money used in publishing this valuable work will be well spent.

We ask this appropriation in behalf of the citizens of the mineral States and Territories of the West, who are directly interested in this work, which will materially aid them in the development of the mines.

I ask now that the two letters from the Secretary of the Interior to the chairman of the Committee on Printing be read. The Senator from Maryland will please send the letters to the desk. I ask that the letter of June 20 be read first.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 20, 1882.

SIR: Referring to joint resolution No. 92, providing for the printing of the second and third annual reports of the Director of the United States Geological Survey, which has recently passed the House, I have the honor to respectfully recommend and request that provision be made by amendment to said bill in the Senate for the printing of 2,500 copies of these reports for the use of the Department of the Interior.

Of the several reports of the geological and geographical surveys, conducted under the supervision of this Department, hitherto issued, editions of from 1,500 to 3,000 copies each have been printed for distribution by this office, most of them to libraries and to scientific students, so that these libraries and individuals have become accustomed to look to this Department for their supply of these scientific publications, and they will undoubtedly in a large number of cases fail to secure these volumes, and others that may hereafter be issued, unless they are supplied, as the previous volumes have been, from this office.

It is very desirable that the sets of these documents, especially in our prominent public, university, college, and scientific libraries, should be made as complete as possible, and as this is not likely to be done except as they are supplied from this office it is hoped that the amendment suggested will meet the approval of the Committee on Printing, and that provision will be made accordingly in the resolution as it shall be reported to the Senate.

Very respectfully,

H. M. TELLER, *Secretary*.

Hon. H. B. ANTHONY,

Chairman Committee on Printing, United States Senate.

Mr. CHILCOTT. Now let the letter of the Secretary of the Interior of July 10 be read.

The Acting Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 10, 1882.

SIR: Referring to the resolution now before your committee, providing for the printing of the second and third annual reports of the United States Geological Survey, I beg to express the hope that no less number of these volumes than is specified in the resolution as it passed the House will be recommended by the Senate Committee. These reports are regarded not only by the Director of the Geological Survey but by me as among the most important that have been prepared in connection with the surveys conducted under the supervision of this Department.

The first annual report of the consolidated survey under Mr. Clarence King was merely preliminary and very brief, of which a small edition sufficed for all proper demands.

The second annual report therefore embodies a summary of the investigations of the survey for a period of nearly two years, made at an expense of four or five hundred thousand dollars, and contains information of great value, both in a

scientific and economic point of view. The third report will be no less important and valuable.

For the second report, now ready to be printed, numerous requests have already been received, and as soon as its distribution begins it will be in large demand, both on the part of libraries and of individuals, to whom it will be of service, and whose requests may with entire propriety be complied with.

This Department will require for its use, if its distribution of these volumes is to correspond with that of its previous scientific publications, from 2,000 to 2,500 copies, while, as I am informed, the Smithsonian Institution can with advantage utilize an edition of 2,500 or 3,000 copies in conducting its exchanges.

Taking all these facts into consideration, I earnestly recommend the printing of a large edition of these reports, and trust that the Committee on Printing may feel justified in reporting the resolution referred to as it came from the House, so far as the number of copies provided for is concerned.

Very respectfully,

H. M. TELLER, *Secretary.*

Hon. H. B. ANTHONY,

Chairman Committee on Printing, United States Senate.

Mr. GORMAN. Mr. President, notwithstanding the recommendation of the Secretary of the Interior to print a larger number of these reports, (25,000 copies,) the Committee on Printing find that every Department of this Government, and every officer who is directed to make a report, naturally wants the largest number possible printed. We find that the printing which has already been ordered at this session will in all probability cost over \$4,000,000. The Public Printer in his last annual report has said truly that if the printing ordered increases in the same ratio in the next three years that it has in the last five, in addition to the actual cost of printing we shall be compelled to make provision for additional room at the Government Printing Office.

While Senators may desire these reports to be printed in large numbers, they must look the fact in the face that, if this course is continued, not only will your printing cost between four and five million dollars but in addition you must erect another building to accommodate the Public Printer.

Already at this session the Committee on Printing have been compelled because of the amount of work done at the Government Office to provide for night work, which will increase the cost of setting type during the hours between twelve o'clock at night and six in the morning one-third over what we now pay. If the printing of all such reports is ordered according to the numbers asked for by the Departments, and if that is continued at this session, your expenditures must extend to between five and six million dollars.

Upon these facts the committee have determined in this case and in quite a number of others to reduce the number, so as to reduce the cost. The amendments of the committee reduce the cost of this work nearly one-half.

Mr. LOGAN. Mr. President, I have the greatest confidence in the Committee on Printing, because I think they try to do exactly what is right in the matters that come before them, but in this particular instance I must disagree with them. I think these reports are of more importance to the colleges and the people of the Western country, and in fact to the colleges all over the country, than any report made by the Government, especially in the development of our Territories, and to be transmitted to Europe for the purpose of giving information there. I think these reports have produced more benefit to this country than any other reports which have ever been published.

For that reason, although the number proposed by the House seems to be very large, I would not, if it were left to me, reduce the number. I would let the resolution pass as it came from the House for the reasons I have stated, and make this an exception. I do not in this desire to be understood as wanting to criticize the Committee on Printing, for I think in nearly every case they act with very great discretion and judgment; but in this case I do think that the rule ought to be relaxed somewhat so as to allow us to have as large a number as is necessary for the general distribution of this document.

Mr. CALL. Mr. President, the question in regard to the publication of these reports should not be regarded as one of ordinary economy. These reports present to the scientific and the practical world the most valuable and accurate body of information which has ever been presented in the history of the country of which we have any record.

From the beginning of mining operations in 1804, says the report, over a billion and a half of gold and nearly half a billion of silver have been produced. These scientific records trace the formation and indicate to the practical miner when and where and how with certainty the ore is to be found and produce profitable returns for labor bestowed. They also place within easy reach of the people the means of ascertaining the value of their mineral lands and protect them against the combination of money to buy their lands for nominal prices while the owners, often poor men and women, are ignorant of the fact of inexhaustible stores of valuable mineral below their soil. From want of this information the properties of poor men and women, to a great extent, have been sacrificed. This would have been prevented by the reports of the Geological Survey and their general diffusion. This economy in the diffusion of knowledge of the most useful and practical character, knowledge which is not only practical and useful to the people at large and all their industries, but at the same time reaches the heights of pure science, can find no support either in the general welfare or the interests of education. Much wiser would it have been for the committee to have taken some hundreds of thousands of dollars from the publication of

messages and documents which no one reads and which are printed only to be sold illicitly and remanufactured into paper.

The value of this report of the Geological Survey on this vast, practical industry, treated as it has been in this work with most scientific and practical knowledge, is a question that ought not to be ignored in the consideration of the number of copies of this work to be printed. I hold in my hand a series of letters from the most eminent scientific men and engineers of Europe and America, more than twenty of them, expressing throughout the whole scientific and practical world a desire for the possession of these works and complimenting in the highest manner the Government of the United States and the conduct of the Geological Bureau. It is the one purely scientific department of our Government, and if we had to spend \$5,000,000 to begin with to have published, created, and circulated this book, it would be a great economy to the country and to its productions at this day.

I therefore hope that there will be no hesitation in printing 25,000 copies, which will meet about one-half the demand which could be properly supplied in the interests of the practical, scientific industries of this country and Europe.

I will add to these remarks the following extracts from letters of scientific men in Europe and America showing the value of this work and the extent of the demand there will be for it under the system of exchanges which prevails between governments and institutions of learning in different countries:

Asa Gray, professor of natural history in Harvard University and America's most eminent botanist, says:

"I wish here not only to express emphatically my own opinion of their great value and of the importance of continuing them, but also to testify to the deep impression they are making upon the scientific world. In Europe the learned societies, the scientific journals, as also the working naturalists in correspondence, speak with one accord in terms of admiration, not unmixed with envy, of what our Government has done and is doing in this regard; and I observe that Dr. Hayden's survey and the resulting publications are put forward as the type and exemplar."

"I trust that the direct utility to the country of Dr. Hayden's undertakings will repay the cost. But it is gratifying to know that their scientific usefulness and importance is still wider, and is appreciated and valued over the world in such manner as to redound to the national credit."

From Professor William B. Rogers, of Boston, Massachusetts:

"No one who is acquainted with the scientific surveys and explorations conducted under the direction of our General Government for some years past can fail to recognize the great scientific as well as practical value, or to admire their efficiency of the organization by which, in spite of formidable obstacles, they have been successfully carried forward."

From Professor W. D. Whitney, of Yale College, New Haven, Connecticut:

"It is satisfying, and more, all the reasonable expectations of the lovers of scientific progress (both for science' sake and for the furtherance of practical ends) in this country and throughout the world."

From Baron Von Richtofen, president of the Berlin Geographical Society:

"I hope to be able some day or other to go with the necessary care through the wonderful amount of discovery, information, and knowledge which is stored up in your volumes; for notwithstanding the grand publications of the Pacific Railway expeditions, the backbone of the continent and the regions adjoining it, which appeared to claim, geologically and geographically, a paramount interest, were then little more than a *terra incognita*. But you had already commenced to lift the veil from the easternmost part of that region."

"I recollect with pleasure the interest with which I learned, first from Professor Whitney, and then by some publications, your progress and your results. Yet I did little expect that within a decade you would have unraveled the leading topographical and geological features of so many thousands of square miles, from the northern limits of the United States down to New Mexico."

Hon. George P. Marsh, United States minister at Rome, says:

"Until within a few years American science was seldom spoken of abroad except in a disparaging tone, but now the full equality of American astronomers, geologists, physicists, chemists, and metallurgists is recognized by all the numerous European periodicals devoted to these and other branches of natural knowledge, to the promotion of all of which these surveys have directly or indirectly contributed."

Edward Hull, director of the geological survey of Ireland, speaks of the survey as follows:

"I trust, without presumption, that these publications serve a purpose which, in your mind, as a man of science, will not occupy the lowest place; they serve to raise the Government and people of the States in the estimation of men of science in this country, and they form a bond of union between investigators on both sides of the Atlantic."

From Professor A. Geikie, professor of mineralogy in the University of Edinburgh and director of the geological survey of Scotland:

"If we are to test the value of the grant by its immediate results, surely never was a government subsidy more abundantly fruitful. You have made known the geography and geology of vast tracts of unexplored lands, opened it up for the mining prospector, the agriculturist, the railway engineer, and a host of settlers who will follow. You have produced a series of reports which are read and valued in every large public library in Europe, and which cannot but be of the utmost service in the United States. You have stocked your public museums with specimens of natural history which, I suspect, are in themselves quite equal in value to the whole cost of your surveys. To break up your branch of the public service in the midst of so brilliant and useful a career would, it seems to me, be truly a national misfortune."

Andrew Murray, esq., of England, an eminent naturalist, speaks of the high standing of the survey in England as follows:

"It is not only the ability and zeal with which the surveys have been conducted, the learning and intellect shown in the important works that have flowed from them, and the unexampled rapidity with which the results have been given to the public that have commanded our respect, but it has redounded to the credit of your whole nation that your statesmen have had the enlightened appreciation of their value which has enabled you to carry out these important works. I speak advisedly when I say that these works have had a perceptible influence in this country in raising the general estimate of the American character by our people."

From Professor W. Boyd Dawkins, professor of geology in Owen's College, Manchester, England, late of geological survey of Great Britain:

"I have heard with extreme regret that there is a chance of the publications of the geological surveys of the Territories being stopped on the grounds of economy. If this projected step be carried out it will be a serious injury in many ways. In the first place, it is of the greatest importance to the United States that the resources of the Territories should be ascertained for the guidance and benefit of the

settlers. This cannot be done unless the geology and natural history be treated as they are treated in your publications. In the second place, the memoirs themselves are unique of the kind and unlike anything published in Europe in their completeness. They have placed the scientific men of the United States in the first rank among their compeers in Europe.

"From my own private point of view the discoveries which have been made light up some of the darkest and most interesting portions of the history of life on the earth, and the knowledge that there is such a vast field of inquiry opened in America for the study of the eocene and miocene mammalia has made me resolve to forbear studying the scraps which we have in Europe, except in relation to the more perfect faunas of America.

"The discoveries themselves, the mode of their treatment, and the liberality with which they are distributed among scientific workers in Europe are worthy of the United States and a credit to the race to which we belong. To put a stop to them would be false economy so far as relates to the States, as well as bad policy in relation to the rest of the world."

Mr. ANTHONY. The only object of the Committee on Printing in making this reduction is economy. I yield to no one in my admiration of this work and of the very accomplished officer under whose direction the survey has been carried on. I think it has rendered very great service to the country, especially to the development of the mineral resources; but the cost of the printing as provided by the resolution as it came from the House is over \$40,000, and the Committee on Printing thought, especially as they have been subjected to great criticism for their extravagant recommendations, that it was better the number should be reduced to 10,000 copies.

Mr. LOGAN. I do not think the Committee on Printing ought to be criticised, for I am sure the committee is very economical.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee reducing the number of copies from 25,000 to 10,000.

The question being put, there were on a division—ayes 25, noes 24.

Mr. CHILCOTT. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. McMILLAN. Let the question be stated.

The ACTING SECRETARY. In line 4 it is proposed to strike out "twenty-five" and insert "ten;" so as to read:

That there be printed at the Government Printing Office 10,000 copies each of the second and third annual reports of the Director of the United States Geological Survey.

The question being taken by yeas and nays, resulted—yeas 32, nays 27; as follows:

YEAS—32.

| | | | |
|------------------|------------------|------------|------------|
| Aldrich, | Davis of W. Va., | Jackson, | Saulsbury, |
| Allison, | Farley, | Lapham, | Samnders, |
| Anthony, | Gorman, | McMillan, | Sewell, |
| Bayard, | Hale, | Morrill, | Sherman, |
| Beck, | Harris, | Pendleton, | Slater, |
| Camden, | Harrison, | Platt, | Van Wyck, |
| Cameron of Wis., | Hawley, | Plumb, | Vest, |
| Cockrell, | Hoar, | Pugh, | Windom. |

NAYS—27.

| | | | |
|-----------------|--------------------|-------------------|-----------------|
| Blair, | Davis of Illinois, | Jonas, | Miller of N. Y. |
| Brown, | Dawes, | Jones of Florida, | Morgan, |
| Call, | Ferry, | Logan, | Ransom, |
| Cameron of Pa., | George, | McDill, | Rollins, |
| Chilcott, | Grover, | Mahone, | Sawyer, |
| Coke, | Hampton, | Maxey, | Voorhees. |
| Conger, | Ingalls, | Miller of Cal., | |

ABSENT—17.

| | | | |
|----------|-------------------|------------|-----------|
| Butler, | Groome, | Kellogg, | Walker, |
| Edmunds, | Hill of Colorado, | Lamar, | Williams. |
| Fair, | Hill of Georgia, | McPherson, | |
| Frye, | Johnston, | Mitchell, | |
| Garland, | Jones of Nevada, | Vance, | |

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the next amendment of the Committee on Printing, in line 6, to strike out "ten" and insert "five;" so as to read:

Five thousand copies of which shall be for the use of the House of Representatives.

The amendment was agreed to.

The next amendment was, in line 8, after the word "Representatives," to strike out "five thousand" and insert "twenty-five hundred;" and in line 9 to strike out "ten thousand" and insert "twenty-five hundred;" so as to read:

Two thousand five hundred for the use of the Senate and two thousand five hundred for the use of the United States Geological Survey; the illustrations and charts to be made by the Public Printer, under the direction of the Joint Committee on Printing.

The amendment was agreed to.

Mr. ANTHONY. Now, to meet the desire of those who wish a more extensive circulation of this book, as the great test of the value of a publication is the money test, I move to add:

One thousand for sale at the cost of publication and 10 per cent. added thereto.

I do this not from the committee, but on my own responsibility.

The amendment was agreed to.

Mr. ANTHONY. Now, it will be necessary to alter the total amount which has been adopted by making it 11,000 instead of 10,000.

The PRESIDENT *pro tempore*. If there be no objection that change will be made. The Chair hears no objection.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution to print 11,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic, in which it requested the concurrence of the Senate.

The message also announced that the House had insisted upon its disagreement to the amendments of the Senate to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, insisted upon by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. GEORGE M. ROBESON of New Jersey, Mr. J. H. KETCHAM of New York, and Mr. J. D. C. ATKINS of Tennessee the conferees on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes;

A bill (S. No. 101) for the relief of G. W. Thompson and others;

A bill (S. No. 70) granting a pension to Sarah Hayne;

A bill (S. No. 340) granting a pension to Erastus Crippen;

A bill (S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers;

A bill (S. No. 703) granting a pension to Sarah Shea;

A bill (S. No. 1170) granting a pension to Jane S. Taplin;

A bill (S. No. 1264) to increase the pension of Joseph N. Abbey;

A bill (S. No. 1437) granting a pension to Amos Chapman;

A bill (S. No. 1680) granting a pension to Ann Leddy;

A bill (S. No. 1796) for the relief of Elizabeth H. Spotts;

A bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers;

A bill (S. No. 2026) granting a pension to Mary E. Matthews;

A bill (S. No. 2089) granting a pension to Caroline French;

A bill (S. No. 997) for the relief of Ella Carroll, formerly Ella Long;

A bill (S. No. 138) for the relief of James Burke;

A bill (S. No. 346) to provide for the disposition of the Fort Larned military reservation;

A bill (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott;

A bill (S. No. 356) for the relief of the widow of George W. Flood;

A bill (S. No. 412) for the relief of Joab Spencer and James R. Mead;

A bill (S. No. 1959) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation, in Arizona;

A bill (H. R. No. 2402) to quiet title to certain lands in Washington, District of Columbia;

A bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania;

A bill (H. R. No. 5222) to restore the Fort Benton military reservation to the public domain, and for other purposes;

A joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield; and

A joint resolution (H. R. No. 280) authorizing the Secretary of War to loan tents to the Washington Light Infantry Corps.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

Mr. LAPHAM. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe, to report it with certain amendments, and ask for its present consideration.

The bill was read.

Mr. VAN WYCK. I want to know how this bill appears here and what is the object. Does it require unanimous consent to consider it now?

The PRESIDENT *pro tempore*. It was reported by the Committee on Foreign Relations, and the Senator from New York asked for its present consideration. It is now read for information.

Mr. VAN WYCK. I think we ought to examine this bill a little. I find it covers unimportant things very carefully, but other matters seem not to have any protection. Therefore I should like to exam-

ine the bill. I do not want to interfere with the Senator from New York, but I want to examine the bill.

Mr. LAPHAM. If the Senator from Nebraska will hear the amendments proposed by the committee, I think all objection will be withdrawn.

Mr. VAN WYCK. Very well.

The PRESIDENT *pro tempore*. The amendments will be read.

Mr. LAPHAM. I may state here that we have carefully considered the question of providing by general law for the organization of companies for this purpose, but we came to the conclusion that there was not time at the present session of Congress to accomplish a general law. We have therefore amended this bill so as to provide for the contingency of a general enactment guarding the interest of the Government in all respects, as will be seen when the amendments are read.

The PRESIDENT *pro tempore*. The amendments will be read.

Mr. INGALLS. The right to object still continues.

The PRESIDENT *pro tempore*. Yes, sir.

The ACTING SECRETARY. In line 13 the Committee on Foreign Relations report to strike out the words "agreement as to rate" and insert "combination to establish rates;" so as to read:

That no amalgamation, combination to establish rates, union, or sale of cable interests established under this act shall be made to any existing European or other cable companies.

Mr. INGALLS. This bill deals with a very important subject, and I ask that it may be printed with the amendments of the committee, so that it may be understood.

The PRESIDENT *pro tempore*. The bill will be printed and go over.

Mr. LAPHAM. I move that the amendments be printed and re-committed to the Committee on Foreign Relations.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The hour of twelve o'clock has arrived.

Mr. HARRISON. I have a report to make.

The PRESIDENT *pro tempore*. Will the Senate by unanimous consent receive morning business until it is over?

Mr. HARRISON. So much time has been consumed by calling up cases for action that I have not had an opportunity to present my report heretofore.

Mr. ALLISON. I shall not object. The only point I desire is to go on with the sundry civil bill, inasmuch as we have agreed to finish it to-day, but I will yield for ordinary morning business.

The PRESIDENT *pro tempore*. Will the Senate agree that the morning hour may be extended until the conclusion of the ordinary morning business which leads to no debate? The Chair hears no objection. Reports of committees will be received.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Pensions, to whom was referred the bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States, reported it without amendment.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 2119) for the relief of Martin L. Bundy, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1871) to regulate the method of purchasing tobacco for the use of the Army, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

Mr. ROLLINS, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 2103) authorizing the President of the United States to appoint William F. Pratt, late a second assistant engineer in the United States Navy, upon the retired list of the Navy, submitted an adverse report thereon, which was ordered to be printed; and the bill was postponed indefinitely.

PUBLIC BUILDING AT LEAVENWORTH.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds, to which was referred the bill (S. No. 2153) for the erection of a public building at Leavenworth, Kansas, to report it favorably and without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

Mr. PLUMB. I move that a bill which is on the table from the House, (H. R. No. 4757,) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands, be referred to the committee on mineral lands.

The motion was agreed to.

DONATION OF CONDEMNED CANNON.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 2162) to authorize the

Secretary of War to donate to the J. F. Sawyer Post No. 7 of the Grand Army of the Republic, at Omro, Wisconsin, one condemned twenty-four-pounder cast-iron cannon, to report it favorably, and without amendment.

Mr. SAWYER. I ask unanimous consent for the consideration of that bill. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2173) for the relief of Nancy Johnson Lonsdale, Bettie Erwin Brockett, and Laura G. Johnson, heirs-at-law of E. P. Johnson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SAULSBURY (by request) asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 101) for the relief of Oliver Evans Woods; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. KELLOGG asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 103) to provide for the construction, completion, repair, and preservation of the public works; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEORGE asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2174) to preserve and improve the harbor at Vicksburg, in the State of Mississippi; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GEORGE. I desire to say that this bill is of very great importance to the people of the city of Vicksburg, as it contemplates the preservation of the harbor, which is being largely destroyed by the receding of the Mississippi River from the city westward, and I ask that the Committee on Commerce may consider the bill and report it either favorably or unfavorably by to-morrow, so that the Senate may act.

RETURN OF REGIMENTAL FLAG.

Mr. CAMERON, of Pennsylvania, asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 102) authorizing the Secretary of War to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to it by citizens of Norristown, Pennsylvania; which was read by its title.

Mr. CAMERON, of Pennsylvania. I ask for the consideration and passage of the joint resolution at this time.

By unanimous consent, the joint resolution was read three times, and passed.

HEAVY ORDNANCE INVESTIGATION.

Mr. MORGAN. I desire to call up the resolution I offered for the appointment of a special committee on the subject of ordnance from the two Committees on Military and Naval Affairs.

The PRESIDENT *pro tempore*. If there be no objection it will be taken up.

Mr. ALLISON. If it will not take time I shall not object.

Mr. MORGAN. I have consulted the chairmen of both the Committees on Naval and Military Affairs, and they agree to the resolution and think it should be adopted.

The PRESIDENT *pro tempore*. The Senator from Alabama calls up a resolution heretofore submitted by him, which will be read.

The Acting Secretary read the following resolution, submitted by Mr. MORGAN July 13:

Resolved, That a select committee of five Senators, to consist of the chairmen of the Committees of Military Affairs and of Naval Affairs and three other Senators to be appointed by the President *pro tempore* of the Senate from said committees, be raised, with instructions to take into consideration the subject of heavy ordnance and projectiles for the armament of the Navy and the sea-coast defenses, and said select committee shall have leave to sit during the recess of the Senate and to send for persons and papers, and shall report the results of their investigations to the Senate at its next session with any recommendations said committee may deem it proper to make on the subjects committed to them.

The resolution was agreed to.

NICHOLAS J. BIGLEY.

Mr. VOORHEES. I ask the Senate to indulge me by taking up the bill (S. No. 1280) for the relief of Captain Nicholas J. Bigley, which is reported unanimously from the Committee on Claims.

The bill was read.

Mr. ALLISON. I think the bill will take too much time. I hope the Senator will not press it.

Mr. VOORHEES. I will not press it if it leads to any debate.

Mr. ALLISON. Very well; I will see.

The bill was reported from the Committee on Claims, with amendments.

The first amendment was, in line 3, after the word "of," to insert "twenty-one thousand two hundred and eleven;" and in line 4, after the word "dollars," to insert "and forty cents;" so as to read:

That the sum of \$21,211.40 be, and the same is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, to pay Captain Nicholas J. Bigley.

The amendment was agreed to.

Mr. COCKRELL. I wish to have the report read.

Mr. ALLISON. I must object, then, to the consideration of the bill.

Mr. VOORHEES. It is reported unanimously from the Committee on Claims.

Mr. ALLISON. I ask the Senate to go on with the sundry civil appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa objects to the further consideration of the bill.

Mr. ALLISON. I object simply because it takes time.

ESTATE OF WILLIAM TINDER.

Mr. HARRIS. I ask the consent of the Senate to consider at this time Senate bill No. 2169, and I promise if it takes exceeding five minutes I will withdraw it. I think an explanation of two minutes will cause its passage through the Senate unanimously.

Mr. SHERMAN and others. What is the bill?

The PRESIDENT *pro tempore*. The bill will be read for information?

The Acting Secretary read the bill (S. No. 2169) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased. It proposes to direct the Secretary of the Treasury to refund and pay to H. B. Wilson, administrator of the estate of William Tinder, deceased, \$5,000, in full satisfaction of the claim of the estate of Tinder for money paid by the estate upon a judgment of forfeiture upon a bond for the appearance of one Evans, who was charged with crime by indictment in the circuit court of the United States for the district of West Tennessee, and who was afterward captured by the administrator and returned to the custody of the court, and convicted and punished for the crime with which he was charged.

Mr. HARRIS. This bill was reported by the Committee on Claims, I believe unanimously, and the facts are in brief these: a man named Evans was charged with the crime of passing counterfeit money. Tinder became security for his appearance. He absconded, and a forfeiture was taken against Evans and Tinder as security. Soon thereafter Tinder died. Wilson, the administrator of Tinder, pursued the absconding criminal to another State, captured him, brought him back, returned him to the court, and he was tried at a subsequent term and convicted, and is now in the penitentiary suffering for his crime. But in the mean time the court had entered judgment upon the forfeiture and had adjourned, and the forfeiture could not be set aside. The administrator has paid all the costs and the forfeiture of \$5,000. It has reduced the estate to absolute insolvency, turned the widow and children out of doors, and deprived the estate of the power of paying the little neighborhood debts that it owes. I ask simply for the passage of the bill, which will refund the \$5,000.

Mr. CONGER. Will the Senator state whether any security was given by this person charged with the crime, to his surety, from which he received anything?

Mr. HARRIS. None whatever, and it is a dead loss to Tinder unless the money is returned.

The bill was considered as in Committee of the Whole, by unanimous consent, reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

CREEK ORPHAN FUND.

Mr. SLATER. I submit the report of the committee of conference on the part of the Senate and House respecting the disagreeing votes of the two Houses on the bill (S. No. 126) to reimburse the Creek orphan fund.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. No. 126) to reimburse the Creek orphan fund, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the said bill, and agree to the same with the following amendments, namely: Strike out in line 1 of said amendment the words "fifty-one thousand" and insert in lieu thereof "forty-seven thousand five hundred;" strike out in line 11 of said amendment the words "Creek orphans" and insert in lieu thereof "Creeks who were orphans on the 24th day of March, 1832;" insert after the word "act" in line 21 of said amendment the following: "unless in the judgment of the President it shall be for the best interest of the said orphans or their heirs that the same, in whole or in part, be deposited in the Treasury to their credit, as now provided by law for Indian trust funds, and the interest thereon only to be paid to the actual beneficiaries under this act;" and add at the end of said House amendment the following: "but nothing in this act contained shall be construed to prevent the United States from asserting its right to be reimbursed by the Creek Nation, in any future settlements therewith, the further sum of \$106,799.68 expended by the United States out of the Creek orphan fund for the support of loyal Creek refugees;" and the House agree to the same.

JAMES H. SLATER,

H. L. DAWES,

Managers on the part of the Senate.

N. C. DEERING,

D. C. HASKELL,

OLIN WELLSBORN,

Managers on the part of the House.

Mr. COKE. Mr. President—

Mr. ALLISON. If this is going to take time I shall object to its consideration now.

Mr. COKE. I simply desire to state that, as one of the Senate conferees, I do not concur in the most important point in this report.

Mr. ALLISON. Then I appeal to the Senator from Oregon to let this pass over until we finish the sundry civil bill.

Mr. SLATER. I think it will take but a short time.

Mr. COKE. I am entirely willing that the report shall be taken up now, or if it will aid the convenience of the Senator from Iowa it be taken up later.

The PRESIDENT *pro tempore*. The Senate agreed to dispose of the sundry civil bill to-day. Of course the question can be put to the Senate whether they will proceed with the consideration of this conference report now.

Mr. INGALLS. Under Rule 49 the report is in order without the consent of any person. It can be submitted, and when submitted it must be considered.

Mr. SHERMAN. Oh, no.

Mr. INGALLS. Let the Secretary read Rule 49. I am not insisting on its consideration now, but I do not want the report ruled out on a question of order.

Mr. HOAR. Let the rule be read.

The Acting Secretary read as follows:

49. The presentation of reports of committees of conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of this report?

Mr. INGALLS. Now, I suggest that as there may be debate, the Senator from Oregon consent that the consideration of this report be postponed until the pending appropriation bill is disposed of. It will then be the first thing in order.

Mr. SLATER. Then I ask that the bill may be printed with the amendments as reported by the conference committee, so that it may be on the tables of Senators by to-morrow morning.

The PRESIDENT *pro tempore*. The report will be printed with the amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had concurred in the amendment of the Senate to the bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to said regiment, and which is now in the custody of the Secretary of War; and it was thereupon signed by the President *pro tempore*.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move to take up the sundry civil bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves to postpone prior orders and take up the sundry civil appropriation bill.

The motion was agreed to; and the Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, the pending question being on the amendment proposed by the Committee on Appropriations, after the word "continue," in line 1834, to insert "as heretofore;" so as to make the clause read:

To enable the Commissioner of the General Land Office to continue as heretofore to reproduce worn and defaced official plats of surveys now on file, and other plats, constituting a part of the records of said office, and also to furnish local land offices with same, \$20,000.

Mr. HOAR. The Chair expressed his opinion, as will be seen by the RECORD, that that amendment was out of order.

Mr. BAYARD. There is a message from the House of Representatives on the table informing us of the appointment of a committee of conference on the Japanese indemnity bill. I have consulted various members of the Senate interested in that measure, the Committee on Foreign Relations having it in charge. I propose to move for a committee of conference on the part of the Senate, but I am aware that it will lead to some debate; therefore I delay the application for that committee until this appropriation bill shall be through.

The PRESIDENT *pro tempore*. The words "as heretofore" are ruled out. The reading of the bill will proceed.

Mr. ALLISON. I ask unanimous consent to go back to page 43, line 1034. The Senate amended that clause by striking out "two" and inserting "one." I ask unanimous consent that that amendment may be disagreed to.

The PRESIDENT *pro tempore*. The committee amendment on that line will be regarded as disagreed to if there be no objection. The Chair hears none.

Mr. ALLISON. It is for the purchase and repair of tools and instruments for the public grounds. Now, let us go on with the bill.

Mr. PLATT. I understood that the chairman of the committee would go back to the clause in relation to artificial limbs.

Mr. ALLISON. I agreed with the Senator from Connecticut to go back to page 59, line 1429, for a moment. He has an amendment to propose there which I think ought to be adopted.

Mr. PLATT. The Senator has the amendment.

Mr. ALLISON. Yes, I have it. There is a small amount of money heretofore appropriated for artificial limbs not used during the fiscal year, and I ask that it be reappropriated. I move to insert:

Together with the unexpended balance of appropriations heretofore made for said purpose.

The amendment was agreed to.

Mr. ALLISON. Now let the reading proceed.

The Acting Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriation "for the Ute commission," after the word "dollars," in line 1855, to insert the following proviso:

Provided, That the work of said commission shall be completed and final report made prior to July 1, 1883.

Mr. DAWES. I call the attention of the chairman of the committee to that amendment and the two following amendments. I think they ought not to pass. I have had information to satisfy me of that since the bill was reported. I can give the Senate thereasons in each case if it desires.

Mr. ALLISON. I will allow those amendments to be disagreed to if the chairman of the Committee on Indian Affairs desires.

Mr. VOORHEES. I understand the amendments on pages 76 and 77 are to be disagreed to, leaving the bill as it came from the House to line 1869.

Mr. ALLISON. Yes, sir.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. DAWES. It is impossible for the Ute commission to finish up their work before the middle of September.

Mr. BECK. Why is it not right to close up the commission?

Mr. DAWES. This commission has not been able to do anything yet, because there has been no appropriation. The Secretary of the Interior has been waiting for the appropriation to pay this commission, and now it is the 2d of August. By the middle of September nothing can be done in the mountains of Colorado. Therefore the work must be finished up before that time if this provision is adopted, which is an impossibility. That is all there is to it.

Mr. COCKRELL. What is the amendment?

Mr. DAWES. The proviso limiting the continuance of the Ute commission.

Mr. COCKRELL. Why not have it limited?

Mr. DAWES. Because it makes it necessary for the work to be completed this summer, and this summer is all comprised now between the first of August and the middle of September in those mountains.

Mr. INGALLS. July, 1883, is next summer.

Mr. DAWES. I know that July, 1883, is next summer, but this must be completed before that time because we cannot do anything after the middle of September till next June.

Mr. COCKRELL. They have to July 1, 1883, to complete it in.

Mr. DAWES. You can work till the middle of September and you get the thing about quarter done, the moving of Indians in the mountains. Then you suspend that work and begin about the 1st of June of next year and continue it until the 1st day of July. That is what is left by this limitation. The Secretary of the Interior thinks it is impossible to make this applicable and to make it practical. There can be no desire on the part of anybody to keep this commission in existence an hour after the work is completed, and a Secretary of the Interior who would not complete it as soon as possible had better be somewhere else than where he is.

Mr. BECK. We have paid them \$17,000 already, and the committee feared this might run on indefinitely.

Mr. DAWES. That is another commission. This is a commission authorized at the present session of Congress to do what the other commission found under the treaty and agreement with the Utes it was an impossibility to do. They were required to be located on certain lands, and when the commission came to visit the country they found that the lands were not there. Therefore, without a dissenting voice, the Congress of the United States authorized a new commission to transfer these Utes to the Uintah reservation in Utah, but provided no appropriation to pay the commission, and the commission, although appointed and prepared and ready to go to work, await the passage of this bill.

Mr. INGALLS. The Senator from Massachusetts says that no person has any object or interest in continuing the existence of this commission one hour beyond the time necessary for the discharge of their duty. I am not quite sure of that. I do not share the Senator's confidence.

Mr. DAWES. The Senator will allow me to say that I of course spoke of any official having any control over it. There may be individuals who would desire its continuance; I would not say that in this depraved world; but I am speaking of officials who deserve our confidence.

Mr. INGALLS. The Senator by a codicil has amended the original statement, and in that I concur. But I would suggest to him as it is very important that this commission should some time end its labors, and as he states they can get through by the middle of September, in order to have some assurance that the end may sometime come, that the amendment should not be stricken out, but that the date should be postponed.

Mr. DAWES. I have no objection to any date that will secure the completion of the work as soon as possible.

Mr. INGALLS. Say "the 1st of September, 1883." Would that be satisfactory to the Senator?

Mr. DAWES. I should think the middle of September, 1883, and if not completed this year they would have next year to do it.

Mr. INGALLS. I suggest, then, a modification of the amendment by striking out "July 1st," and inserting "the 15th of September."

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the committee.

Mr. DAWES. I do not speak with that familiarity which I ought perhaps to have with this subject. I voice the Secretary of the Interior, who lives in Colorado, and the Senator from Colorado. If the Senator from Colorado differs with this conclusion I should be glad to have him so state. It strikes me as a proper limitation.

Mr. BECK. I did not rise to make any objection, but we had paid \$17,000 during the current year and got nothing, and I wanted it brought to an end sometime. If we do not put a limitation, it will run indefinitely.

Mr. CHILCOTT. I will just state that if this amendment should prevail it will entirely defeat the object of this commission. It is now the first of August, and it will be the first of September before the commission can get together and organize, and the snows will be falling in the mountains by the middle of this month. The time is limited by the amendment until the 1st of July, 1883. It will be at least the first part of June before they can do anything next year. That will only give one month's time for all this work. I take it that it will be well enough to leave this matter with the Secretary of the Interior; he will take care of it. If there is no work for the commission to do he will recall them. I hope the amendment of the committee will not be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1858, to strike out the following clause:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to employ an agent for the eastern band of Cherokee Indians, in accordance with section 3 of the act approved July 27, 1868, \$800.

Mr. DAWES. The chairman of the committee consents that this amendment may be rejected.

Mr. VANCE. I move to non-concur.

Mr. DAWES. The Senator from North Carolina will understand that if the amendment is rejected the text remains.

Mr. VANCE. Certainly. I move to non-concur in this amendment of the Committee on Appropriations.

Mr. ALLISON. The Committee on Appropriations do not disagree with the Senator. They agree that the clause may remain in the bill.

Mr. DAWES. The committee consents that it may remain in the bill.

Mr. VANCE. Very well; but what is to be done with the next clause?

Mr. DAWES. The same with the next.

Mr. VANCE. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1864, to strike out:

For this amount, or so much thereof as may be necessary, to enable the Secretary of the Interior to cause the census to be taken and a new roll to be made of all Cherokee Indians residing east of the Mississippi River, \$800.

Mr. DAWES. This is to be disagreed to also.

The amendment was rejected.

The reading of the bill was resumed. The next amendment was, after line 1869, to insert:

The Secretary of the Interior shall investigate and report to Congress what in his opinion would be an equitable settlement of all matters of dispute between the eastern band of Cherokee Indians (including all the Cherokees residing east of the Mississippi River) and the Cherokee tribe or nation west; also all matters of dispute between other bands or parts of the Cherokee Nation; also all matters between any of said bands, or parts thereof, and the United States, arising from or growing out of treaty stipulations, or the laws of Congress relating thereto; and what sum or sums of money, if any, should, in his opinion, be paid under such settlement; and the sum of \$2,500 is hereby appropriated for such purpose.

Mr. HOAR. What is that "purpose?" Is it the purpose of the payment of claims, or payment of the cost of the investigation?

Mr. ALLISON. It is intended to apply to the investigation, I will say to the Senator.

Mr. HOAR. Would it not be well to put in "for the purpose of said investigation?"

Mr. ALLISON. Very well.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1883, to insert:

For this amount, or so much thereof as may be necessary, to pay expenses of the delegates representing the eastern band of Cherokee Indians while in the city of Washington, during the months of May, June, and July, 1882, including traveling expenses in coming to and returning home from said city, \$600, to be paid out of any fund belonging to said tribe.

Mr. DAWES. I desire after that is passed upon to offer an amendment.

Mr. VOORHEES. Allow me to suggest to the Senator from Massachusetts that after the word "dollars," in line 1890, the words "to be paid out of any funds belonging to said tribe" should be stricken out.

Mr. DAWES. I was not going to interfere with the amendment the Senator from Indiana proposes to offer, which he has shown me.

Mr. VOORHEES. I move to amend the amendment of the committee by striking out the words "to be paid out of any funds belonging to said tribe."

I had explained to me yesterday by a prominent friend of Indian interests and Indian education, who is very familiar with this subject, that these expenses ought not to be paid out of the single fund of the Indians. They have no other funds now except those invested, and the interest on which is applied at 5 per cent. for the support of schools.

Mr. VANCE. It is their school fund.

Mr. VOORHEES. Yes; and it ought not to be touched. The expenses of their visit to the capital ought to be paid by the Government itself. They ought not to be taxed against the invested funds that are supporting the schools of the Indian children. I believe that is the explanation, is it not? I ask the Senator from North Carolina.

Mr. VANCE. Certainly.

Mr. VOORHEES. I ask the attention of the chairman of the Committee on Appropriations. I think for the reason stated these words had better be stricken out, and let the Secretary of the Interior pay out of the Government funds for the visit of these Indians here rather than to tax it against their school fund.

Mr. ALLISON. These Indians had no business here, in my judgment, and it is the only way to keep them out of this city. We have been paying their expenses for two or three years at every session of Congress. I do not know what they are doing here, and I do not think they have any relations here that require their presence. I think the best way to keep them at home is to let them pay their own bills out of their own funds.

Mr. VOORHEES. The trouble is, as I have had it explained to me, that that will not keep them away, and they will come and they will use up the school fund set aside for the education of their children. The better way to keep them away would be to let them understand that unless they are needed here the Government will not pay the expenses of their coming. If it is left to them to come when they please and tax the cost against their school fund the injury will fall on the next generation; whereas if they were informed that their expenses would only be paid by the Government when their presence was necessary they would stay away.

I hope the amendment will be agreed to. It is in the interest of the Indians.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana to the amendment of the Committee on Appropriations.

The question being put, there were on a division—ayes 17, noes 12; no quorum voting.

The PRESIDING OFFICER. The Chair will put the question again. There is a quorum present.

Mr. DAWES. If the Senate will indulge me a single moment, I will state the reason why I vote for this. The Secretary of the Interior sent for these people this time. Another reason is that they have been in a quarrel, divided up into two or three factions, and each faction sent a representative here claiming to be the sole representative of the tribe. We have provided in this bill for an agent to represent them, so that hereafter we shall have no such trouble.

Mr. BECK. I want to ask the Senator from Massachusetts a question to guide my vote. We were not advised that they were sent for to come here. Is it the fact that they were sent for by the Secretary?

Mr. DAWES. I was so informed by the Senator from Indiana. The Senator from Indiana informs me that they were sent for. That led me to change my vote.

Mr. VOORHEES. I so understand.

Mr. BECK. The reason I ask the question is that we were not advised as to that.

Mr. DAWES. The Committee on Appropriations were not advised of that fact.

Mr. BECK. We were willing to pay their expenses if they were sent for, but not otherwise.

Mr. DAWES. I assume that I have not been misinformed on that subject.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana to the amendment of the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I should like to know whether it

is a fact that these Indians were sent for. That will control my vote.

Mr. DAWES. I stated to the Senate that I was informed by the Senator from Indiana that these Indians were sent for and did not come of their own accord. I also stated that there had been before the Committee on Indian Affairs three representatives of three different bands, each claiming to be the sole representative of the whole tribe, and the Committee on Indian Affairs could not tell which was the lawful representative. We have provided in consequence of that for the Secretary of the Interior appointing a man to represent them hereafter, and to try himself to settle up their difficulties. But if these men came here on invitation, formal or otherwise, to try to settle these difficulties, it would seem proper that their expenses should be paid for. I am further informed that they have been paid up to the 1st of May by the Government, and that there is no money to pay them further.

This I state as information which has come to me. I do not vouch for it except that it comes from the honorable Senator from Indiana, and I have no doubt the fact is as he states it.

Mr. PENDLETON. I should like to ask the chairman of the Committee on Indian Affairs if it is not the rule that Indians shall not visit the capital except by permission previously obtained of the Secretary of the Interior or some other officer of the Government?

Mr. DAWES. So I understand. I understand that if they are here the presumption is that they are here by invitation.

Mr. VOORHEES. I so understand it. I have no official information, but I have information that satisfies me, from a high source, that such is the fact.

Mr. BECK. The ignorance of the sub-committee on this subject perhaps needs explanation. We found two or three different sets of people all pretending to be Cherokees, and we turned the whole matter over to the Committee on Indian Affairs, of which the Senator from Massachusetts [Mr. DAWES] is chairman. Having the distinguished chairman of the Committee on Indian Affairs a member of our sub-committee, we turned the whole subject of Indian Affairs over to him to ascertain the facts. If we sent for these Indians to come here we ought to pay the expenses of their coming. If they came voluntarily we do not intend to pay their expenses.

Mr. INGALLS. The Senator from Indiana states that he has no official information on this subject; but if the Indians were sent for I should be in favor of having this bill out of the Treasury. Now, the Secretary of the Interior can be communicated with by telegraph in fifteen minutes, and I suggest that this amendment be informally passed over temporarily, for the purpose of ascertaining what the facts are. If the Secretary authorized them to come here I shall vote to pay their expenses, and if he did not I shall not.

Mr. VOORHEES. That suggestion is satisfactory, and I withdraw my amendment, and will renew it at the proper time, after we hear from the Department.

The PRESIDING OFFICER. The question is on the amendment of the committee as reported.

The amendment was agreed to.

Mr. VANCE. I move to amend by adding, after the word "tribe," in line 1891, the following amendment:

That the sum of \$10,000, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying certain debts now owing by the Eastern band of Cherokee Indians; also, the necessary expenses and services of the delegation for the year 1882, and also such attorneys' fees as the said Indians have in good faith stipulated to pay: *Provided*, That no debts now owing shall be paid except those recognized by the principal chief, or the council, or both: *And provided further*, That no portion of said appropriation shall be paid until said debts of the band, expenses, and services of the delegates and attorneys' fees have been approved by the Commissioner of Indian Affairs and the Secretary of the Interior. That any sum appropriated and used under the first section of this act shall be replaced out of the proceeds of the lands to be sold outside of the Qualla boundary.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDING OFFICER. The Senator from Iowa will state the point of order.

Mr. ALLISON. It is legislative, to begin with.

Mr. DAWES. Is the point of order sustained?

The PRESIDING OFFICER. The Senator from Iowa will state the point of order.

Mr. ALLISON. The first point of order is that it is legislation.

The PRESIDING OFFICER. General legislation?

Mr. ALLISON. Yes, sir.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. DAWES. I am unfortunate in moving an amendment just at this moment that is subject to a point of order for the same reason, but I should like to state to the Senate the need of it, and then the Senate may judge for themselves whether they will waive the point of order. The Senate will remember the large provision which was made in the Indian appropriation bill for the education of Indian children in different schools. That bill has become a law, and there has been put half a million dollars to the credit of the Secretary of the Interior, to be expended in educating Indians in different parts of the country. There turns up this statute, which I will read, which embarrasses the Secretary of the Interior in executing that law:

No moneys which may be appropriated for the purpose of education among the Indian tribes shall be expended for any such object elsewhere than in Indian country.—*Revised Statutes*, section 2099.

It may be considered, and is by some lawyers, that this subsequent legislation modifies the Revised Statutes to that extent, but it is hardly well to stake an expenditure of that large amount upon a mere construction of the statute. Therefore, I offer—

Mr. ALLISON. That is already in the bill.

Mr. DAWES. I beg pardon. The chairman of the committee calls my attention to the fact that it is already in the bill. I hope when that amendment is reached that the point of order will be waived by the Senate on the ground I have stated.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1897, before the word "thousand," to strike out "ten" and insert "five;" so as to make the clause read:

For this amount, or so much thereof as may be necessary to enable the Secretary of the Interior to negotiate with the Sioux Indians for such modification of existing treaties and agreements with said Indians as may be deemed desirable by said Indians and the Secretary of the Interior, \$5,000; but any such agreement shall not take effect until ratified by Congress.

The amendment was agreed to.

Mr. VOORHEES. I ask to go back to the matter passed over a few moments ago, in line 1890. I have had a conversation with the Secretary of the Interior on the floor of the Senate since that time, and he informs me that my impression was correct, and that the Indians only visit the capital upon the invitation of the Government. That being the case, I renew my motion to amend, and I ask that it be acted upon.

The PRESIDING OFFICER. The Chair will entertain it.

The PRINCIPAL LEGISLATIVE CLERK. After the word "dollars," in line 1890, it is proposed to strike out:

To be paid out of any funds belonging to said tribe.

Mr. ALLISON. I hope it will not be necessary hereafter to keep Indians here three or four months at the expense of the United States Government. With that statement I will let the matter pass.

Mr. VOORHEES. Only \$600 is provided for here, which is not a very large sum.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 1912, to insert:

That the sum of \$300,000 is hereby appropriated, to be paid into the treasury of the Cherokee Nation, out of the funds due under appraisal for Cherokee lands west of the Arkansas River, which sum shall be expended as the acts of the Cherokee legislature direct, to relieve the destitution on account of drought, this amount to be immediately available: *Provided*, That the Cherokee Nation, through its proper authorities, shall execute conveyances satisfactory to the Secretary of the Interior for the tracts occupied by the Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages, so that these lands can be secured to said tribes in accordance with treaty stipulations and agreements.

The amendment was agreed to.

The next amendment was, after line 1925, to insert:

For this amount, or so much thereof as may be necessary, for the purchase of additional beef for Indians, to be distributed by the Secretary of the Interior, at such Indian agencies as the necessities of the Indians shall require, \$200,000; and the Secretary shall cause a report to be made to Congress at its next session thereafter of his action under this provision.

The amendment was agreed to.

The next amendment was, after line 1932, to insert:

For the support of the Indians of the Mesacalero agency and the Jicarilla agency, in addition to amounts heretofore appropriated, \$50,000.

The amendment was agreed to.

The next amendment was, after line 1935, to insert:

To enable the Secretary of the Interior to pay the amount found due R. H. Taylor, June 9, 1869, for herding cattle, the sum of \$331.97, appropriated by the act of July 15, 1870, is hereby reappropriated and made available for this purpose.

The amendment was agreed to.

The next amendment was, to strike out the following clause, from line 1948 to line 1958:

To enable the Secretary of the Interior to purchase one hundred and sixty acres of land, in addition to that now owned by the Government, on the old Pawnee reservation, in the State of Nebraska, \$2,500, or so much thereof as may be necessary: *Provided*, That this amount shall be available only in the event that an Indian industrial school shall be established upon said reserve in pursuance of an act of Congress approved May 17, 1882.

Mr. SAUNDERS. I hope that the amendment will not prevail, and that the paragraph will not be stricken from the bill. It will be remembered that a few weeks ago when the Indian appropriation bill was before the Senate there was a provision adopted that \$2,500 should be appropriated for the purpose of starting a school on the Sioux reservation. To that an amendment was made which allowed at the discretion of the Secretary of the Interior the use of a school-house belonging to the Government on the old Pawnee reservation. There is a building there belonging to the Government, and there are one hundred and sixty acres of land belonging to the Government there with the building. If the school could be started there they would not have to spend the whole \$2,500, because they would not have to build a house to be occupied for a school.

After it was ascertained that there was a quarter-section of land there the Secretary of the Interior thought it was not sufficient to allow him to start a school as a manual-labor school. His proposition is that there shall be a manual-labor school, so as to try to make the Indians support themselves as far as raising vegetables, &c., is

concerned. He wanted to find out whether for a fair price he could purchase another quarter section, so that he could have three hundred and twenty acres. A school is to be provided for probably one hundred and fifty students. He recommended to the House committee that they should appropriate \$2,500 for that purpose, which the House did. He has not committed himself to start the school, but in case he does do it then he wants that amount of money so that he could make this purchase.

This land is first-class land, worth the money paid for it if it is seen fit to buy it; and it will only be bought in case the school is to be started there. I think it is certainly not a mistake to allow them at this reasonable price to buy that land if they can put the school there.

That is the condition of the matter, and unless there is some reason given for striking out this paragraph that I do not know of, it seems to me everything is in favor of allowing the appropriation of \$2,500 in the bill on condition that the Department wants to use it.

It is a very rich part of the country. This land is as fine as there is in any country I know of. It is as good land as there is in the State of Nebraska, and I believe we have as good land there as there is in any State of the Union. It is first-class land. It is within a mile and a half of Loup River, having good water within it, and every foot of it is susceptible of cultivation. I tried to procure the letter which was written to the House; but not being able to do so, by the consent of the chairman of the Committee on Appropriations I should like to have read the letter that was written to that committee. I send up to be first read the letter of the Commissioner of Indian Affairs directing the attention of the Secretary of the Interior to the subject, and then the letter of the Secretary of the Interior.

The letters were read, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 6, 1882.

SIR: I desire to call your attention to the fact that if it is decided to open a school for Indian youth in the Pawnee school building in Nebraska, it will be necessary to purchase a quarter section of land adjoining that on which the building stands, in order that instruction in farming may form an important part of the school curriculum.

For the purchase of this land a sum not exceeding \$2,500 will be required, and I respectfully suggest that Congress be requested to appropriate that amount for that purpose.

I have the honor to be, sir, very respectfully, your obedient servant.

H. PRICE, Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, July 6, 1882.

SIR: I have the honor to transmit herewith copy of a letter of the Commissioner of Indian Affairs of the 6th instant, showing the need of an appropriation of \$2,500 for the purchase of a quarter section of land adjoining that on which is located the Pawnee school building in Nebraska, provided it is decided to locate a school for Indian youths at that point.

The law providing for the school will be found on page 20 of the Indian appropriation act, approved May 17, 1882, wherein the Secretary of the Interior is authorized to cause a suitable building to be erected on a suitable section of land for industrial and other school purposes on the Sioux reservation; or, in his discretion, to establish said school in the school building now standing on the Pawnee reservation in Nebraska. An appropriation of \$25,000 is made for said school, \$15,000 of which is to be used in erecting and furnishing the building, providing the school is not located in the building on the Pawnee reservation.

The quantity of land on which the school building on the Pawnee reservation stands reserved from sale is one quarter section, which is not sufficient for the purpose of industrial training of one hundred and fifty scholars, the number named in the law.

At least a quarter of a section more of land will be required if the school is located at that point, and I therefore concur in the recommendation of the Commissioner for the appropriation of \$2,500 to be used in the purchase of an additional quarter section of land, provided the school is located in the building on the Pawnee reservation in Nebraska.

Very respectfully,

H. M. TELLER, Secretary.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

Mr. ALLISON. The school is not yet located on the Pawnee reservation, or anywhere. It will take some little time to gather up one hundred and fifty Indian students, and it will take some further time to establish a proper curriculum. The committee thought that as land was plenty in Nebraska, if this particular quarter section should not be purchased probably some other quarter section could be purchased hereafter, and we thought we would postpone this question until we should find a greater necessity existing than seems to exist now. I should like to accommodate my friend from Nebraska very much by buying out this farmer at the rate of \$16 an acre for his land.

Mr. VAN WYCK. The price is a good deal less than that of Iowa land.

Mr. ALLISON. It is, no doubt. I say I should like to accommodate him, but I think he can wait until next year, and if the school is established and we find the necessity exists we shall then endeavor to purchase this farm.

Mr. VAN WYCK. If the necessity at all exists, it exists before the establishment of the school, because, as my colleague stated, both Houses of Congress have already, by law, provided for the establishment of an Indian school either in Dakota, where there are no buildings, and it will cost the Government a great deal to put up the buildings, or on this reservation in the State of Nebraska, where there are

already fine buildings which cannot be used for any other purpose. I think the Senator will admit that if those buildings are not used for an Indian school they will substantially be of no sort of use to the Government, and if sold at all scarcely anything will be realized.

A bill was passed authorizing the Secretary of the Interior to exercise his discretion in the matter. It was all left with him. The Commissioner of Indian Affairs and the Secretary of the Interior have now asked for this little appropriation to buy at a very small price one hundred and sixty acres of fine land, provided the school shall be established there. It becomes important for him to take into consideration the establishment of the school, because it depends upon where he will probably establish it, and this proposition leaves it just where the bill originally left it, leaving it all with the Secretary of the Interior for him to use \$2,500 to buy an additional quarter section of land in connection with this building there and establish a school upon it. That is all there is in this question. The amount is small, and it certainly would be a safe place, in my judgment, to establish such a school.

Mr. SAUNDERS. I wish to make one remark in reply to the Senator from Iowa, [Mr. ALLISON.] He says it would be a difficult thing and would require a good deal of time to collect one hundred and fifty Indian students. Our railroad connections are such that they can be brought there any day in day-light. That is to say, the railroads connect now so near to the Spotted-Tail agency, so near the Santee agency, and actually connecting with the Omaha and Winnebago agencies and with the Otoes, so that that number could be brought there in five or six hours at any time.

One of the arguments in favor of this school there is because the buildings are already provided. The place would not have been thought of if it had not been that a building was there belonging to the Government, and the land is there belonging to the Government. But it turns out to be one of the best places that could have been selected. It is at a distance of one hundred to two hundred miles from the Indian camps; and thereby the Indian children would be removed so far from the Indians that they could not annoy them by frequent visits. It certainly should not be the policy of the Government to bring all of the students away to the Eastern States when it will cost as much to bring them here and take them back as it would to keep them a year at a school out there. It seems to me that no better place could possibly have been selected.

This land is cheap at the price, because some parties out there have said that it was worth \$3,000, the same piece of land; and I have no doubt it is well worth at any rate the amount we should have to pay for it. I understand it could probably be had at \$2,200, but certainly at not over \$2,500; and the provision merely calls for \$2,500, or so much as would be necessary for that purpose.

I say, taking it in any view, as you want a school there somewhere and you do not want it in the camps or near the camps of the Indians, and these lands and the buildings are already there, belonging to the Government, this is the best place. All that is needed is one hundred and sixty acres more of land, which will bring the money back at any time to the Government.

Mr. INGALLS. How much does the Government own there now?

Mr. SAUNDERS. One quarter section. I will state now in relation to this matter—and I think I am not violating any rule of etiquette when I say it—that the Secretary of the Interior says he would not think of starting a manual-labor school with less than three hundred and twenty acres of land, if he does start it. He will not say that he will start it at all, but if he does he wants an opportunity to buy this land where he needs it.

Mr. BECK. I favored striking out this paragraph because, according to my recollection, when the Indian appropriation bill was before the Senate for consideration, influenced by the experiments that had been made in the education of the young Indians both at Hampton and Carlisle, as well as elsewhere, a disposition was exhibited, and a liberal one, as I thought, on the part of the committee and of the Senate, to make a test of Indian schools somewhere on the reservation where the Indians were, especially among those Indians which had given us so much trouble heretofore. We made an arrangement, which seemed to be satisfactory to the chairman of the committee, to the Senator from Massachusetts, [Mr. DAWES,] and those who had been paying attention to those things, to have the school put on an Indian reservation, where the Indians could go and see their children, and see that they were well treated, and see them from time to time at little expense and without trouble.

Then the Senator from Nebraska came and told us what a magnificent arrangement there was on this Pawnee reservation, a place where the children naturally would go, and I supposed from what he said that all the land and the buildings and everything necessary were there. Now, after six weeks, after giving the Secretary of the Interior a chance to look over the Pawnee reservation to see whether everything was there, the proposition was brought in here to buy one hundred and sixty acres of land at \$16 an acre in the neighborhood of the school. It seemed to me not a very good thing to do, and therefore I was in favor of striking out the paragraph.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations striking out the paragraph.

The question being put, there were on a division—ayes 20, noes 19. Mr. SAUNDERS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.] I desire to make this announcement for the day, so that I need not weary the Senate by making it every time a vote is taken.

The roll-call having been concluded, the result was announced—yeas 20, nays 25; as follows:

YEAS—20.

| | | | |
|-----------|------------------|---------|------------|
| Aldrich, | Davis of W. Va., | Hawley, | Morrill, |
| Allison, | Ferry, | Hoar, | Plumb, |
| Bayard, | Gorman, | Logan, | Pugh, |
| Beck, | Hale, | Maxey, | Saulsbury, |
| Cockrell, | Harris, | Morgan, | Vest. |

NAYS—25.

| | | | |
|------------------|-----------|------------------|-----------|
| Brown, | Conger, | McDill, | Slater, |
| Butler, | Grover, | Mahone, | Van Wyck, |
| Call, | Hampton, | Miller of N. Y., | Voorhees, |
| Camden, | Harrison, | Pendleton, | Williams. |
| Cameron of Wis., | Jackson, | Rollins, | |
| Chilcott, | Jones, | Saunders, | |
| Coke, | Lapham, | Sawyer, | |

ABSENT—31.

| | | | |
|--------------------|-------------------|-------------------|----------|
| Anthony, | Frye, | Jones of Florida, | Platt, |
| Blair, | Garland, | Jones of Nevada, | Ransom, |
| Cameron of Pa., | George, | Kellogg, | Sewell, |
| Davis of Illinois, | Groome, | Lamar, | Sherman, |
| Dawes, | Hill of Colorado, | McMillan, | Vance, |
| Edmunds, | Hill of Georgia, | McPherson, | Walker, |
| Fair, | Ingalls, | Miller of Cal., | Windom. |
| Farley, | Johnston, | Mitchell, | |

So the amendment was rejected.

Mr. ALLISON. In line 1952, as the Senate refuses to strike out the paragraph, I move to strike out "five," after "thousand," and to insert "two;" so as to read: "two thousand two hundred dollars." The Senator from Nebraska says that an arrangement has been made already by which this farm can be purchased for \$2,200, and it is not necessary to appropriate any more than the amount required.

The PRESIDING OFFICER. If there is unanimous consent, that can be done, but it is out of order, the Senate having agreed to the matter by refusing to strike out the paragraph. If there is no objection that modification will be made. The Chair hears no objection, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "Treasury," in line 1966, to insert:

And out of this sum the Secretary is authorized to reimburse the superintendent for amount paid for damages done private property in making excavations for foundation of a new bath-house in 1881, not to exceed the sum of \$345.40.

So as to make the clause read:

For the improvement of Hot Springs Creek: For the erection of a wall along its left bank, and other improvements upon the Hot Springs Mountain reservation, in Arkansas, \$33,744.78, to be expended under the direction of the Secretary of the Interior, said amount having been collected by the receiver appointed by the Court of Claims and covered into the United States Treasury; and out of this sum the Secretary is authorized to reimburse the superintendent for amount paid for damages done private property in making excavations for foundation of a new bath-house in 1881, not to exceed the sum of \$345.40.

The amendment was agreed to.

The next amendment was, after the word "map," in line 1995, to strike out "of the national domain;" so as to read:

For the United States Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation of a geological map of the United States, to be expended under the direction of the Secretary of the Interior, \$222,000.

The amendment was agreed to.

Mr. VANCE. Is an amendment to the text of the bill in order now?

The PRESIDING OFFICER. The text cannot be amended at this stage according to the arrangement.

Mr. VANCE. All right.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was under the head of "miscellaneous objects," in the appropriations for the "Columbia Institution for the Deaf and Dumb," in line 2080, before the word "thousand," to strike out "forty-seven" and insert "fifty-five;" and in the same line, after the word "dollars," to strike out:

Provided, That no more than \$22,000 of said sum shall be expended for salaries and wages.

So as to make the clause read:

For current expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, and for books and illustrative apparatus, for general repairs, and improvements, \$55,000.

The amendment was agreed to.

The next amendment was, in line 2101, to increase the appropriation "for maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, and teachers, a portion of which will be paid from donations and other sources," from \$10,000 to \$15,000.

The amendment was agreed to.

The next amendment was, in line 2104, after the word "dormitories," to insert the word "and;" and in line 2112, before the word

"thousand," to strike out "seven" and insert "ten;" so as to make the clause read:

For repairs of buildings of the Howard University: To be used in repairing the main university building, Miner hall and wings, and Clarke hall, (dormitories, and professors' dwellings and rooms,) including outbuildings, to wit: the wood-work, doors, windows, porches, steps, and outbuildings, fences, basement-floors, heating-apparatus, plumbing, and drainage; to paint all the wood-work, including wings, and to build new fence; and for water-supply, to be used in the construction of a wind-mill, with reservoir, laying pipes, putting in pump, and all necessary attachments, \$10,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Freedmen's Hospital and Asylum," in line 2116, after the word "subsistence," to strike out "twenty-two" and insert "twenty-four;" in line 2121, after the word "expenses," to strike out "five" and insert "six;" in line 2125, after the word "furniture," to strike out "one thousand eight hundred" and insert "two thousand;" and in line 2126, after the word "all," to strike out "forty-six thousand eight hundred," and insert "fifty thousand;" so as to make the clause read:

For subsistence, \$24,000; for salaries and compensation of the surgeon-in-chief, two assistant surgeons, engineer, matron, nurses, and cooks, \$9,500; for fuel and light, \$3,000; for clothing, bedding, forage, transportation, and miscellaneous expenses, \$6,000; for rent of hospital buildings and grounds, \$4,000; for medicines and medical supplies, \$1,500; for repairs and furniture, \$2,000; in all, \$50,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations for the propagation of food-fishes "under the Commissioner of Fish and Fisheries," in line 2148, after the word "dollars," to strike out "which shall be immediately available."

The amendment was agreed to.

The next amendment was, in line 2155, to increase the appropriation "for the maintenance of the United States carp-ponds in Washington and elsewhere, and the distribution of the young fish, including salaries or compensation of all necessary employes," from \$25,000 to \$30,000.

The amendment was agreed to.

The next amendment was, in line 2184, to increase the appropriation "for North American ethnology, Smithsonian Institution: For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, including salaries and compensation of all necessary employes," from \$30,000 to \$35,000.

The amendment was agreed to.

The next amendment was, in the appropriations for the National Museum, in line 2206, to increase the appropriation "for the preservation of collections of the National Museum: For the preservation and exhibition of the collections received from the surveying and exploring expeditions of the Government, and other sources, including salaries or compensation of all necessary employes," from \$65,000 to \$75,000.

The amendment was agreed to.

The next amendment was, in line 2225, to increase the appropriation "for the transfer and preparation of the Philadelphia collections: For expense of transferring to Washington the collections presented to the United States at the close of the permanent international exhibition in Philadelphia, including necessary expenses already incurred for the purpose," from \$7,500 to \$10,000.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 2228.

The PRESIDENT *pro tempore*. The Chair suggests that in line 2227 "Professor Townsend Glover" should read "Professor Townsend Glover."

Mr. ALLISON. The name is correct as printed in the bill.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Post-Office Department," in line 2254, to reduce the appropriation "for a passenger elevator for the Post-Office Department building," from \$8,000 to \$7,500.

The amendment was agreed to.

The next amendment was, after line 2255, to strike out the following clause:

And the Postmaster-General is hereby authorized, in his discretion, to purchase out of the appropriation of \$15,000 for marking and rating stamps for the fiscal year 1883, in the act of May 4, 1882, five letter-canceling and post-marking machines, at a price not exceeding \$350 each.

Mr. FERRY. I hope the Senate will not agree to this amendment. It authorizes the Postmaster-General to use a canceling machine, one of the most recent inventions and a very useful article, in the five leading cities of the country. The machine has been tested and has proved to be useful, and the Postmaster-General now has no authority to use it. This clause that the House has inserted in the bill authorizes the Postmaster-General to use that machine, which cancels stamps at the rate of 11,000 an hour. If this is stricken out the Postmaster-General will be deprived of the use of the machine, so that letters mailed at night will not go out until the next day. It seems to me it is so patent upon its face that there cannot be any question upon non-concurring in the amendment.

Mr. ALLISON. What the committee thought was patent on its face seemed to be the purchase of a patent. We had no knowledge

about it. I should like to have some letter read from the Post-Office Department requesting this authority.

Mr. FERRY. It was embodied in the report of the House committee, as I understand. A report was made to the committee of the House, and it was reported upon by the Committee on Post-Offices and Post-Roads. The machine has been in use by the Department, and the test has been very satisfactory to the Government.

Mr. ALLISON. The Committee on Appropriations were not able to find any suggestion from anybody.

Mr. FERRY. I will state to the Senator that I am advised by the Department that the machine is not only useful but it is desirable to facilitate the business of the Department in canceling stamps and post-marking letters.

Mr. ALLISON. I ask the Senator if he has any information as to the value of these canceling machines?

Mr. FERRY. I understand that they are furnished to the Government at cost.

Mr. INGALLS. Who is the inventor?

Mr. FERRY. I do not know. The parties who have invented the machine would make nothing by this proviso. The Government is testing the machine, and finds that it is very useful and is a great economy of time.

Mr. INGALLS. The Senator does not know the inventor?

Mr. FERRY. I do not.

Mr. INGALLS. Nor where he resides?

Mr. FERRY. I do not.

Mr. ALLISON. I should like to have a suggestion from some administrative officer of the Government that this is a proper thing to do. Here was a proposition in the bill as it came from the House to purchase five canceling machines at a fixed price. There ought to be some information communicated by somebody.

Mr. FERRY. If the Senator will allow me, the amount is stated here, at a price not exceeding \$350.

Mr. COCKRELL. Three hundred and fifty dollars for each one of the five machines; for a little bit of a stamp, used by hand.

Mr. FERRY. Its use is confined to five cities of the country, and it will cancel and post-mark 11,000 letters in an hour. If you can find any other machine that has been used heretofore that will come anything near canceling that number, then you have more information than I have. I think a machine with such economy of time as it gives is worth that much, and I understand it is simply its cost.

Mr. ALLISON. The committee had no information whatever, but saw a proposition here to purchase a patent, and they struck it out. Having no information, no letter, no report, and no statement, we are asked here to purchase five of these machines. I suppose the Senator from Connecticut [Mr. HAWLEY] knows about the matter.

Mr. HAWLEY. I cannot give the chairman any official information or recommendation, and I suggest that the amendment go over until we can obtain it, for I am very sure that recommendations in favor of this machine were before the House Appropriations Committee last year when I served on it. I saw the machine, saw it exhibited, and saw its wonderful facilities. You turn a little crank and the postal cards or letters rattle out of the machine as fast as any man can count them, and they come out stamped.

Mr. FERRY. I will say to the Senator from Connecticut that the machine is used in the cities of Boston, New York, Philadelphia, Baltimore, and Washington. Its use is confined to those cities.

Mr. HAWLEY. There is no question about the usefulness of the machine.

Mr. FERRY. There are but five proposed by this bill; they have been used and have shown their utility, and certainly there cannot be any objection to authorizing the Department to use them.

Mr. HAWLEY. I do not know who owns the patent.

Mr. FERRY. Nor I.

Mr. HAWLEY. I think there is no question that the machine is certainly an economy of time. I suggest that the amendment lie over.

Mr. INGALLS. By whose authority were the machines placed in the post-offices?

Mr. FERRY. They were placed there by the postmasters or the Postmaster-General, for the purpose of testing them as other machines are frequently tested, and when they prove useful then the Postmaster-General asks for authority to purchase them. This is the authority which he has asked and which is provided for by the House, appropriating \$1,750 for five of these machines which economize so much time.

Mr. COCKRELL. How large are the machines? What would it cost to manufacture them?

Mr. FERRY. I have stated that the price here is the cost price.

Mr. COCKRELL. Does the Senator say that the cost of the material and the manufacture of these little stamping machines is \$350 each? I should like to have some information in regard to that.

Mr. ALLISON. I will say to the Senator from Michigan that if he will allow this amendment to be made, by the time the conference shall meet I will look into the matter, and if it is all right I am willing that it shall be appropriated for.

Mr. FERRY. As I understand the recommendation for the appropriation from the Department, I have no objection to the course suggested. I know nothing about the matter in itself only as it comes

from the Department. I am seeking the best interests of the Post-Office Department.

The PRESIDENT *pro tempore*. Is the amendment to be passed over informally?

Mr. HAWLEY. No; it is to be agreed to.

Mr. ALLISON. The Senator from Michigan agrees that the amendment may be made.

Mr. FERRY. The chairman has stated that in the conference committee if he finds that what I have stated is verified by the Department, which I doubt not will be the case, the matter will be considered by the committee. That is satisfactory to me.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, with his objections thereto, the House of Representatives proceeded, in conformity with the Constitution, to reconsider the same and had resolved that the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. McMILLAN. I move that the Senate proceed to the consideration of the river and harbor bill just received from the House of Representatives, with the message of the President.

The PRESIDENT *pro tempore*. There was an order of the Senate to finish the sundry civil bill to-day.

Mr. McMILLAN. This will take no time. It will lead to no discussion, I suppose.

Mr. INGALLS. Is the motion in order?

The PRESIDENT *pro tempore*. The Senator can move to set aside the appropriation bill.

Mr. McMILLAN. I ask the Senator from Iowa to yield for that purpose. I move to take up the river and harbor bill.

Mr. ALLISON. If it leads to no debate whatever, and we are to have a vote without any debate, I shall not personally object.

Mr. McMILLAN. I think the matter will lead to no debate. We are ready to take the vote on the bill.

Mr. SHERMAN. The President's message will have to be read.

The PRESIDENT *pro tempore*. The message will have to be read.

Mr. ALLISON. I cannot yield for that purpose.

Mr. McMILLAN. I move to postpone the consideration of the pending appropriation bill.

Mr. INGALLS. Until when?

Mr. McMILLAN. I understood the Senator from Iowa to agree to lay it aside informally for the purpose of taking a vote on the river and harbor bill.

Mr. ALLISON. Yesterday we agreed that the sundry civil bill should be completed to-day. We are going on very well with it. It is now only two o'clock, and I think in two hours if we go on we can complete the bill, and then the Senate can take up the President's message.

Mr. McMILLAN. I do not think the river and harbor bill will lead to any debate, and the matter can be disposed of in a very short time. I think time will be economized by taking that course.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. How long does the Senator from Minnesota move that the sundry civil appropriation bill shall be postponed?

Mr. McMILLAN. Until we consider the message of the President and the bill returned to the Senate with his message.

Mr. INGALLS. That motion is not in order.

The PRESIDENT *pro tempore*. The bill must be postponed to a day certain.

Mr. McMILLAN. The motion is to postpone with a view to vote on the bill, unless the Senator from Iowa will agree to lay the appropriation bill aside informally.

The PRESIDENT *pro tempore*. The bill must be postponed until to-morrow in order that another bill may be taken up.

Mr. SAULSBURY. We had better go on and finish the appropriation bill to-day, and let the other matter come up to-morrow.

Mr. BUTLER. We can take up the message of the President and dispose of it in ten minutes, and a majority of the Senate can then resume the consideration of the sundry civil bill. It is entirely within the control of a majority.

Mr. CAMERON, of Wisconsin. Cannot the appropriation bill be postponed until four o'clock?

Mr. McMILLAN. Say three o'clock.

The PRESIDENT *pro tempore*. No; it will have to be postponed to a day certain.

Mr. FERRY and others. That is a time certain.

Mr. CAMERON, of Wisconsin. I think if the Chair will look at the rule he will come to the conclusion that it does not mean that a motion to postpone must be to some day other than this day.

Mr. HARRIS. Some time certain.

Mr. CAMERON, of Wisconsin. Some time certain is all that the rule requires.

The PRESIDENT *pro tempore*. To postpone to a day certain is beyond this day.

Mr. HARRIS. A day certain means a time certain. An hour of to-day falls within the rule, as it seems to me.

Mr. FERRY. This is a day, and to postpone to an hour of this day is a postponement to a day certain. It is a certain hour and a certain day.

The PRESIDENT *pro tempore*. The Chair will put the question on the motion to postpone until four o'clock.

Mr. McMILLAN. Until three o'clock.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to postpone the sundry civil appropriation bill until three o'clock.

The motion was agreed to.

Mr. McMILLAN. Now I move to take up the river and harbor bill, which has been returned, with the message of the President.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the message of the President will be read.

The message was read, as follows:

To the House of Representatives:

Having watched with much interest the progress of House bill No. 6242, entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes," and having since it was received carefully examined it, after mature consideration I am constrained to return it herewith to the House of Representatives, in which it originated, without my signature and with my objections to its passage.

Many of the appropriations in the bill are clearly for the general welfare and most beneficial in their character. Two of the objects for which provision is made were by me considered so important that I felt it my duty to direct to them the attention of Congress. In my annual message in December last I urged the vital importance of legislation for the reclamation of the marshes and for the establishment of the harbor lines along the Potomac front. In April last by special message I recommended an appropriation for the improvement of the Mississippi River. It is not necessary that I say that when my signature would make the bill appropriating for these and other valuable national objects a law, it is with great reluctance and only under a sense of duty that I withhold it.

My principal objection to the bill is that it contains appropriations for purposes not for the common defense or general welfare, and which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of the particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

I feel the more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tend to an increase in number and in amount. As the citizens of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the law-making power.

The appropriations for river and harbor improvements have, under the influence to which I have alluded, increased year by year out of proportion to the progress of the country, great as that has been. In 1870 the aggregate appropriation was \$3,975,900; in 1875, \$6,648,517.50; in 1880, \$8,976,500; and in 1881, \$11,451,000, while by the present act there is appropriated \$18,743,875.

While feeling every disposition to leave to the Legislature the responsibility of determining what amount should be appropriated for the purposes of the bill, so long as the appropriations are confined to objects indicated by the grant of power, I cannot escape the conclusion that, as a part of the law-making power of the Government, the duty devolves upon me to withhold my signature from a bill containing appropriations which in my opinion greatly exceed in amount the needs of the country for the present fiscal year. It being the usage to provide money for these purposes by annual appropriation bills, the President is in effect directed to expend so large an amount of money within so brief a period that the expenditure cannot be made economically and advantageously.

The extravagant expenditure of public money is an evil not to be measured by the value of that money to the people who are taxed for it. They sustain a greater injury in the demoralizing effect produced upon those who are intrusted with official duty through all the ramifications of Government.

These objections could be removed and every constitutional purpose readily attained, should Congress enact that one-half only of the aggregate amount provided for in the bill be appropriated for expenditure during the fiscal year, and that the sum so appropriated be expended only for such objects named in the bill as the Secretary of War, under the direction of the President, shall determine; provided that in no case shall the expenditure for any one purpose exceed the sum now designated by the bill for that purpose.

I feel authorized to make this suggestion because of the duty imposed upon the President by the Constitution "to recommend to the consideration of Congress such measures as he shall judge necessary and expedient;" and because it is my earnest desire that the public works which are in progress shall suffer no injury. Congress will also convene again in four months, when this whole subject will be open for their consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, August 1, 1882.

Mr. HALE. I call for the yeas and nays.

The PRESIDENT *pro tempore*. Necessarily the question will have to be by yeas and nays. The question is, Shall the bill pass, the objection of the President to the contrary notwithstanding? Each Senator as his name is called, if he is in favor of the passage of the bill notwithstanding the objection of the President, will vote "yea."

The Principal Legislative Clerk proceeded to call the roll.

Mr. CHILCOTT, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, I should vote "nay."

Mr. WALKER, (when Mr. GARLAND's name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS.] If my colleague were here, he would vote "yea."

Mr. HARRIS, (when his name was called.) Upon this question I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If he

were present, I should vote "nay." I am informed that he would vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Nevada, [Mr. FAIR.] If he were present, I should vote "nay."

Mr. SEWELL, (when his name was called.) On this question I am paired with my colleague, [Mr. MCPHERSON.]

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. LAPHAM, (after having voted in the negative.) On this subject I find I am paired with the Senator from Mississippi, [Mr. LAMAR.] If he were here, he would vote "yea" and I should vote "nay." I withdraw my vote.

Mr. BECK. I have authorized myself to be paired with the Senator from Georgia, [Mr. HILL,] who is absent. I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 41, nays 16; as follows:

YEAS—41.

| | | | |
|------------------|--------------------|-------------------|-----------|
| Aldrich, | Davis of West Va., | Jones of Florida, | Sawyer, |
| Allison, | Dawes, | Jones of Nevada, | Sherman, |
| Anthony, | Farley, | Kellogg, | Slater, |
| Brown, | Ferry, | McDill, | Vest, |
| Butler, | George, | McMillan, | Voorhees, |
| Call, | Gorman, | Maxey, | Walker, |
| Camden, | Grover, | Miller of Cal., | Williams, |
| Cameron of Wis., | Hampton, | Miller of N. Y., | Windom. |
| Cockrell, | Hoar, | Pugh, | |
| Coke, | Jackson, | Ransom, | |
| Conger, | Jonas, | Saunders, | |

NAYS—16.

| | | | |
|--------------------|-----------|------------|------------|
| Bayard, | Frye, | Ingalls, | Platt, |
| Blair, | Hale, | Logan, | Rollins, |
| Cameron of Pa., | Harrison, | Morrill, | Saulsbury, |
| Davis of Illinois, | Hawley, | Pendleton, | Van Wyck. |

ABSENT—19.

| | | | |
|-----------|-------------------|------------|---------|
| Beck, | Groome, | Lamar, | Morgan, |
| Chilcott, | Harris, | Lapham, | Plumb, |
| Edmunds, | Hill of Colorado, | MCPHERSON, | Sewell, |
| Fair, | Hill of Georgia, | Mahone, | Vance. |
| Garland, | Johnston, | Mitchell, | |

The PRESIDENT *pro tempore*. On the question whether the bill shall pass, the President's objections to the contrary notwithstanding, the question is determined in the affirmative; forty-one Senators voting in the affirmative and sixteen in the negative. So the bill is passed.

Mr. LOGAN. I merely desire to call attention to one fact. In the passage of this bill—as a matter of course it makes no difference, but still it is well enough always that the record should be correct—I noticed that in the pairs as they were announced one Senator was paired with another Senator. Now, in a vote where it requires two-thirds to pass a bill, a pair should be of two Senators for the bill with one against it. This bill has been passed by pairing one Senator with one Senator.

Mr. McMILLAN. It does not affect the result.

Mr. LOGAN. It does affect the vote. I merely call attention to it.

Mr. CONGER. I ask the gentleman if he thinks on any question whatever one Senator should be considered equal to two other Senators, and under what rule that can be?

Mr. LOGAN. I do not want to get into any discussion about this, but it is always the rule where a two-thirds vote is required that the party voting in the majority should pair two against one, so as to make it equal. It has been done over and over again here on this floor. It has always been the rule, and nobody ever questioned it before.

Mr. WINDOM. I suppose there is no objection to one Senator pairing with another Senator if he chooses.

Mr. LOGAN. I am not questioning that.

Mr. HARRIS. What is the question?

The PRESIDENT *pro tempore*. The Chair recognizes the pairs as gentlemen announce them.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. No. 1582) to amend the statutes in relation to copyright; and on the 2d instant the act (S. No. 60) to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes; and the act (S. No. 972) creating the Oregon Short-Line Railway Company a corporation in the Territories of Utah, Idaho, and Wyoming, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2713) to extend the provisions of the act of Con-

gress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners;

A bill (H. R. No. 2911) for the relief of the German National Bank of Louisville, Kentucky;

A bill (H. R. No. 4996) repealing the limitation of redemption of two-cent documentary internal-revenue stamps by the Government; and

A joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries.

The message also announced that the House had passed the following joint resolutions:

A joint resolution (S. R. No. 6) authorizing Lieutenant-Commander Charles Dwight Sigsbee, United States Navy, to accept a decoration from the Emperor of Germany; and also authorizing Joseph R. Hawley to accept decorations from the Governments of the Netherlands, of Spain, and Japan; and

A joint resolution (S. R. No. 102) authorizing the Secretary of War to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to it by citizens of Norristown, Pennsylvania.

The message further announced that the House had agreed to the amendments of the Senate to the joint resolution (H. R. No. 92) to print 25,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey.

The message also announced that the House had agreed to the concurrent resolution of the Senate of the 6th of July, for the printing and binding for the use of the Signal Office of the Department of War, 2,500 copies of the annual report of the Chief Signal-Officer for 1881, with an amendment, in which it is requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 604) for the relief of William W. Thomas;

A bill (H. R. No. 1328) for the relief of Peter March, Frederick Kimberley, David Vaughn, Barney Schooley, Eliza Scott, widow of Joseph Scott, Phebe C. Clement, widow of Isaac M. Clement, Frederick Smith, Owen McNabb, and Thomas Miller; and

A joint resolution (H. R. No. 281) to pay the Capitol police one month's extra pay.

The message also announced that the House had passed the bill (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts; and

A bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move to proceed with the sundry civil bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The reading of the bill was resumed. The Committee on Appropriations proposed, in the appropriations "under the Department of Justice," to amend in line 2268, after the word "elevator," by inserting "to run from the ground floor;" so as to make the clause read:

For the construction of an elevator, to run from the ground floor, repairs, and furnishing and fitting up of rooms in the building now owned by the Government and known as the Freedman's Bank building, as per estimate of the Supervising Architect of the Treasury, \$25,000, or so much thereof as may be necessary, to be expended by the Attorney-General and under his direction, who shall have control of said building, which shall hereafter be occupied by the Department of Justice.

The amendment was agreed to.

The next amendment was, under the head of "public printing and binding," after the word "million," in line 2289, to strike out "four hundred thousand" and insert "three hundred and seventy-seven thousand six hundred and fifty;" so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the commissioners of the District of Columbia, and the Departments, including salaries or compensation of all necessary clerks and employes, for labor, (by the day, piece, or contract,) and for all the necessary materials which may be needed in the prosecution of the work, \$2,377,650; and from the said sum hereby appropriated printing and binding may be done by the Public Printer to the amounts following, respectively, namely:

The amendment was agreed to.

Mr. ALLISON. In line 2285 I move to strike out "the commissioners of the District of Columbia."

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, in line 2301, before the word "thousand," to strike out "ten" and insert "twelve;" in line 2310, after the word "United States," to strike out "thirty-four" and insert "twenty-five;" in line 2312, after the word "dollars," to strike out "for the government of the District of Columbia, \$11,350;" and in line 2314, before the word "thousand," to strike out "ten" and insert "eight;" so as to make the clause read:

For printing and binding for Congress, including the proceedings and debates, \$1,504,600.50; for the State Department, \$15,000; for the Treasury Department, \$250,000; for the War Department, \$166,000, (of which sum \$12,000 shall be for the catalogue of the library of the Surgeon-General's Office); for the Navy Department, \$50,000; for the Interior Department, \$364,000, (of which sum \$10,000 is appropriated for rebinding tract books for the General Land Office); for the Department of Justice, \$10,000; for the Post-Office Department, \$150,000; for the Agricultural Department, \$15,000; for the Supreme Court of the United States, \$25,000; for the supreme court of the District of Columbia, \$1,000; for the Court of Claims, \$8,000; and for the Library of Congress, \$19,000.

The amendment was agreed to.

Mr. HOAR. I ask unanimous consent that one amendment may be treated as not adopted about purchasing five letter-cancelling and post-marking machines. I have a telegram just received from a gentleman of very high respectability, who says that there is a very strong letter from the postmaster of Boston setting forth the great saving of expense by these machines. I know nothing about the matter myself.

Mr. ALLISON. That clause was struck out with the understanding that the conferees should look into it.

Mr. HOAR. I do not know about it myself, but I have a telegram in relation to it. If the matter is considered open for conference, I shall not make any motion.

Mr. ALLISON. Let us go on.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2324, after the word "either," to insert "other than public documents;" so as to read:

Provided, That printing and binding, or either, other than public documents, shall not be done at the Government Printing Office for Senators and Representatives or Delegates in Congress except upon the payment by them of the estimated cost thereof.

The amendment was agreed to.

Mr. SHERMAN. I wish to call attention to the amendment just adopted, in line 2324, inserting the words "other than public documents." It seems to me that members of Congress ought not to be allowed to have other documents bound there. I do not think it is right. Is that the object of the amendment?

Mr. ALLISON. I do not understand the Senator.

Mr. SHERMAN. The amendment of the committee on line 2324 would authorize members of Congress to get bound at the Public Printing Office private documents upon paying the cost. It does seem to me that the printing establishment is large enough now without authorizing members of Congress to have private books bound there. The words "other than public documents" ought to be stricken out.

Mr. ANTHONY. No; those words ought not to be stricken out because sometimes Senators and Representatives desire to have public documents bound, one copy; for instance, the Senate allows them to have one copy of a public document bound, and it is very convenient.

Mr. SHERMAN. I have no objection to that.

Mr. ALLISON. I will say to the Senator from Ohio that there was not the slightest idea in the mind of the committee of allowing what he suggests may be done; but if he will put any phraseology into this clause that will carry out his idea I shall be obliged to him.

Mr. SHERMAN. The language of the bill as it now stands with the amendment of the Committee on Appropriations would allow Senators and Members to get private books, the History of England, or any other book, bound by paying the cost. That is not right.

Mr. ANTHONY. The Senator from Ohio can accomplish his object by striking out the words, in lines 2326 and 2327, "except upon the payment by them of the estimated cost thereof."

Mr. ALLISON. That ought to be struck out.

Mr. ANTHONY. That will accomplish the object.

Mr. SHERMAN. That will accomplish it.

Mr. HOAR. I suppose there is no objection in anybody's mind to the printing of a portion of the CONGRESSIONAL RECORD for any member, containing remarks made by him on any public question.

Mr. ANTHONY. That is a public document.

Mr. HOAR. I do not think that is a public document.

Mr. ALLISON. There is not any objection to that if he pays for it. We do not intend that the Public Printer shall print records without cost to the person who orders them.

Mr. HOAR. Why not strike out the words "other than public documents," and that leaves Senators and Representatives to pay the estimated cost of printing public documents, which I suppose they are expected to do?

Mr. SHERMAN. As the clause now stands Senators and Members could have their private libraries rebound.

Mr. ALLISON. I trust the Senator, instead of repeating that which we all agree to, will suggest some amendment that will make it stand otherwise.

Mr. ANTHONY. Let it read "except public documents and portions of the CONGRESSIONAL RECORD."

Mr. ALLISON. I will leave the two Senators to prepare such an amendment as will carry out their views.

Mr. HOAR. That would enable you to print and bind public documents for Senators and Representatives.

Mr. ANTHONY. I do not think any man will want to do that.

Mr. BECK. I suggest that we pass over this clause informally until the Senators can consult and see what should be the exact language.

Mr. HOAR. As I understand it, there is a special limitation now in the law which permits the binding of one copy of a public document for any Senator or Representative and limits it to that, and requires the Senator or Representative who has anything else printed to pay the expense. For instance, you have your speech printed and pay for it in advance—

Mr. SHERMAN. That is provided for.

Mr. HOAR. That is provided for already. Now, if you strike out the words "other than public documents," leaving the clause as it came from the House, you have then got the exact law that you want.

Mr. ALLISON. The House provision cuts off the binding of a public document for a Senator or Member that has always been done without cost.

Mr. HOAR. How does this change the present law? Why not strike it out?

Mr. ALLISON. The whole thing might be struck out. Let me suggest to the Senator from Ohio to strike out the whole proviso. That will leave the law just as it is and cover the case.

Mr. SHERMAN. I have no objection to that, except that I do not want to allow the binding of private books at the Government Printing Office.

Mr. ANTHONY. That cannot be done now. The law forbids it.

Mr. SHERMAN. I move then to strike out the whole proviso from line 2323 to line 2327, as follows:

Provided, That printing and binding, or either, other than public documents, shall not be done at the Government Printing Office for Senators and Representatives or Delegates in Congress except upon the payment by them of the estimated cost thereof.

That will leave the matter to stand upon the present law.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio, [Mr. SHERMAN.]

Mr. JONES, of Florida. Does that take away the existing privilege to have parts of the RECORD printed? ["No." "No."]

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "thereof," in line 2327, to insert:

Provided further, That the Public Printer shall keep an account of the actual cost of all printing and binding done for the Patent Office, and shall make a statement of such cost in his annual report.

The amendment was agreed to.

Mr. CHILCOTT. I wish to offer an amendment.

The PRESIDENT *pro tempore*. The Chair will suggest that the amendment will be in order as soon as the bill is read through. We are acting now on the amendments reported by the Committee on Appropriations.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for "United States courts," after line 2411, to insert:

For salaries of United States district judge, attorney, and marshal for the northern district of Iowa, namely: for the judge, \$3,500; for the attorney, \$200; and for the marshal, \$200; in all, \$3,900.

The amendment was agreed to.

The next amendment was, to strike out from line 2424 to line 2446, in the following words:

To supply district judges, district attorneys, and clerks of the United States courts, who have not already received the same, with the Revised Statutes of the United States, a sufficient sum of money is hereby appropriated; and the Attorney-General is hereby authorized, should it be necessary, to cause the reports of the Supreme Court of the United States upon which the copyright has expired to be republished, and cause the same to be annotated under the act of March 3, 1881: *Provided*, That all reports so republished shall be printed at the Government Printing Office, and be sold at 10 per cent. above the cost of publication and printing; but any contracts now existing shall not be affected by this provision: *Provided further*, That all reports and statutes heretofore or hereafter furnished by the United States to district judges, district attorneys, and clerks of the United States courts, under this or any other law, shall not become the property of these officers, but on the expiration of their official term shall be by them turned over and delivered to their respective successors in office; but the reports of the decisions of the Supreme Court shall only be furnished to the district judges under this provision and said act.

And in lieu thereof to insert:

And no reports of the Supreme Court or Statutes at Large of the United States shall be furnished to district judges or district attorneys under the provisions of the sundry civil act approved March 3, 1881, until specific appropriation shall be made therefor.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous," after line 2452, to strike out:

To enable the Secretary of the Treasury to pay for services rendered in connection with the duties of the late chairman of the committee on experiments and chairman of the Light-House Board in conducting scientific researches for the Light-House establishment, as recommended by the Light-House Board, \$2,925.

Mr. MAXEY. I beg to call the attention of the Senator in charge of the bill to the lines proposed to be stricken out. I think I can show him that these lines ought not to be stricken out.

Mr. BECK. Before the Senator proceeds, I desire to suggest that the committee have received and put in my hands letters which have induced them not to insist upon the amendment.

The PRESIDENT *pro tempore*. If the committee does not insist on the amendment—

Mr. ALLISON. This proposition has been here now for four or five years, and is so persisted in and so many Senators seem to understand it that for one I have despaired of postponing it, and I think we had better let the item stand.

Mr. MAXEY. On the 20th of June, 1878, the Congress of the United States made an appropriation of \$11,000 to the heirs of Professor Joseph Henry for services as president of the Light-House Board, not as double pay, but because the pay he had received came not from the United States but from the Smithsonian Institution. The two gentlemen provided for by this clause were selected by Professor Henry to aid him in that work, and did aid him in that work, and had not their pay from the Treasury of the United States but from the Smithsonian fund. Therefore I say that if the Government received the benefit of their services it ought to pay for them, and I have the report of the board, of Admiral Rodgers, of Mr. Patterson, of—

Mr. ALLISON. We have seen those reports over and over again. I presume these people have written dozens of letters about it, and I say to the Senator from Texas that we shall not insist on the amendment further.

Mr. MAXEY. I did not understand that. I thought it was proposed that the amendment should be adopted.

The PRESIDENT *pro tempore*. The question is on the amendment striking out lines 2453 to 2459.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 2475, after the word "documents," to insert "and condemned furniture;" so as to make the clause read:

And it shall be the duty of the Clerk and Doorkeeper of the House of Representatives and the Secretary and Sergeant-at-Arms of the Senate to cause to be sold all waste paper and useless documents and condemned furniture that have accumulated during the fiscal year 1882, or that may hereafter accumulate, in their respective departments or offices, under the direction of the Committee on Accounts of their respective Houses, and cover the proceeds thereof into the Treasury; and they shall, at the beginning of each regular session of Congress, report to their respective Houses the amount of said sales.

The amendment was agreed to.

The next amendment was, after line 2483, to insert:

That the Sergeant-at-Arms of the Senate, the Sergeant-at-Arms of the House of Representatives, and the Architect of the Capitol Extension, constituting the Capitol police board, shall furnish uniforms for the Capitol policemen and watchmen, and for that purpose the sum of \$3,000, or so much thereof as may be necessary, is hereby appropriated.

The amendment was agreed to.

The next amendment was, after line 2490, to insert:

To pay salary of Humphrey H. Lemon, an additional Capitol policeman, authorized by joint resolution approved July 7, 1882, \$1,100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 2495, to insert:

To pay the Church Orphanage Association of Saint John's church of Washington, District of Columbia, \$6,000.

The amendment was agreed to.

The next amendment was, after line 2498, to insert:

To enable the Commissioner of Agriculture to pay Dr. John L. Hayes, for preparing pamphlet on the husbandry of the Angora goat, in conformity with the provisions of the joint resolution approved July 1, 1882, \$500.

Mr. MORRILL. I move an amendment to take the place of that clause, and I think the Senator in charge of the bill will not object to it:

To enable the Commissioner of Agriculture to pay Dr. John L. Hayes for preparing the pamphlet on the husbandry of the Angora goat, the payment for the plates therefor, and the cost of printing the same, in conformity to the provisions of the joint resolution approved July 1, 1882, \$2,500.

I will say that this is an amendment proposed by the Committee on Finance, I believe unanimously, and referred to the Committee on Appropriations. If the amendment as proposed by the Committee on Appropriations should prevail, it would prevent the publication of this work. The whole cost of printing and the purchasing of the plates and the compensation to Mr. Hayes has been estimated to amount to \$2,500. The cost of printing is \$1,400 or \$1,500.

The plates have already been purchased, the gentleman owning the plates in Massachusetts giving the use of them, and it only costs the paper and printing, three and a half cents for each volume. Those have already been purchased, and the Commissioner of Agriculture must be authorized to obtain this printing at the Public Printing Office to the amount that will be involved or we may lose the publication. Therefore the entire amendment of the Committee on Finance should be inserted. I have seen several members of the Committee on Appropriations, and they do not object to it, and I think the chairman will not.

Mr. ALLISON. We examined the joint resolution which was passed authorizing the publication of this paper, and we found that that

resolution authorized the printing. Now, we have made an appropriation for the printing of everything connected with the office of the Commissioner of Agriculture, which will of course include this Angora goat pamphlet. When the committee agreed on this amendment they did not know of these steel plates, or whatever they are, and there ought to be added to the appropriation a sufficient sum to buy or rent or lease the steel plates.

Mr. MORRILL. I beg the Senator's pardon. This will not be printed by the Commissioner of Agriculture unless there is an appropriation made for it.

Mr. ALLISON. But we have made an appropriation in this very bill for printing for the Commissioner of Agriculture.

Mr. MORRILL. You have made a general appropriation, but not including this. This was not contemplated.

Mr. ALLISON. I have no particular interest in this matter. I am perfectly willing to adopt the suggestion of the Senator from Vermont, but it will turn out that Mr. Hayes will get most of this \$2,500.

Mr. MORRILL. The Senator is very much mistaken. He only gets what I have stated.

Mr. ALLISON. I make no objection to the substitution suggested by the Senator from Vermont.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2503, to insert:

To pay Eugene P. Corvaizer for services rendered as messenger to the President from November 6, 1881, to January 23, 1882, inclusive, at \$4 per day, \$312.

The amendment was agreed to.

Mr. VANCE. I move to amend by adding after the word "dollars," in line 2508, the following amendment, and ask that the Secretary will please read a letter from the Treasury Department in relation to the justice of the amendment.

The PRESIDENT *pro tempore*. That is an amendment which will come in after the bill is read through. It is not an amendment to any amendment of the committee.

Mr. VANCE. I suppose it is in order as an amendment to the committee's amendment.

The PRESIDENT *pro tempore*. It is not germane to the amendment just acted on, and under the rule the amendment will be in order hereafter.

Mr. VANCE. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2508, to insert:

SENATE.

To enable the Secretary of the Senate to pay to Miss Ellen Burnside, surviving sister of Hon. Ambrose E. Burnside, deceased, late a Senator from the State of Rhode Island, the sum of \$3,681.50, and to his legal representatives the sum of \$3,681.50, being in all \$7,363, the amount of compensation of a Senator from September 14, 1881, to March 4, 1883, the termination of the present Congress.

Mr. ALDRICH. I desire to correct the name of the sister of General Burnside, in line 2511. It should be "Ellen W. Burnside" instead of "Ellen Burnside."

The PRESIDENT *pro tempore*. That correction will be made.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2520, to insert:

To enable the Secretary of the Senate to pay William Lucas and Thomas S. Hickman, laborers in the office of the Secretary of the Senate, \$438 each, which is the amount of the 20 per cent. reduction from their salaries from June 30, 1879, to June 30, 1882.

The amendment was agreed to.

The next amendment was, after line 2527, to insert:

That the Secretary of the Senate be, and he is hereby, authorized, in his discretion, to advance to the Sergeant-at-Arms of the Senate such sum as may be necessary, not exceeding \$1,000, to meet any extraordinary expenses arising during the recess of the Senate; and the Sergeant-at-Arms shall, as soon as practicable, furnish vouchers in detail covering such expenditures, to be audited and approved by the Committee to Audit and Control the Contingent Expenses of the Senate, to the Secretary of the Senate.

The amendment was agreed to.

The next amendment was, after line 2537, to insert:

For reconstructing and improving the Senate elevator, and for constructing a freight-elevator for the use of the Senate, and for repairs to coils and steam-machinery in the basement of the Senate wing, \$10,500.

The amendment was agreed to.

The next amendment was, after line 2542, to insert:

To enable the Joint Committee on the Library to purchase works of art, \$10,000.

Mr. SHERMAN. I am instructed by the Committee on the Library to report as an amendment to this amendment several small matters. The first is to add:

To enable the Librarian of Congress, under the direction of the Joint Committee on the Library, to purchase the set of records and briefs in cases in the Supreme Court of the United States belonging to the estate of the late Matthew H. Carpenter, the sum of \$8,000.

The amendment to the amendment was agreed to.

Mr. VEST. What is the amendment just acted on about?

Mr. SHERMAN. I have a full report here which will give all the information desired.

Mr. JONES, of Florida. We had better hear it.

Mr. SHERMAN. It is recommended strongly by the Supreme Court itself. The collection is very valuable. I will send the report of the Library Committee to the desk to be read, as it explains the matter.

The Acting Secretary read as follows:

The Joint Committee on the Library, to whom was referred the matter of the purchase of the records and briefs of cases in the Supreme Court of the United States belonging to the estate of the late Matthew H. Carpenter, having considered the matter, submit the following report:

The set of records and briefs in cases in the Supreme Court of the United States belonging to the estate of the late Senator Carpenter, comprises—

1. The records from January term, 1832, when they were first printed, to the end of October term, 1877.

2. The briefs of counsel in cases before the court from December term, 1861, to the end of October term, 1877.

These make in all four hundred and six volumes, but, as they are mostly bound in very large volumes, they contain the matter of about one thousand ordinary volumes of law-books. It is understood that there are only three sets of these documents in existence, and that they would be of great and constant value in the law department of the Library, for the use and reference of the courts, the bar, and the public. The Library, it may be added, already has the continuation of these records and briefs from the end of the set here referred to in 1877 to the present time, which will be continued by an existing order of the Supreme Court without cost to the Library.

The committee recommend that an appropriation of \$8,000 (which has been certified to the committee by experts as a fair commercial valuation for these documents) be inserted in the bill providing for sundry civil expenses of the Government, to be paid to the legal representatives of the late M. H. Carpenter, for the purchase of his full set of Supreme Court records and briefs, the same to be deposited in the Library of Congress, and report the following amendment for that purpose:

"To enable the Librarian of Congress, under the direction of the Joint Committee on the Library, to purchase the set of records and briefs in cases in the Supreme Court of the United States belonging to the estate of the late Matthew H. Carpenter, the sum of \$8,000."

The PRESIDENT *pro tempore*. Does the Senator from Missouri wish a reconsideration of the vote on the amendment?

Mr. SHERMAN. No, sir; he does not.

The PRESIDENT *pro tempore*. Then the amendment of the Senator from Ohio stands agreed to.

Mr. SHERMAN. By direction of the Committee on the Library I move to further amend the amendment by adding "for compensation to John A. Graham, late disbursing agent of the Library of Congress, for two years' service as such agent, \$800."

The amendment to the amendment was agreed to.

Mr. SHERMAN. From the same committee I also offer the following:

To enable the Librarian of Congress to arrange, select, edit, and prepare for publication the historical manuscripts in the Library of Congress collected by the late Peter Force for the publication known as the fourth and fifth series of the American Archives, not heretofore published; and to incorporate such additional manuscript or rare unpublished materials relating to the period embraced as may be approved by the Joint Committee on the Library; the same to be printed in folio form, at the Government Printing Office, under the supervision of the Librarian of Congress, \$4,000.

Mr. ALLISON. Does that include the cost of printing?

Mr. SHERMAN. No, sir; it does not. It is not presumed that there will be any cost of printing for a year or two. It will take probably a year to arrange the documents in connection with the other manuscripts on file. This proposition passed the Senate unanimously some time ago, and the amendment simply authorizes the employment of sufficient force to edit the matter. Further legislation will be required doubtless when we come to the printing.

The amendment to the amendment was agreed to.

Mr. SHERMAN. There are two other amendments from the Committee on the Library, one in charge of the Senator from Massachusetts [Mr. HOAR] and the other in charge of the Senator from Indiana, [Mr. VOORHEES,] that had better be offered now.

Mr. HOAR. I offer the following amendment to the amendment of the Committee on Appropriations:

To enable the Secretary of State to purchase the manuscript papers of Benjamin Franklin, and the collection of books, &c., known as the Franklin collection, belonging to Henry Stevens, of London, \$35,000; the printed books, pamphlets, and newspapers, and one set of the type-writer copies of the manuscripts to be deposited in the Library of Congress, and the residue to be preserved in the Department of State.

Mr. VANCE. I should like to hear some explanation of that.

Mr. HOAR. I will make a brief explanation of this amendment. This has been recommended by three Secretaries of State in succession, Mr. Evarts, Mr. Blaine, and Mr. Frelinghuysen. Mr. Blaine sent the librarian of the Department of State to England to examine this collection, and he returned reporting in regard to its character by a report which I hold in my hand—rather too long a document to read just now.

These are the papers and manuscripts left by Dr. Franklin. They passed into the possession of his grandson, William Temple Franklin, who undertook to arrange for a publication of twelve volumes. He published in fact only six volumes in the year 1817 or 1818. Two volumes of the six were Dr. Franklin's autobiography. He selected from the other manuscripts such as he thought would please the taste of the British public at that time; only four volumes of those were published; so that of the 2,938 manuscripts 2,310 have never been printed. These manuscripts are the archives of the American leg-

ation in Paris during the entire revolutionary war, and which was substantially our only foreign legation of any importance. They contain all Dr. Franklin's communications to Congress, many of which were intercepted, so that there are spaces of more than twelve months in which no communication was received on this side. They were captured by the British cruisers.

They contain entirely the archives of this legation, so that they are the whole diplomatic history of the Revolution so far as it is found in communication with the French embassy, but they contain nearly all the known information in regard to our naval operations during the war, which were much more extensive than is generally known.

Rev. Edward Everett Hale, one of the most accomplished historical scholars in this country, was summoned before the committee, and he said that investigating the history of John Paul Jones, the famous commodore, you come to a place where there is no material whatever about Jones's operations after about a year from the beginning of the revolutionary war. All that material is there unpublished, never has seen the light. Mr. Bancroft never saw it; no historian has ever seen it.

When this matter was made known there were four gentlemen in Boston who immediately raised, three of them \$10,000, and one \$5,000, to purchase the collection for the Boston city library, and that offer is open now, but they all agreed in Boston that these being the actual archives of our Government ought to be in the possession of the Department of State.

In addition to this vast number of manuscripts there is a very large quantity of old Pennsylvania newspapers, the newspapers published by Dr. Franklin himself, and other newspapers which came into his office of the period from 1730 down to 1770 and 1775.

In addition to that there is the only remaining one of that great State paper, the petition to the King, signed by the representatives of the colonies. This is one of the papers which won from Lord Chatham the famous declaration about the wisdom of the papers issued from the American Congress, in which he said, as Senators will recollect, that he had read Thucydides and the masterpieces of the great states of antiquity, but that for wisdom and dignity he found nothing which equaled those of the American Congress assembled at Philadelphia.

The signatures of the Declaration of Independence, as Senators know, are substantially gone and become illegible by time. These signatures on the petition to the King are fresh and undimmed. If I were a collector like Bromley or Browne, I would give \$100,000 for this collection.

Mr. VAN WYCK. The Senator knows that we have in this country pictures of the signers of the Declaration of Independence. These papers are in London, it seems. The signatures he speaks of may have been put on more recently than the others, which he says have faded.

Mr. HOAR. Oh, no; this is the petition to the King sent to Dr. Franklin, then the agent of the State of Pennsylvania, to be presented in 1774. The King refused to receive it. Dr. Franklin retained it there in his own possession. It is signed by every one of the signers of the Declaration of Independence. It passed into the possession of William Temple Franklin, and was found some years ago in the lodgings of William Temple Franklin, left by him after his death with this great mass of his grandfather's papers.

Mr. VAN WYCK. Do I understand the Senator to say that none of these valuable papers have ever been printed?

Mr. HOAR. I stated the fact about that. Out of 2,938 manuscripts, 2,310 have never been printed and never seen the light.

Mr. VAN WYCK. I understand the Senator to say that the historian Bancroft had never even had access to them.

Mr. HOAR. He never had access to them.

Mr. VAN WYCK. Has the Senator any satisfactory evidence that they are authentic?

Mr. HOAR. There is no more question about it than there is of the authenticity of this Capitol.

Mr. VAN WYCK. If the great historian of America has never seen these papers or known that they were in existence, how strange it is that so many valuable papers should have been concealed from the gaze of those who were interested and who desired all authentic facts!

Mr. HOAR. If the Senator had listened to my remarks he would not have made that statement. These papers belonged to Mr. William Temple Franklin. He undertook in 1817 or 1818 to publish a collection of his grandfather's papers in twelve volumes; and he selected, not with any reference to absolute historical value but to what he thought would please the British public, and he published six of his twelve volumes and then stopped. Of those six volumes two are made up of the doctor's autobiography and other documents which had been previously in print, so that there are only four volumes of these twelve volumes of letters, and those were only a small portion of the whole number.

William Temple Franklin lived in London for many years after that time in considerable poverty. Then he died, and Mr. Henry Stevens, who is a very distinguished historical scholar and book collector, purchased these volumes, and they were so valuable that some little time ago, being in difficulty, he raised money on a pledge of them, I believe \$20,000. They have never seen the light. Mr. Stevens has kept them carefully, intending to make some use of them

himself perhaps, until Mr. Dwight, the librarian of the State Department, himself an accomplished scholar, was sent by Mr. Blaine last year to Europe for the purpose of examining these papers. He made a careful and thorough examination of them, and his report is here. As I have said, three Secretaries of State in succession have urgently recommended the purchase.

John R. Bartlett, of Providence, Rhode Island, perhaps as high an authority as there is in the country, the librarian of the Rhode Island Historical Society; Rev. Edward Everett Hale, in my judgment unequalled—the Senate, of course, knows his great reputation—came on here and came before our committee this winter. There is no question of the value of the collection.

Mr. VANCE. I had the honor some time ago to suggest that this amendment was out of order. I did not care to interrupt the statement of the Senator from Massachusetts, but I have been myself twice sat down on when I offered an amendment.

Mr. HOAR. This is reported by a standing committee of the Senate. It is not general legislation. It is for the purchase of a particular collection. It is clearly in order.

The PRESIDENT *pro tempore*. Does the Senator from North Carolina mean that it should be offered after the bill is through?

Mr. VANCE. Yes, sir.

The PRESIDENT *pro tempore*. That is true by the agreement of the Senate. It may be offered after the bill is read through.

Mr. HOAR. This was offered by the consent of the committee at this time, and I hope the Senator will not require us to do it all over again. This is very clearly in order except for the understanding of the Senate that they would take up the committee amendments first. When the committee amendment as to the Library was reached, consent of the Senate was asked and obtained that the Library Committee amendments might be offered now, rescinding to that extent the old understanding of the Senate, and the chairman of the Committee on the Library offered two or three amendments which were adopted. I have offered mine and argued it, and it is too late to say now that it is out of time.

The PRESIDENT *pro tempore*. Of course it was out of order while the Senate was proceeding under the other rule. The chairman of the Committee on Appropriations said he had no objection, but the Senator from North Carolina had two or three amendments of a similar kind which were ruled out, and now the Chair thinks it is not fair to him to consider this and not the other. It can be passed over until the reading of the bill is through.

Mr. ALLISON. Let us go on.

Mr. HOAR. I want to call the attention of the Chair to the fact that this was moved as an amendment to a pending amendment of the Committee on Appropriations which has been considered and amended, and the Chair has not put the question on that "to enable the Joint Committee on the Library to purchase works of art." The Senator from Ohio made one amendment to that, and then another, and then another. The Chair had not put the question on that amendment, and these are all amendments to that.

Mr. SHERMAN. Mr. President—

The PRESIDENT *pro tempore*. The Chair is perfectly aware of the condition. The Senator from North Carolina simply says that under the understanding these amendments have no preference over his.

Mr. HOAR. These are amendments to one of the committee's amendments.

The PRESIDENT *pro tempore*. They are amendments of a similar character to the committee's amendment. If the Senate agrees to it the Chair has no objection.

Mr. HOAR. It is absolutely in order according to my claim. The Committee on Appropriations moved the amendment contained in lines 2543 and 2544.

Mr. VANCE. Now I withdraw the objection.

The PRESIDENT *pro tempore*. The objection is withdrawn. The Chair now will say that the amendment was not in order. It is a totally distinct thing from what the Committee on Appropriations' provision was, but still the Chair will entertain it, as the objection is waived. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

Mr. VOORHEES. I am authorized by the Committee on the Library to offer the following amendment, to follow the amendment just adopted on the motion of the Senator from Massachusetts:

To enable the Joint Committee on the Library to purchase from the Marquis de Rochambeau the military papers, maps, and letter-books of the Count de Rochambeau, general in the French army in America, \$20,000.

I wish to say a single word. This is perhaps the most precious and valuable unpublished collection of papers now in existence. It consists of military papers, letters, letter-books, and maps that belonged to the Count de Rochambeau, marshal of France, commander of the forces sent by his Government to aid the American struggle for independence. They consist of:

First. The original letter-books of the Count de Rochambeau, in nine volumes, covering the period from 1780 to 1784, and containing copies of multitudes of letters to and from that general, relating principally to the conduct of the war in America.

Second. About 1,400 original letters and documents, covering the years 1780 to 1794, and embracing letters and military papers by French and American officers, besides numerous letters of instruction, &c., from the French Government to the

Count de Rochambeau, concerning the details of outfit, payment of troops, rank, and military operations generally. Among these interesting documents are one hundred and fifty-two letters from General Washington to the Count de Rochambeau, all upon military affairs or topics of public interest. Out of the mass of more than 1,400 manuscript documents it has been found that less than sixty have been printed.

Third. A manuscript "Mémoire pour l'Histoire de la Guerre en Amérique," with corrections in the hand of the Count de Rochambeau.

Fourth. A "Mémoire du Roi pour servir à l'instruction particulière à M. le Chevalier de Ternay, chef d'escadre des armées navales."

Fifth. A "Journal des opérations du corps Français."

Fifth. A series of sixty-nine military and topographical maps, all of the period covered by the operations of the French land and naval forces in America. Of these, thirty-eight are original charts or maps, carefully drawn to scale by engineers of the French army, and colored, with accompanying legends. This precious and unique series of original maps, delineating as it does the entire series of campaigns in which the French forces were engaged, from Rhode Island to Virginia, presents authentic contemporaneous memorials of battle-fields, camps, marches, and sieges, of the highest interest and value to the historian, of the war of the Revolution. They serve to fill many gaps in the cartography of that war, and, in the judgment of some of those who are well qualified to pronounce upon their worth, they are even more valuable than the original manuscripts themselves.

I could detain the Senate with an interesting account of these very valuable papers; but from the fact that I see my friend, the chairman of the Committee on Appropriations, is looking over this way, as much as to say that I have talked long enough, I shall submit the matter to the Senate.

Mr. VEST. May I ask how much the amount is?

Mr. VOORHEES. Twenty thousand dollars, and very cheap at that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Indiana [Mr. VOORHEES] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed and continued to line 2571.

Mr. VOORHEES. I wish to ask the Senator from Iowa whether some arrangement cannot be made about the item for Mrs. Conway, in lines 2561 to 2563.

Mr. ALLISON. We can go back to that afterward.

Mr. VOORHEES. Very well.

Mr. ALLISON. I offer the following amendment, to come in after line 2571:

To pay Jere Haralson the sum of \$5,000 to compensate him for expenses incurred in his contest with Hon. C. M. Shelley from the fourth Congressional district of Alabama in the Forty-fifth Congress, and to be in full for all claim for salary and mileage and everything else that he would have been entitled to had he been admitted to his seat in that Congress.

Mr. DAVIS, of West Virginia. I should like to make some inquiry about that.

Mr. ALLISON. This is one of two amendments that have come from the House.

Mr. BECK. I understood we were to make only such amendments as would leave the matter relative to House affairs open, so that they could arrange it themselves. I do not know whether this is one of them or not.

Mr. ALLISON. This will be one of them. The Senator from Kentucky is on the committee with me.

Mr. BECK. It is perhaps well enough to put this in so that the House can attach any other amendment they like.

Mr. ALLISON. If the Senator objects to it I shall not press it. I offer it at the request of the House Committees on Elections and Appropriations. If anybody objects to it I shall withdraw it.

Mr. BECK. There is no objection to it. The question was only asked why we put in the amendment. It is simply to let the House do as they like in their own affairs.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head "House of Representatives," in line 2581, after the word "the," to strike out the word "widow" and insert the word "estate;" so as to read:

To the estate of James Gillette, \$1,500.

The amendment was agreed to.

The next amendment was, after the word "thousand," in line 2588, to insert "five hundred;" so as to read:

B. H. Lanier, \$1,500.

The amendment was agreed to.

The next amendment was, in line 2621, to change the name "William T. Duff" to "William T. Dove."

The amendment was agreed to.

The next amendment was to insert after line 2625:

To pay John A. Travis, a disabled soldier, who was on the disabled soldiers' roll of the House of Representatives, and discharged on the 3d of November, 1875, a sum equal to one month's pay, at \$3.60 per day, being the same amount paid to other disabled soldiers discharged subsequent to that date.

The amendment was agreed to.

The next amendment was, after line 2632, to insert:

To pay J. J. G. Ball, a disabled soldier, who was on the disabled soldiers' roll of the House of Representatives, and discharged on the 6th of December, 1875, a sum equal to one month's pay, at \$3.60 per day, being the same amount paid to other disabled soldiers discharged subsequent to that date.

The amendment was agreed to.

The next amendment was, after line 2639, to insert:

To enable the Clerk of the House of Representatives to pay J. W. Pettit, a messenger appointed under resolution of the House of April 12, 1882, the pay of a messenger from the date of his appointment to the termination of the Forty-seventh Congress, and a sum sufficient to pay the same is hereby appropriated.

The amendment was agreed to.

The next amendment was, in line 2649, after the word "from," to strike out "December" and insert "March;" so as to make the clause read:

To pay George Q. Cannon salary, mileage, and allowance for newspapers and stationery for the Forty-seventh Congress, from March 4, 1881, up to and including April 19, 1882, the date of the decision of his contest for a seat in the House of Representatives, deducting any sums he may have already received on account from the Sergeant-at-Arms of the House or the Clerk of the House, a sufficient sum is hereby appropriated.

The amendment was agreed to.

The next amendment was, in line 2659, after the word "promote," to insert "the efficiency of the;" and in line 2660, after the word "civil service," to strike out "reform;" so as to make the clause read:

To enable the President to carry out the provisions of section 1753 of the Revised Statutes of the United States, to promote the efficiency of the civil service and official accountability, \$15,000.

Mr. DAWES. I should like to offer an amendment to that provision, which I think takes precedence of the amendment of the committee. There is an amendment to strike out and insert, and I propose to perfect the paragraph before the question is submitted on striking out. I ask to insert immediately after the word "accountability," in the provision as it came from the House, the following words—

The PRESIDENT *pro tempore*. There is nothing to strike out.

Mr. DAWES. The committee propose to strike out "reform" and insert in place of it "the efficiency of the." I ask for the reading of my amendment.

The ACTING SECRETARY. The amendment proposed by Mr. DAWES is to insert after "accountability," in line 2660, the following:

And to introduce, as far as practicable, competitive examination as a means of ascertaining qualification for admission into and promotion in the civil service.

Mr. VAN WYCK. I should like to ask the Senator from Massachusetts a question in that connection. I see that one word has been stricken out.

Mr. DAWES. No; that is a question to be submitted hereafter; it is not before the Senate now.

Mr. VAN WYCK. I wanted to ask the chairman of the Committee on Appropriations—

Mr. DAWES. Is not the Senator willing to let the Senate pass on my amendment now, and then on the other?

Mr. VAN WYCK. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts, [Mr. DAWES.]

Mr. ALLISON. I should like to hear the amendment read and see the text.

The ACTING SECRETARY. After the word "accountability," in line 2660, it is proposed to insert:

And to introduce, as far as practicable, competitive examination as a means of ascertaining qualification for admission into and promotion in the civil service.

So as to read:

To enable the President to carry out the provisions of section 1753 of the Revised Statutes of the United States, to promote the efficiency of the civil service and official accountability, and to introduce, as far as practicable, competitive examination as a means of ascertaining qualification for admission into and promotion in the civil service, \$15,000.

Mr. ALLISON. I dislike to make a point of order upon my associate on the committee, but we cannot go into that question now. Of course if this can be disposed of without debate, I have no objection to any suggestion which may be made; but if it is proposed to have a debate here on what is called "civil-service reform," I think we have not time for that.

Mr. DAWES. This does not introduce any new legislation. It only gives the President \$15,000 to do what the law now authorizes him to do.

Mr. PLUMB. I move to amend the amendment so as to make it read: "from competitive examination and proper location."

Mr. DAWES. I have no objection to that. I do not want any improper location.

Mr. PLUMB. I do not wish to have it understood that competitive examinations are themselves the only test of admission into the service.

Mr. DAWES. I am perfectly willing to have it understood that the location is a test of qualification.

Mr. PLUMB. I suggest the words "and proper distribution" instead.

Mr. DAWES. That is right. I accept that.

Mr. VAN WYCK. That will equalize it. I ask the Senator from Massachusetts whether there is a commission now existing to whom this matter can be deputed?

Mr. DAWES. There is a commission under appointment from the President which has not been able to do anything for some time for want of an appropriation.

Mr. VAN WYCK. I see that the word "reform" is stricken out by the Committee on Appropriations. That committee of this body

has stricken out the word "reform," and I want to ask my friend if there is any danger of this money finally getting into the hands of the Congressional committee, as all the "reform" lies there?

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts as modified by the amendment of the Senator from Kansas.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee to strike out the word "reform" and insert "the efficiency of the;" so as to read "to promote the efficiency of the civil service."

Mr. VAN WYCK. I should like the chairman to explain what necessity there is to strike out the word "reform," because that seems to be the only point in it, unless it was to go, as I was suggesting to my friend from Massachusetts, where there was danger of its going.

Mr. ALLISON. If the Senator from Nebraska will take one of these bills he will observe that there is a little change of phraseology made by the Committee on Appropriations. Instead of using the words "to promote civil-service reform" we have stricken out "reform" and inserted words so as to make it read, "to promote the efficiency of the civil service," which I believe is substantially the language of the statute authorizing the appointment of the commission. I can assure the Senator that there is no disposition on the part of the Committee on Appropriations to interfere with him in his work of reform in any way. The statute provides, section 1753:

The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof.

We merely change the phraseology of this bill in order to comply more nearly with the statute. I trust that will be satisfactory.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Committee on Appropriations as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 2661, to strike out:

To pay D. B. Johnson, of Minnesota, for one month's service as a clerk in the Pension Office, the sum of \$118.

Mr. ALLISON. That was struck out by the committee because they had no information on the subject. I understand now from the Senator from Minnesota [Mr. McMILLAN] that this person performed the service and there is no way of paying him. If that is true, the paragraph should be retained in the bill.

Mr. McMILLAN. The Commissioner of Pensions conveyed that information to one of my colleagues in the House. He said it was necessary for him to have legislation, the money which was appropriated having been covered into the Treasury.

Mr. COCKRELL. Why was it covered into the Treasury? Why was he not paid the money when he was entitled to it?

Mr. McMILLAN. He did not apply for it. Mr. Johnson resigned shortly after being appointed and did not make application for the money before the appropriation lapsed. He has now applied for it.

Mr. ALLISON. Do I understand the Senator to say that the Commissioner of Pensions recommends this payment?

Mr. McMILLAN. The Commissioner of Pensions addressed a letter to one of my colleagues in the House in which he said this service had been performed and Mr. Johnson was entitled to the pay. He did not know why he had not got it, but it would be necessary now to have Congressional action in order to obtain it. Mr. Johnson is a very respectable citizen of our State. That is all I know.

Mr. ALLISON. All right.

Mr. McMILLAN. I ask that the amendment be disagreed to, with the consent of the chairman of the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment striking out the paragraph.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to insert as section 2 the following:

SEC. 2. That the Assistant Secretaries authorized to be appointed in the War and Navy Departments shall perform such duties as may be prescribed by the respective Secretaries or may be required by law; and if such Assistant Secretaries shall be first appointed during the recess of the Senate their salaries may be paid them until the end of the next session of the Senate.

The amendment was agreed to.

The next amendment was to insert as section 3 the following:

SEC. 3. That section 2099 of the Revised Statutes, which provides that no moneys appropriated for the purposes of education among the Indian tribes shall be expended elsewhere than in Indian country, be, and the same is hereby, repealed.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill is concluded.

Mr. VANCE. Mr. President—

Mr. ALLISON. I have one or two amendments from the Committee on Appropriations which I ask to have put in the bill. After line 2646 I move to insert the following; it comes from the House of Representatives:

To enable the Clerk of the House of Representatives, in the execution of the resolutions of the House of March 6, 1882, and June 14, 1882, relating to the employment of an assistant to the Journal clerk of the House of Representatives, to pay Frank Galt for services rendered from the 5th of December, 1881, to the 13th of

June, 1882, at a per diem of \$6, and in the execution of the resolution of the 16th of February, 1882, relating to the employment of an assistant clerk to the Committee on Claims, to pay James R. Davies for services rendered from the 6th day of January, 1882, to the 15th day of February, 1882, and in the execution of the resolution of the 20th day of June, 1882, relating to the employment of a clerk to the Committee on Mines and Mining, to pay Arthur Van Voorhis for services rendered from the 10th day of January, 1882, to the 19th day of June, 1882, each at the same rate of compensation as is paid to session clerks, the sum of \$2,364; and in the execution of the resolution of the 31st day of July, 1882, relating to the payment of Robert Richardson for services as messenger in the Clerk's office, to pay Robert Richardson the difference between the pay of a laborer received by him and that of messenger from the 23d day of January, 1876, to the 13th day of October, 1877, \$826.29.

The amendment was agreed to.

Mr. ALLISON. After line 2667 I move to add:

New court-house building, District of Columbia: For furniture, carpets, shelving, and file-cases for the new portion of the court-house building in the District of Columbia, \$10,000.

The amendment was agreed to.

Mr. ALLISON. I now offer an amendment, in regard to which I will say that I have not had time to consult the committee, and I ask the unanimous consent of the committee to offer it. After line 2255 I move to insert:

To enable the Postmaster-General to carry into effect the provisions of the act approved August 2, 1882, entitled "An act to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes," \$200,000, in addition to the amount appropriated for the payment of letter-carriers and the incidental expenses of the free-delivery system by "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," approved May 4, 1882.

Mr. COCKRELL. I should like a little explanation of that amendment.

Mr. ALLISON. I have here a copy of the correspondence of the Post-Office Department. A bill passed the Senate a day or two ago reorganizing the letter-carrier system of the United States. I ask that those letters may be put into the RECORD.

Mr. COCKRELL. I should like to hear them read. They are not very long.

The Acting Secretary read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., March 9, 1882.

SIR: In compliance with your request as to the additional amount that will be required to pay the letter-carriers during the next fiscal year, under bill H. R. No. 4443, I submit the following statement: eight hundred and eleven carriers, now receiving \$800 per annum, would be promoted to \$1,000, making an increase of \$162,200; three hundred and twenty-five auxiliary carriers, now receiving \$400 per annum, would be promoted to \$500, making an increase of \$130,000; eighty-four auxiliaries, now receiving \$400 per annum, would be promoted to \$550, making an increase of \$57,800; total, \$350,000.

This estimate is based upon the full number of \$800 and \$400 men, for the reason that nearly all of them were in service at the beginning of this fiscal year, and consequently will have been in one year on the 1st of July next.

In the estimate of \$3,000,000 for this service during the next fiscal year provision was made for the promotion of two hundred and forty auxiliaries to \$800, and the appointment of two hundred and forty auxiliaries in their places at \$400 each, involving an expenditure of \$192,000; but as the bill herein referred to promotes all the auxiliaries to \$800 or \$850 per annum, the appointment of two hundred and forty auxiliaries at \$600 would cost but \$144,000, making a difference of \$48,000, which should be deducted from the \$330,000, reducing the amount to \$282,000.

This calculation is based on the best data at hand, but insufficient for a close estimate. As the inspectors on this service are now engaged in ascertaining the number of carriers that should be promoted, and the number of additional carriers that will be required, I advise that the sum of \$300,000 be appropriated to carry the bill into effect should it become a law.

In order to avoid any claim hereafter by the carriers for back pay, I suggest that the bill fix the date when it should take effect should it become a law. Otherwise the carriers will no doubt claim the increase from the date of the approval of the bill, (as they did under the act of February 21, 1879,) rendering necessary an additional appropriation to cover the time between the date of the approval of the bill and July 1, 1882, when it is presumed it is intended the act shall take effect.

Very respectfully, &c.,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. H. H. BINGHAM,
House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., July 29, 1882.

SIR: I have the honor to inclose herewith copy of a letter of March last to Hon. H. H. BINGHAM, chairman of the Post-Office Committee of the House of Representatives, showing the additional amount that will be required to carry into effect bill H. R. 4443, readjusting and increasing the pay of letter-carriers in the several free-delivery cities.

The additional amount that will be required to carry out this bill should it become a law will be \$300,000.

Very respectfully,

FRANK HATTON,
First Assistant Postmaster-General.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations United States Senate.

Mr. COCKRELL. I should like to know when the bill referred to was passed. The amendment is subject to a point of order, and unless it is explained, I shall make it.

Mr. BECK. Here it is. The RECORD of the 29th day of July, Saturday last, page 32, contains the report of it. The bill was brought up by the Senator from Michigan [Mr. FERRY] on a report from the Committee on Post-Offices and Post-Roads. He said he was requested by several Senators to ask for the passage of the bill at that time, and by unanimous consent it was taken up and passed. I confess I was a good deal surprised when I ascertained that it would cost

\$300,000. It had an innocent look and on reading it did not look like a measure that amounted to anything particularly; but that is what they say to us. When we received those letters this morning, I thought the thing was impossible, but after reading the law as passed I find that it has got to be done.

Mr. ALLISON. I will say that the committee only propose \$200,000. From the reading of the letters it is quite evident there will be a deficiency.

Mr. SHERMAN. Why not appropriate the \$300,000 at once?

Mr. ALLISON. I think \$200,000 is enough to begin with.

Mr. FERRY. I suppose the bill having become a law with the approval of the President, the pay of these letter-carriers ought to be provided for. The Department says \$200,000 will be sufficient at present. I take no exception to that, but certainly a suitable amount should be appropriated in the bill for that purpose.

Mr. BECK. The First Assistant Postmaster-General thinks it will only take two hundred and eighty-odd thousand dollars. I would endeavor to keep it down as low as I could and see how it may be adjusted, for he is adjusting it now, guessing at part of it. As it is a very recent thing, which only occurred the other day, and as a part of the year has run, a month at least, we thought \$200,000 would be about the proper amount to appropriate.

Mr. FERRY. The bill received the consideration of the Committee on Post-Offices and Post-Roads of the House and passed that body some time ago. It came to the Senate and was before the Senate committee for some time. The Committee on Post-Offices and Post-Roads of the Senate considered it and reported it. On the day I reported it I asked the Senate to consider it, as stated by the Senator from Kentucky, and the Senate did so, and after debate passed it, so that it was understood by the Senate. There was nothing slipped in without the knowledge of the Senate.

Mr. BECK. The case was fairly stated by the Senator from Michigan, except that there was very little idea given as to the cost of the change. I judge from reading over the debate that most Senators supposed \$25,000 or \$30,000 would cover it all. Every fact was stated in the debate, I think.

Mr. FERRY. I think I stated clearly in the debate that the only change was an increase of the pay of auxiliaries from \$400 to \$600, and that it did not change the pay of the first and second classes; that it did not touch the third class in cities under 75,000 inhabitants; that in the third class, cities with a population of 75,000 and over, it paid them \$800 and \$1,000 a year, making two classes. The point of the bill was to provide for the promotion of the letter-carriers on a year's service, which was a good principle.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa, [Mr. ALLISON.]

The amendment was agreed to.

Mr. ALLISON. At the end of line 174 I move to add:

For the purchase by the Secretary of the Treasury of a suitable site for the erection of a public building for the use of the United States courts, internal-revenue and post-office at Leavenworth, Kansas, \$10,000, or so much thereof as may be necessary, the entire cost of building and site not to exceed \$100,000.

Mr. SHERMAN. Was a bill passed to that effect?

Mr. ALLISON. It passed the Senate, I believe, this morning.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on agreeing to the amendment of the Senator from Iowa, [Mr. ALLISON.]

The amendment was agreed to.

Mr. CONGER. I ask the Senate to make a verbal correction in line 80. The clause there, inserted by the committee and agreed to by the Senate, reads:

To enable the Secretary of the Treasury to purchase a site for, and cause to be erected thereon, a suitable building, &c.

And it appropriates \$50,000. The provision in the bill for the construction of a public building at Marquette was that it might cost \$100,000, and this language would confine it to \$50,000. I ask that the amendment be changed so as to read:

To enable the Secretary of the Treasury to purchase a site for, and cause to be commenced thereon, the erection of a suitable building, with fire-proof vaults therein, &c.

Mr. ALLISON. I do not object to that.

Mr. CONGER. That is to make it correspond with all the other amendments of the same kind.

Mr. ALLISON. Very well.

The PRESIDING OFFICER. If there is no objection the correction will be made. The Chair hears none.

Mr. ALLISON. After line 1010, I move to insert:

For additional compensation to the master armorer of the national armory in Springfield, Massachusetts, while performing the duties of master machinist at said armory, \$1,000.

The amendment was agreed to.

Mr. ALLISON. I have an amendment here that I am told by my colleagues on the committee they agree to, although it was not agreed to in committee. After line 463, I move to insert:

For the construction of a light-house at or near Secconnet Point, Rhode Island, \$20,000.

The amendment was agreed to.

Mr. ALLISON. I offer now the final amendment which I shall propose. It is an amendment in the nature of legislation, and there-

fore, of course, it must be put in by unanimous consent. I move the amendment at the request of the Committee on the District of Columbia. It relates to the new public-school buildings in this District. Under the law they are required to commence work on these public-school buildings on the 1st of September. It is impossible for them to get ready for work by that time. The amendment is a mere extension of the time to the 1st of October, in order to make the money available. I move to add, as section 4, the following:

SEC. 4. That the limitation of time for contracting for new school buildings, as provided by "an act making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1883, and for other purposes," approved July 1, 1882, be, and the same is hereby, extended to October 1, 1882.

The amendment was agreed to.

Mr. ALLISON. Now I yield the floor to the Senator from North Carolina.

Mr. VANCE. I do not know that the Senator from Iowa has it to yield. He has been standing up on it of course, but he was not recognized by the Chair more than I was.

Mr. ALLISON. I want to say in all kindness to the Senator from North Carolina that the Committee on Appropriations have no further amendments to submit to the bill.

Mr. VANCE. I hope it is in order, if the Senator from Iowa is through, for somebody else to offer an amendment. If so, with permission, I will proceed to offer one. After line 2520, I move to add:

To enable the Acting Secretary of the Senate to pay the employés of the Senate (including the Capitol police) receiving an annual compensation, who were employed on the 4th day of March, 1881, or on the 29th day of October, 1881, a sum equal to one month's pay, at the rate per annum they were receiving at the dates herein specified; and that a sum equal to one month's pay shall be allowed and paid to the session employés of the Senate who shall be so employed at the adjournment of the present session.

Mr. ALLISON. I raise the point of order on that amendment. There is no law for it. In addition to that it does not purport to come from any committee of this body.

Mr. VANCE. I was expecting that as a matter of course. The Senator having just passed through, by the indulgence of the Senate, an amendment which was rankly out of order, I expected him of course to get up and raise a point of order upon others.

The PRESIDING OFFICER. Upon the facts as stated by the Senator from Iowa, the Chair sustains the point of order.

Mr. BUTLER. Do I understand the Chair to sustain the point of order against this amendment of the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. VANCE. I desire to make a statement which I did not make.

The PRESIDING OFFICER. The fact that the amendment was reported by that committee was not stated to the Chair.

Mr. BUTLER. Certainly, that is the fact.

Mr. VANCE. It was reported by the Committee to Audit and Control the Contingent Expenses of the Senate, and it is so stated on the printed amendment sent to the desk.

Mr. BUTLER. The rule is entirely complied with.

Mr. ALLISON. Then I make no point of order upon the amendment.

The PRESIDING OFFICER. The point of order is withdrawn. The question is on agreeing to the amendment of the Senator from North Carolina, [Mr. VANCE.]

The amendment was agreed to.

Mr. CAMERON, of Pennsylvania. After the word "dollars," in line 50, I move to add:

To enable the Secretary of the Treasury to purchase a site for, and cause the commencement of the construction thereon of a suitable building, with fire-proof vaults therein, for the use of the post-office, United States courts, and other Government offices in the city of Williamsport, Pennsylvania, \$50,000.

Mr. BECK. Has there been any law passed authorizing that to be done?

Mr. CAMERON, of Pennsylvania. Yes, sir; the bill has passed both Houses.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. CAMERON, of Pennsylvania. Immediately after the amendment just agreed to I move to add:

To enable the Secretary of the Treasury to purchase a site for, and cause the commencement of the construction thereon of a suitable building, with fire-proof vaults therein, for the use of the post-office and other Government offices in the city of Scranton, Pennsylvania, \$37,500.

Mr. BECK. I rise only to ask the same question, because we have made appropriations as far as we knew for all buildings, bills in relation to which had passed both Houses and become laws.

Mr. CAMERON, of Pennsylvania. Both of these bills passed the House first and then came to the Senate, but they did not contain any appropriation. The Senate bill which was passed a few days since did contain an appropriation.

Mr. BECK. Wherever bills have been passed for buildings there is no objection to appropriating for them; but there are so many cases where bills have not passed that are sought to be put in that I felt it to be my duty to make the inquiry.

Mr. CAMERON, of Pennsylvania. The bill was passed, or I should not have offered the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. VOORHEES. Before the Senator from Arkansas [Mr. GARLAND] left for his home, he was instructed by the Committee on the Judiciary to offer what I hold in my hand as an amendment to this bill, and upon his going away, because of my greater familiarity with the subject perhaps, he requested me to present the amendment in his place and stead, as with the authority of the committee delegated to him. At the end of line 2355 I move to insert:

That the Secretary of the Treasury is hereby authorized and directed to pay to John J. Key the sum of \$10,000, and to W. G. M. Davis the sum of \$10,000, for their services, respectively, as attorneys at law, employed by the United States Attorney-General to aid in the case of John Young, assignee of Alexander Collier, against the United States, out of any money in the Treasury not otherwise appropriated, which said sum shall be the balance in full of the compensation of the said John J. Key and W. G. M. Davis, respectively, for their services in said cause under said employment; and that said amount shall be charged to the fund now in the Treasury of the United States known as proceeds of captured and abandoned property, under the act of Congress entitled "An act to provide for the collection of abandoned property and for the prosecution of frauds in insurrectionary districts within the United States," approved March 12, 1883, (Statutes at Large, volume 12, page 1820.)

The amendment was agreed to.

Mr. HOAR. I desire to offer an amendment which requires the unanimous consent of the Senate, and I should like to have read a letter signed by all the justices of the Territory of Utah, which shows the necessity for it. I move to insert, after line 756:

The governor of the Territory of Utah is hereby authorized to appoint officers in the said Territory to fill vacancies which may be caused by a failure to elect on the first Monday in August, 1882, in consequence of the provisions of an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, to hold their offices until their successors are elected and are qualified under the provisions of said act.

Now I ask that the letter to which I referred be read.

The Acting Secretary read as follows:

The undersigned judges of the supreme court of the Territory of Utah, respectfully represent:

That the Edmunds bill, so called, vacates all registration and election officers in Utah; that by reason of this no registration of voters has been made in this Territory this year, which the local law requires to be done in May and revised the first week in June, and none but registered voters can vote; that by reason of such failure of registration and lack of election officers the election fixed for the first Monday in August, 1882, cannot be held; that at such election there would have been chosen successors to all the present county officers, and also to the Territorial auditor and treasurer, as directed by Territorial statute; that those successors cannot now be chosen for the reasons given; that this failure to elect is liable to cause general disturbance and trouble, especially in view of the well-known fact that many of the present incumbents are understood to be polygamists, and so disqualified under the law above referred to to hold office. We therefore ask that Congress shall take such measures as will provide for legal successors to all the present incumbents of office whose successors would have been chosen at the August election, and thereby secure the continuance of good order, and the regular and undisputed support of organized government, which otherwise would be seriously jeopardized.

We have delayed this representation as long as possible, hoping for the advent of the election commissioners, but they have not yet come.

Dated July 20, 1882.

JOHN A. HUNTER, *Chief Justice*,
PHILIP H. EMERSON, *Associate Justice*,
STEPHEN P. TWISS, *Associate Justice*,
Supreme Court of Utah.

Mr. HOAR. This amendment was prepared by the Senator from Delaware, [Mr. BAYARD,] the Senator from New York, [Mr. LAPHAM,] and myself, and we are authorized by the Judiciary Committee unanimously to recommend it. The point is a very simple one. There was to be an election for local officers, registers of deeds, auditors, and county officers, on the first Monday in August. That election can only be made by duly registered voters, and the duly registered voters can only be registered at a registration made in May, but the Edmunds bill vacated from the time of its passage the offices of all the election officers in Utah. Consequently there was no registration; so that after the first Monday in August there will be none of the local officers in existence until an election is held, under the provision of the Edmunds bill, and the Territorial Legislature, elected under the provision of the Edmunds bill, provides for the filling of these offices by a new election. The amendment provides that the governor may appoint officers for the interregnum simply.

The PRESIDING OFFICER, (Mr. VOORHEES in the chair.) The question is on agreeing to the amendment of the Senator from Massachusetts, [Mr. HOAR.]

The amendment was agreed to.

Mr. LOGAN. I have an amendment, which it was understood in the Committee on Appropriations would be agreed to by that committee. The chairman was requested by the committee to send to the Secretary of State to ascertain about the amount. He has not received word from the Department as yet, but he was authorized to put the amendment on the bill, and I now offer it. After line 2661 I move to insert:

For defraying the expenses of transporting the remains of ministers and consuls of the United States to their homes for interment, where such ministers or consuls have died or may die abroad while in the discharge of their duties, \$10,000; *Provided also*, That where the remains of any such persons have been brought home by their friends within two years last past such expenses shall be paid to the persons who have paid such expenses.

The amendment was agreed to.

Mr. MORGAN. After line 2508 I move to insert:

To enable the Secretary of the Senate to pay to the legal representatives of Hon. George S. Houston, late a Senator from the State of Alabama, \$5,860.66, the amount of compensation of a Senator from January 1, 1880, to March 4, 1881.

Senator Houston came to the Senate after the 4th of March, 1879, and died on the 31st of December of the same year, which according to the computation of Mr. Nixon entitles his estate, on the same principle that has been applied in the case of the late General Burnside, to \$5,860.66. The cases are identical, and therefore I ask the Senate to adopt the amendment.

The amendment was agreed to.

Mr. FERRY. After line 495 I move to insert:

For the erection of a light-house at or near Point Patterson, on the northern shore of Lake Michigan, in the State of Michigan, \$15,000.

This was recommended by the Light-House Board, referred to the Committee on Commerce, and reported by that committee, and it passed the Senate May 4.

Mr. ALLISON. I make the point of order on that amendment if I can.

The PRESIDING OFFICER. What is the point of order?

Mr. ALLISON. That it is not estimated for.

The PRESIDING OFFICER. The Chair understood the Senator from Michigan to state that it had been estimated for and referred to the Committee on Commerce.

Mr. FERRY. And recommended by that committee and reported by them, and has passed the Senate, and has been referred to the Committee on Appropriations.

Mr. ALLISON. I know; but it is not estimated for in the regular Book of Estimates. Of course the Senator has a letter, as a great many people have, from the Light-House Board, recommending this light-house, and it is probably a good place for a light-house; but we have put light-houses enough into this bill, it seems to me, and the State of Michigan has fared very well in that regard.

Mr. FERRY. As far as the point of order is concerned, there cannot be any point of order, because this has been recommended by the Committee on Commerce, and has been reported from the Treasury Department, and has passed the Senate. It was reported from the Committee on Commerce. It is an important place on the north shore of Lake Michigan. There is a distance of one hundred miles there where there is no light-house, and the importance of it has not been questioned by the Department.

Mr. COCKRELL. I wish to ask the Senator from Michigan a question in regard to this proposed light-house. Was a bill for the establishment of a light-house there reported and passed by the Senate?

Mr. FERRY. It was, on May 4.

Mr. COCKRELL. It has gone to the House?

Mr. FERRY. It has gone to the House. The RECORD here shows also a letter recommending it.

Mr. COCKRELL. I wish to know if that was the only action the Committee on Commerce took upon the bill.

Mr. FERRY. The committee reported the bill, and it passed the Senate.

Mr. COCKRELL. Then I raise the point of order upon the amendment.

The PRESIDING OFFICER. The Senator from Iowa has already raised the point of order.

Mr. COCKRELL. The point of order taken by the Senator from Iowa is correct. The fact that the bill was reported favorably from a committee of the Senate, and that the Senate passed the bill and sent it to the House, does not entitle it to go upon an appropriation bill, and does not relieve it from the point of order.

Mr. FERRY. Under what rule does the Senator make his point of order?

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order, but will be very glad to submit the question to the Senate, if the Senator from Michigan desires.

Mr. FERRY. I desire to read the rule, if the Chair will bear with me. I am not tenacious about antagonizing the ruling of the Chair, but let me read the rule. With great deference to the Chair, I think he is laboring under a misapprehension.

The PRESIDING OFFICER. The Chair did not desire to rule in haste on the question, but rather desired to facilitate the disposition of the matter. He felt constrained to rule on the point of order, but announced his willingness to submit the question to the Senate.

Mr. LOGAN. The Chair has ruled, and there is nothing in order but an appeal from his decision.

Mr. FERRY. I will read the rule. Rule 27 provides that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

And that is this case—

unless it be made to carry out the provisions of some existing law—

That is not this case—

or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

The bill was passed by the Senate, but I do not rest it upon that.

Or unless the same be moved by direction of a standing or select committee of the Senate.

After the passage of the bill by the Senate I say it is clearly in order to put it on this bill by way of amendment.

Mr. HARRIS. Clearly not. If the Committee on Commerce had instructed the amendment to be offered and it had been referred to the Committee on Appropriations, it would have been clearly in order. It is certainly not in order as it now stands.

Mr. FERRY. Then, if the Senator makes that point, I rest it upon this language:

Act or resolution previously passed by the Senate during that session.

This has been passed by the Senate after having been reported by the Committee on Commerce. I offered the amendment and had it referred to the Committee on Appropriations some days since.

The PRESIDING OFFICER. Does the Senator from Michigan desire to have the question submitted to the Senate?

Mr. FERRY. I will submit to the ruling of the Chair.

The PRESIDING OFFICER. The Chair feels constrained to sustain the point of order.

Mr. FERRY. Then I have another amendment. After line 2055, or immediately after what has already been inserted at that point by the Senate, I move to add:

That the appropriation made in section 1 of the act approved May 4, 1882, "making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1883, and for other purposes," for the manufacture of stamped envelopes and newspaper wrappers, is hereby made available, so far as necessary, for the purchase of letter-sheet envelopes on which postage-stamps of the denominations now in use on ordinary envelopes shall be placed.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. ALLISON. Does the amendment come from the Committee on Post-Offices and Post-Roads?

Mr. FERRY. It was agreed to by the committee and recommended by the committee. It simply leaves the discretion to the Postmaster-General and only makes the fund available.

Mr. HALE. I raise the point of order upon the amendment. It changes the law by making certain appropriation applicable to a purpose that without this amendment it could not be applied to. That is a thing that a committee has no jurisdiction over. It cannot change the law.

Mr. FERRY. It does not increase the appropriation.

Mr. HALE. I do not make the point of an increase of appropriation, but the amendment provides a new end and purpose for the appropriation not provided by present law. The wording of the amendment shows it.

Mr. FERRY. The amendment shows that it is simply in the interest of the Post-Office Department and the service of the Government.

Mr. HALE. That is not the question.

Mr. FERRY. It is a sheet envelope, leaving it to the discretion of the Postmaster-General to use it or not.

The PRESIDING OFFICER. The Chair will overrule the point of order. The question is on agreeing to the amendment of the Senator from Michigan.

Mr. HALE. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HAWLEY. Let the question be again stated.

Mr. HALE. It is to get a new patent into the use of the Post-Office Department.

Mr. VEST. Let me say a word on this subject. The Senator from Maine does not understand it at all. Permit me to say to him that in 1879 a clause was inserted in the sundry civil bill which simply authorized the Postmaster-General to introduce a letter envelope, provided that he paid nothing for royalty on the patent. So far from the amendment providing for any patent, the law expressly excludes it. The only thing done by the amendment is to make the appropriations already made for the fiscal year ending June 30, 1883, available for this purpose by the Postmaster-General if he sees proper to do so.

Mr. HALE. Is it not a new purpose?

Mr. VEST. It is not at all a new purpose. It is an existing law.

Mr. HALE. But does not the Senator know, will he not admit here, that the sole, underlying purpose of the amendment is that it may apply to a certain new patent which has been shown about here to Senators for a new form of folding, a device of letter envelopes?

Mr. VEST. There are twenty of those; there are fifty of them.

Mr. HALE. But who has seen more than one?

Mr. VEST. I have seen a dozen of them.

Mr. HALE. I have seen but one.

Mr. VEST. I have seen fifty of them.

Mr. HALE. I do not want this bill lumbered up by anything of that kind. Anybody who chooses to vote for the amendment of course can vote for it, but I want the yeas and nays on agreeing to it so that we can have the record. It will be heard from afterward, I tell the Senate.

Mr. VEST. The objection as to lumbering the bill comes very strangely from the Senator from Maine.

Mr. FERRY. What we ask is that the Postmaster-General may be given the discretion to use a different form of envelope in the line of saving to the Government. As was well stated by the Senator from Missouri, the Postmaster-General is prohibited from paying any royalty. The amendment does not interfere with that. There is no patent about it; it is simply allowing him to use his discretion if

need be, if it can be done. If the Senator from Maine desires to restrict the Postmaster-General to a certain form, then perhaps the point may be good, but I would give the utmost latitude to the Postmaster-General and invite new inventions, for that is the genius of the institutions of the country. Whenever such an invention appears to be to the interest of the Government, it is the duty of Congress to accept it and give the heads of our Departments a discretion to use it.

Mr. BUTLER. I have seen this letter-sheet to which the Senator from Maine refers, and I should like very much to have it adopted by the Postmaster-General. I see no earthly reason why it should not be adopted, unless it may conflict with some envelope people who have a contract with the Post-Office Department. That is the only ground upon earth I can see. It certainly would be a matter of very great convenience to the general public, and I see no reason why this letter-sheet should not be adopted. On the contrary, I see every reason why, under the suggestion of the Senator from Michigan, it ought to be adopted for the benefit and convenience of the public.

The Postmaster-General, as I understand, has recommended this device. I have seen the letter-sheet, and I am very frank to say that I should like very much to use it; indeed, I do use it, and I do not see why the public should not be allowed to have the same privilege. It may conflict with some envelope people who are making a contract with the Post-Office Department, and I have no doubt it would. For my part, I should like to give my constituents the benefit of using it. It costs the Government nothing.

Mr. HALE. Did the Chair overrule the point of order I made?

The PRESIDING OFFICER. He did. The yeas and nays have been ordered upon the amendment, and the roll will be called.

The question being taken by yeas and nays, resulted—yeas 34, nays 23; as follows:

YEAS—34.

| | | | |
|------------------|-------------------|-----------------|-----------|
| Bayard, | Farley, | Mahone, | Sawyer, |
| Beck, | Ferry, | Maxey, | Sewell, |
| Blair, | Gorman, | Miller of Cal., | Sherman, |
| Butler, | Hampton, | Morgan, | Van Wyck, |
| Call, | Hill of Colorado, | Pendleton, | Vest, |
| Cameron of Pa., | Jonas, | Pugh, | Williams, |
| Cameron of Wis., | Jones of Florida, | Ransom, | Windom. |
| Chilcott, | Lapham, | Saulsbury, | |
| Conger, | McMillan, | Saunders, | |

NAYS—23.

| | | | |
|------------------|-----------|------------------|----------|
| Aldrich, | Frye, | Hoar, | Platt, |
| Allison, | Grover, | Ingalls, | Plumb, |
| Brown, | Hale, | Jackson, | Rollins, |
| Coke, | Harris, | Logan, | Slater, |
| Davis of W. Va., | Harrison, | McDill, | Walker. |
| Dawes, | Hawley, | Miller of N. Y., | |

ABSENT—19.

| | | | |
|--------------------|------------------|------------------|-----------|
| Anthony, | Fair, | Johnston, | Mitchell, |
| Camden, | Garland, | Jones of Nevada, | Morrill, |
| Cockrell, | George, | Kellogg, | Vance, |
| Davis of Illinois, | Groome, | Lamar, | Voorhees. |
| Edmunds, | Hill of Georgia, | McPherson, | |

So the amendment was agreed to.

Mr. HARRIS. Mr. President—

Mr. COCKRELL. I wish to suggest an amendment to the amendment which has just been adopted, and I think the Senator from Michigan will accept it.

The PRESIDING OFFICER. The Chair has recognized the Senator from Tennessee. Does he yield to the Senator from Missouri?

Mr. HARRIS. If the Senator from Missouri deems it material for his suggestion to come in just at this moment, I will yield to him.

Mr. COCKRELL. Oh, no.

Mr. HARRIS. I desire to call the attention of the Senator from Iowa, who has the bill in charge, to lines 430 to 447, inclusive, which the Committee on Appropriations reported to strike out. That amendment was not acted upon, but was passed over, in order that I might obtain some information on the subject. I now offer as a substitute for the lines proposed to be stricken out the following:

That the jurisdiction of the Light-House Board be, and hereby is, extended over the Tennessee River, and for the establishment of such lights, day-beacons, and buoys as may be necessary for the use of vessels navigating that river; and the Light-House Board is hereby authorized to lease the necessary ground for all such lights as are established to point out changeable channels, and which in consequence cannot be made permanent. For the Tennessee River, \$25,000, or so much thereof as may be necessary.

I desire to also state to the Senator from Iowa that the bill as it came from the House contains an appropriation of \$15,000 for this river. The estimates of the Light-House Board were \$25,000. I am informed by Rear-Admiral Rodgers, the Superintendent of the Light-House Board, that \$25,000 is absolutely necessary. I ask to have read a report from the Superintendent of the Light-House Board in respect to that matter.

Mr. CONGER. I inquire how late the information which the Senator says he has received came to him?

Mr. HARRIS. I cannot hear a word the Senator says.

Mr. CONGER. I was inquiring how late the information the Senator refers to from Admiral Rodgers came to him?

Mr. HARRIS. It was about ten and a half o'clock yesterday morning; but the estimates were made in due time and through the regular channel, regularly and properly.

Mr. CONGER. I should like to inquire through what medium that information came?

Mr. HARRIS. Through the report of Admiral Rodgers, as I understand from him. I have not the report before me, but he simply gave me the information yesterday which was contained in his regular report, according to his own statement. But let the paper be read which I send to the desk.

The Acting Secretary read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, March 22, 1882.

SIR: Respectfully referring to Department letter of March 15, transmitting for the views of the Light-House Board thereon bill H. R. 4934, providing for the protection of the navigation of the Ohio, the Great Kanawha, and the Tennessee Rivers by increasing the number of lights on the Ohio River and extending the system of beacon-lights to the Great Kanawha and Tennessee Rivers, the Light-House Board has the honor to state that it has carefully considered this matter, and has reached the conclusion that the interests of commerce and navigation would be greatly benefited by the passage of this bill, sections 2 and 3, relating to the Kanawha and Tennessee Rivers, being first amended by adding thereto a proviso as follows: "Provided, That the Light-House Board is hereby authorized to lease the necessary ground for all such lights and beacons as are used to point out changeable channels, and which in consequence cannot be made permanent."

The bill (H. R. 4934) is herewith returned.

Very respectfully,

JOHN RODGERS,

Rear-Admiral, United States Navy, Chairman.

The honorable SECRETARY OF THE TREASURY.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee, [Mr. HARRIS.]

Mr. ALLISON. I hope the amendment will not be adopted. I think we had better wait until next winter at least before we enlarge the business of lighting these rivers, although I admit that the Tennessee is perhaps the largest river now unlighted of the Western rivers. I am afraid that the Great Kanawha will come in very soon, and the Little Kanawha, and then the Big Sandy and the Little Sandy, and some of the Florida rivers, and so on. I am afraid we cannot stop if we give this. That is my objection to the whole matter.

Mr. HARRIS. Mr. President, there are hundreds of miles of navigation that it is proposed to provide for by this amendment. How important it may or may not be to have beacon-lights on the Tennessee River, I do not profess to know. My individual opinions would be utterly worthless. In the opinion of the Light-House Board, whose duty it is to carefully investigate these matters and report the necessities of navigable waters, it is important and it ought not to be delayed. For that reason, and that reason only, I offer this amendment, and believing, as I do, that it is absolutely necessary to the safety of navigation, I hope the amendment may be adopted.

Mr. CALL. If it is in order I should like to move an amendment.

Mr. HARRIS. This is an amendment to an amendment, and therefore not amendable.

Mr. JONAS. I wish to offer an amendment to this amendment.

The PRESIDING OFFICER. If the Chair is correctly advised, it would not be in order.

Mr. HARRIS. Not until my amendment has been acted on.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee, [Mr. HARRIS.]

Mr. BECK. I suppose the Tennessee, as the chairman of the committee says, is one of the most important rivers not yet put under the jurisdiction of the Light-House Board. The Red River in Louisiana is also an important one, and we established a light at the mouth of that river last year. I know the Saint Croix is important, because I have been up that river several times, and the Chippewa has a great many rafts floating down it.

There is one difficulty about these amendments, and the Senate may as well understand it, that while there are two or three important rivers, the Great Kanawha, the Big Sandy, the Kentucky, and others, if you begin now picking out first one river and then another, until you have had a clear and distinct statement from the Light-House Board of what rivers are necessary to be lighted, there will be no end to the amendments that will be inserted.

I do not like to say anything against the recommendation of Admiral Rodgers. He may have seen the Tennessee River or he may not. I dare not quite, perhaps, tell what the Light-House Board said to the Appropriations Committee, but I am perfectly satisfied from the information we had that the Light-House Board, who know most about it, do not desire this jurisdiction extended as the House extended it until they have time to make a thorough investigation.

They came before us—not Admiral Rodgers, but others of the board who know, perhaps, quite as much as he does—and so informed us. If you are going to light these rivers, do it intelligently, make a full, thorough investigation of all these rivers to see what ought to be added to the present jurisdiction, and not take up the subject by piecemeal, first, the Tennessee, then the Red River, then the Big Kanawha, then the Chippewa, then the Saint Croix, and there will be forty other rivers. Each Senator will feel obliged to propose to insert one. That is all I care to say about it.

Mr. HARRIS. I beg to say to the Senator from Kentucky and to the Senate that you have just as much information in relation to the necessities of the Tennessee River to-day in this respect as you will have five years hence, and I beg that the amendment proposing

to furnish lights to navigable waters of the Tennessee shall not be made to depend upon the ten thousand other streams that the Senator from Kentucky apprehends will be pushed forward for light-houses or beacon-lights. I think it is quite sufficient to look at the merits of this proposition, and we must deal with the merits of others as they are presented. That is all I desire to say.

Mr. DAVIS, of West Virginia. I notice in the recommendation read from the desk of Admiral Rodgers that he names the Kanawha in connection with the Tennessee River. When the Tennessee River is added I shall expect the Kanawha to go with it as recommended from the same source.

Mr. CAMERON, of Wisconsin. If this amendment is adopted I shall insist upon retaining the two rivers in Wisconsin mentioned in this portion of the bill, the Chippewa and the Saint Croix. The House of Representatives thought that lights ought to be provided for those rivers.

I would inquire of the Senator from Tennessee whether he addressed a communication to Admiral Rodgers asking for information or asking for his opinion in regard to the advisability of establishing lights on these rivers?

Mr. HARRIS. I did not, and for the reason—

Mr. CAMERON, of Wisconsin. One moment. Did he address a communication asking whether lights ought to be established on the Tennessee River, or did he include in his inquiry all the rivers mentioned in this portion of the bill?

Mr. HARRIS. I addressed no communication, for the reason that on the day before yesterday evening, when this point was reached in the bill, I promised the Senator from Iowa that I would endeavor to inform myself very much better than I was then informed as to the necessity of these beacon-lights on the Tennessee River. I carried a copy of the bill; I showed every line in that clause, and I asked Admiral Rodgers and others in the office what was necessary and proper to be done in respect to that clause, leaving out no river, but saying that I was more interested in the Tennessee than in any other. I was informed that in the opinion of that board it was important and necessary that beacon-lights be established on the Tennessee and the Great Kanawha. And if the Senator desires me to state the balance of what I was informed, it was that in the opinion of that board it was hardly necessary to establish the beacon-lights upon the streams mentioned by him.

Mr. CONGER. I was not aware that there was any Admiral Rodgers connected with the Light-House Board now, since the death of Admiral Rodgers some months ago, who was chairman of the Light-House Board. That is the reason I made the inquiry I did. I am not aware now that there is. There may be some Admiral Rodgers; but I understand Admiral Wyman was appointed chairman of the Light-House Board.

Mr. HARRIS. I am inclined to think the Senator is right. It was Rear-Admiral Wyman instead of Rodgers with whom I had the interview, but I had the interview with the chief of the board, and was introduced to him as rear-admiral, and finding Rear-Admiral Rodgers's name to the paper I read from, I perhaps miscalled the name.

Mr. CONGER. For a long time there has been a question in regard to John Rodgers and his family, and I think we had better not be misled about it here in the Senate. [Laughter.]

Mr. JONAS. I desire to ask whether the amendment of the committee has been adopted.

Mr. HARRIS. It has not. My amendment is to that amendment.

Mr. JONAS. The committee amendment is to strike out.

Mr. HARRIS. So it is.

Mr. JONAS. At the proper time, after the amendment offered by the Senator from Tennessee has been acted on, I desire to offer an amendment providing that the jurisdiction of the Light-House Board shall be extended over the Red River in Louisiana, and that the appropriation contained in the bill as it comes from the House shall be maintained. That is quite as important a stream as the Tennessee; it floats as large a commerce, it is as long, runs through as many States, and is of as much importance to the commerce of the country as the Tennessee River, or any of the rivers mentioned in this bill.

Mr. BECK. After a number of these amendments have been voted in, as of course they will be, I hope the chairman of the committee will move to insert a clause that all the streams—I will not call them rivers, but all the streams—provided for in the river and harbor bill shall be thoroughly lighted by the Light-House Board and that Admiral Rodgers shall give it his personal attention. [Laughter.]

Mr. LOGAN. Lit up on both sides with the electric light. [Laughter.] That will be about it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee, [Mr. HARRIS.]

The amendment to the amendment was rejected.

Several Senators addressed the Chair.

Mr. HARRIS. I suggest that the amendment of the committee be acted on in some way before we pass from it. Mine was an amendment to the amendment of the committee.

Mr. ALLISON. I ask for a vote on the amendment of the committee, if it has not been acted on.

The PRESIDING OFFICER. The Acting Secretary advises the Chair that the amendment of the committee, which was an amendment to strike out, has been agreed to.

Mr. ALLISON. So I supposed.

Mr. WINDOM. I offer the following amendment, to come in after line 31, page 2:

The salary of secretary of legation and consul-general at Madrid, in lieu of that heretofore appropriated for secretary of legation, \$3,000.

Mr. ALLISON. The Senator from Minnesota is so hostile to legislation on appropriation bills that I trust he will not press that amendment. It is changing existing law. There is no consul-general at Madrid.

Mr. WINDOM. I was not aware until now that the Senator was so much offended by my opposing general legislation on an appropriation bill the other day, but I now see that it rankles still. I do not think this changes any existing law; it is not general legislation. The President is authorized to appoint a secretary of legation, can do it without any law, and this simply pays the compensation of that officer; and I would say that the State Department desires to have this amendment made. It is also recommended by the Committee on Foreign Relations.

Mr. ALLISON. It simply increases this officer's compensation \$1,200.

Mr. WINDOM. It appoints a new officer. At present there is no consul-general. There is a secretary of legation and there are a very large number of consular officers, some fifty-eight, under his jurisdiction. The State Department believes, and so urges upon our committee, that it will be altogether a very great benefit to the service to have this officer appointed.

Mr. PLUMB. I have no doubt this is a very meritorious case, and the Secretary of State has recommended very strongly that an appropriation be made for the pay of the consul-general at Siam. Heretofore there has been a consul there. Last spring the then President of the United States appointed the consul to be consul-general. Within a few weeks the President has appointed, and the Senate has confirmed, a gentleman to be consul-general and minister resident. Perhaps I have got the titles mixed up.

Mr. WINDOM. It is not the same office.

Mr. PLUMB. I want to say simply that there have been two promotions here without increase of pay. If we are going into the question of the pay of the consular or diplomatic service, I want the thing open because the Secretary of State has recommended a great number of persons for increase of pay. He is very urgent also in the case of the consul at Manila. If the Senate shall take up this subject on account of anything which the Senator from Minnesota may offer, I shall insist that it take up all these items that have been recommended by the Secretary of State, and decide them all upon their merits; and if they are not to be decided upon their merits, then I raise whatever point of order may lie.

Mr. WINDOM. I have no objection to taking up any meritorious case that may be presented. As I said this is recommended by the State Department, and has been examined by the Committee on Foreign Relations and recommended by that too. I believe it to be important. I will not discuss it, but ask the Senate to vote upon it.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the amendment of the Senator from Minnesota, [Mr. WINDOM.]

Mr. ALLISON. Is it in order to increase the compensation of an officer at Madrid, to provide a new salary and a new office? Is that in order on this bill?

The PRESIDING OFFICER. Is the question of order raised?

Mr. ALLISON. I raised the question of order.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. WINDOM. I wish the Senator to state his point of order distinctly.

Mr. ALLISON. It is the creation of a new office to begin with; it increases the appropriation, and of course to that extent is legislation on the bill.

Mr. WINDOM. The President has to-day the power to appoint a consul-general. He has the power to appoint, as I understand, any foreign representative. It does not therefore alter the law by granting that power, but it does simply pay the officer whom he has the power to appoint.

The PRESIDING OFFICER. The Chair will ask the Senator from Minnesota if this amendment has been offered in the Senate and referred to the Committee on Appropriations?

Mr. WINDOM. Substantially the same amendment. If the point of order is raised on that ground I will renew the amendment in the form that it was offered before; but it is substantially the same amendment. If that point of order is raised I will substitute the other, which is equally good, though a little different in form.

Mr. ALLISON. I make the point of order.

Mr. WINDOM. That it has not been referred?

Mr. ALLISON. Yes, sir; I make that point.

Mr. WINDOM. Then I withdraw the amendment and offer the one that was referred to the Committee on Appropriations. It accomplishes precisely the same end, but the verbiage of the other is a little better.

For salary of consul-general at Madrid, (in addition to that of secretary of legation when acting as such,) \$1,200.

That amendment has been referred by the Committee on Foreign Relations to the Committee on Appropriations.

The PRESIDING OFFICER. The Chair holds the amendment to be in order.

Mr. BECK. I desire only to say that eight or ten, or perhaps more of this class of cases were before us, many of them represented as very urgent, and I believe most of them recommended by the Secretary of State. When the consular and diplomatic bill was before us I happened to be on the sub-committee upon that bill, and we held it back I think for six weeks in order to give the State Department an opportunity, as the Secretary had not been there a very long time, to reorganize his matters as well as he could, and we did everything as far as we could to meet his views. When all these matters were before us and were urgently presented we felt that now on the sundry civil bill, after having waited that long, and having the organization made as nearly perfect as we could at the time, the Secretary of State ought to wait until December.

I agree with the Senator from Kansas that if this is put in the bill we shall have to go into a great many other cases; I think it is a good time to stop now.

Mr. WINDOM. This is offered in harmony with what has already been done by Congress in the consolidation of like posts at Constantinople, Vienna, and Rome. The committee agreed to those propositions, and there is no more important one than this, which, as I have shown to the Senate, has already under it forty-eight consular posts. I hold in my hand a paper prepared in the State Department urging it, and giving the reasons why it should be done. I will not take time to read it because I know the Senate is anxious to complete the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota, [Mr. WINDOM.]

Mr. WINDOM. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 28; as follows:

YEAS—28.

| | | | |
|-----------------|--------------------|-----------------|-----------|
| Anthony, | Davis of Illinois, | Logan, | Rollins, |
| Blair, | Ferry, | McMillan, | Saunders, |
| Brown, | Harrison, | Mahone, | Sewell, |
| Call, | Hawley, | Miller of Cal., | Sherman, |
| Camden, | Hoar, | Morgan, | Van Wyck, |
| Cameron of Pa., | Jones of Florida, | Morrill, | Vest, |
| Conger, | Lapham, | Pendleton, | Windom. |

NAYS—28.

| | | | |
|------------------|----------|----------|------------|
| Allison, | Farley, | Jackson, | Ransom, |
| Beck, | Frye, | Jonas, | Saulsbury, |
| Cameron of Wis., | Groome, | McDill, | Sawyer, |
| Chilcott, | Hale, | Maxey, | Slater, |
| Cockrell, | Hampton, | Platt, | Voorhees, |
| Coke, | Harris, | Plumb, | Walker, |
| Davis of W. Va., | Ingalls, | Pugh, | Williams. |

ABSENT—20.

| | | | |
|----------|----------|-------------------|------------------|
| Aldrich, | Fair, | Hill of Colorado, | Lamar, |
| Bayard, | Garland, | Hill of Georgia, | McPherson, |
| Butler, | George, | Johnston, | Miller of N. Y., |
| Dawes, | Gorman, | Jones of Nevada, | Mitchell, |
| Edmunds, | Grover, | Kellogg, | Vance. |

So the amendment was rejected.

Mr. WINDOM. I offer the following amendment, to come in after line 3172:

For salary of the United States minister resident and consul-general to Siam \$5,000, in lieu of the salary of the consul-general at that place appropriated for in the consular and diplomatic appropriation bill.

I only have to say that that officer has been appointed, and this is a moderate salary.

Mr. ALLISON. I raise the point of order, if it is possible to make a point on that.

Mr. WINDOM. On what ground?

Mr. VOORHEES. I hope no objection will be made to that. I think it is right.

Mr. ALLISON. It increases the appropriation.

Mr. WINDOM. That does not make a point of order. A great many amendments increase the appropriations. If that was a violation of the rule we have been violating it pretty badly all day.

The PRESIDING OFFICER. Was this amendment offered in the Senate and referred to the Committee on Appropriations?

Mr. WINDOM. That point has not been raised.

The PRESIDING OFFICER. The Chair understood that a point of order was raised. Will the Senator from Iowa state his point of order?

Mr. ALLISON. I do not raise that point, because I think it was referred to the Committee on Appropriations.

Mr. WINDOM. I thought so.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota, [Mr. WINDOM.]

The question being put, there were on a division—ayes 26, noes 21.

Mr. ALLISON called for the yeas and nays, and they were ordered.

Mr. MORGAN. I desire to say that we have just established this mission at Siam, where we are likely to have a very important trade. There are eight million people under that government, and the commercial advantages to our country from that section of the world are likely to be very important. Our Government would not have thought of sending a minister to that country unless there had been some very important reasons at the back of it. It is scarcely respectable for us to send a minister abroad without something of a

minister's salary. He ought at least to have the lowest salary paid to any other man who fills such a position under the United States. The Committee on Foreign Relations have looked into this subject carefully, and they have come to the conclusion that it was a wise measure of administration to establish this mission in Siam. If the Senate think they have done wrong about this matter they ought not to have confirmed the gentleman appointed; they ought to have said to Mr. Halderman, "We do not wish your services in that capacity; a consul-general is all the officer we need there." But while we have a mission there I cannot understand why we should discriminate against him among all the men of his class serving the United States. I look forward to the establishment of this mission to Siam with a great deal of confidence as to its commercial success in the future.

Mr. BECK. This is one of the cases to which I referred, and as far as I know it is as meritorious as any of them. I do not know many of the gentlemen applying for these appropriations, but I do know this man, and if there is a man in the service whom I would desire to serve I do not know one whom I would go so far to serve as I would Mr. Halderman. But if we begin this now that the regular diplomatic bill has passed, there will be no end of the amendments that we shall be required to make.

Mr. MORGAN. This is the only case of the kind. We have no other ministers confirmed by the Senate at this session and none who is not included in the laws heretofore passed. This is an exceptional case. The gentleman is about to sail. He goes to a very far distant nation; his expenses are going to be heavy; and it is due to the dignity of this country when we send a minister abroad that we should not send him with the salary of a consul-general.

Mr. WINDOM. He was appointed and confirmed, I think, subsequent to the passage of the consular and diplomatic appropriation bill.

The question being taken by yeas and nays, resulted—yeas 35, nays 22; as follows:

YEAS—35.

| | | | |
|-----------------|-------------------|------------------|-----------|
| Aldrich, | Ferry, | Mahone, | Sawyer, |
| Anthony, | Gorman, | Maxey, | Sewell, |
| Blair, | Groome, | Miller of Cal., | Sherman, |
| Brown, | Harrison, | Miller of N. Y., | Van Wyck, |
| Butler, | Hawley, | Morgan, | Vest, |
| Call, | Hoar, | Morrill, | Voorhees, |
| Cameron of Pa., | Jonas, | Pendleton, | Williams, |
| Coke, | Jones of Florida, | Platt, | Windom. |
| Conger, | Lapham, | Rollins, | |

NAYS—22.

| | | | |
|--------------------|----------|------------------|------------|
| Allison, | Farley, | Ingalls, | Saulsbury, |
| Beck, | Frye, | Jackson, | Saunders, |
| Camden, | George, | Jones of Nevada, | Slater, |
| Cameron of Wis., | Hale, | Logan, | Walker. |
| Chilcott, | Hampton, | McDill, | |
| Davis of Illinois, | Harris, | Pugh, | |

ABSENT—19.

| | | | |
|------------------|-------------------|------------|-----------|
| Bayard, | Fair, | Johnston, | Mitchell, |
| Cockrell, | Garland, | Kellogg, | Plumb, |
| Davis of W. Va., | Grover, | Lamar, | Ransom, |
| Dawes, | Hill of Colorado, | McMillan, | Vance. |
| Edmunds, | Hill of Georgia, | McPherson, | |

So the amendment was agreed to.

Mr. MORRILL. I offer the following amendment to come in on page 69, after line 1676:

That the sum of \$200,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purchase of a site near the War Department and erection thereon of a brick and metal fire-proof building, to be used for the safe-keeping of records of the executive and legislative and judicial departments not required in the present executive or legislative or judicial offices for constant reference, as recommended by the Secretary of War in his annual reports of 1879 and 1880; said building to be erected under the supervision and direction of General M. C. Meigs, lately Quartermaster-General, according to the plans heretofore prepared by him and submitted in his annual reports of the Quartermaster's Department.

I will say that this amendment was unanimously reported from the Committee on Public Buildings and Grounds, and referred to the Committee on Appropriations. I may also add that it is the language precisely of a bill already passed almost unanimously by the Senate and which is now pending in the House, and recommended there by the Committee on Public Buildings and Grounds, and will be acted on if they can get the floor to report the bill. There is a great necessity for this, and it has been thoroughly considered. There is a vast amount of these records, and they are invaluable, and if they were destroyed as they are constantly exposed to fire, their destruction would inflict a loss upon the Government that would be utterly irreparable.

Mr. LOGAN. I should like to ask of the Senator why does he put in the amendment "ground near the War Department?"

Mr. MORRILL. Because there is a spot there that can be had at a very low price.

Mr. LOGAN. There is a spot right adjoining the Freedman's Bank building where the Attorney-General's Office is, large enough for a very good-sized building. That belongs to the Government, and it is unoccupied except by small buildings and shanties. It is one of the most desirable places in the city and one that the Committee on Appropriations had under consideration for this very proposition; but inasmuch as we had provided for a building for the Pension Office, we concluded to let this go over. Why not locate it on that piece of ground?

Mr. MORRILL. I will say to the Senator from Illinois that that is required for another purpose, and besides the spot is not nearly large enough for the object named in this amendment. The building has to be one occupying a very large space and to be built in the very cheapest and most economical manner, one story high. The plans have been submitted and have been before the Senate heretofore, and I think a bill for this purpose has passed the Senate twice before.

Mr. LOGAN. One story high for the purpose of holding records?

Mr. MORRILL. Certainly, one story high.

Mr. LOGAN. Then I object to it if that is the plan it is to be built on. I raise the point of order.

Mr. MORRILL. You cannot raise the point of order because the amendment is legitimately before the Senate.

Mr. LOGAN. I object to it if it is going to be built on any such plan as a one-story building for the purpose of holding records. There is plenty of ground vacant adjacent to the Freedman's Bank building on which to put a building four or five stories high that will hold all the records which are not in use now and which should be put away for safe keeping, right next to the building commonly called the Freedman's Bank building. There is plenty of ground there, plenty of space on which to erect a building large enough to hold all these surplus records.

Mr. MORRILL. The Senator is mistaken.

Mr. LOGAN. No, I am not mistaken; I have gone and looked at it.

Mr. DAWES, of West Virginia. Suppose we strike out the provision as to the location, and leave the location to the parties who are to erect the building.

Mr. MORRILL. I have no objection to that.

Mr. DAWES. If there is danger of locating it on the ground suggested by the Senator from Illinois, I think that ought to be precluded.

Mr. LOGAN. Why?

Mr. DAWES. That ought to be reserved for a building for the overflow of the Departments in that vicinity. Each one of them today is overcrowded; and that location should not be occupied for filing away papers.

Mr. LOGAN. What is the difference?

Mr. DAWES. There is the question of convenience.

Mr. LOGAN. I know the Senator is on the committee, and I suppose he was there when this question was discussed, and it was only postponed for the reason that we had provided for another building already, and that building certainly, according to its dimensions, would provide for the overflow from these Departments. If you cannot erect a building on this ground, as the Senator says, that will provide for the overflow of the Departments, as far as clerks are concerned, certainly you can erect a building there that will hold all the records that are necessary to be stored away.

Mr. DAWES. Where the Freedman's Bank is?

Mr. LOGAN. Yes, sir. Does the Senator know how large that lot is?

Mr. DAWES. One hundred and sixty feet on one side and one hundred and forty on the other.

Mr. LOGAN. That would hold quite a large building.

Mr. DAWES. The site of the sandstone building is included in the dimensions I stated.

Mr. LOGAN. Certainly.

Mr. DAWES. That is one of the most desirable places in the city for a building for the accommodation of the working force of the Treasury and of the other Departments, and it would seem to me to be very bad policy to use that site for a building for filing away papers.

Mr. LOGAN. What are you going to use it for?

Mr. DAWES. To put up a building that will cover the whole of the space, five or six stories high, and let us hear no more about taking off the force of the Pension Bureau up into the attic of the State Department, where it is so hot to-day that a person cannot stay.

Mr. LOGAN. I only desire to say that it does not seem to be possible to select any location that belongs to the Government that will be agreeable. Property that belongs to the Government is never agreeable to put buildings on, but property that does not belong to the Government must always be selected.

Mr. DAWES. There are reservations right on Seventh street and Eighth street, reservations down where the talk was of putting the building spoken of yesterday, and all over this city that do not compare with the reservations to which the Senator alludes for the convenience of the Departments.

Mr. LOGAN. But the amendment does not provide for that. It provides for its being near the War Department where we do not own property.

Mr. DAWES. I do not agree with the amendment in that respect; I agree with the Senator from Illinois that it should be put on a Government reservation; but as between the ground we purchased this session of the Freedman's Bank and a Government reservation, I do not think the Senator when he comes to think of it will insist on his suggestion.

Mr. LOGAN. I only mentioned that as property belonging to the Government and a desirable site for a building.

Mr. DAWES. So I understood.

Mr. LOGAN. My object is if I can—but I do not suppose I can—

to get these public buildings hereafter put on ground that belongs to the Government, and not to be purchasing ground all around for speculative purposes, as has been done heretofore.

Mr. DAWES. I will do what I can to help the Senator in that respect.

Mr. LOGAN. I say now that if the Senator from Vermont will strike out the provision to which I have alluded, so that Government ground may be selected, it will certainly be more acceptable, and then I would strike out the provision in reference to the building being one story high, because I think it would be perfectly absurd to build a house one story high in Washington City for any purpose.

Mr. BECK. I understand the Senator from Vermont accepts the suggestion made by the Senator from West Virginia not to locate this building upon any particular piece of ground.

Mr. MORRILL. I have no objection to striking out that part of the amendment.

Mr. BECK. I hope the Senator from Illinois will not insist on the particular place named by him being selected.

Mr. LOGAN. I shall not; I merely suggested that to the Senator because that site belongs to the Government. I do not care where the building is placed so that it is on Government property. My object is to prevent the Government having to purchase ground all the time when it has acres of ground around here desirable for building purposes.

Mr. BECK. I believe the Senator from Illinois was present when a suggestion was made to the Committee on Appropriations, which I will state. The present State Department is an enormous building, and the rooms are enormously large; it cost us some \$4,000,000. The suggestion has been made, I do not know whether it meets the approval of the State Department exactly, that a building could be erected adjoining the Freedman's Bank on our own ground that perhaps would not cost over \$400,000, with rooms so accommodated as to make a State Department building that would be absolutely satisfactory to the Department itself, adjoining the Department of Justice. Then all that south front of the State, War, and Navy building, in which perhaps there is only one clerk in a large room where eight or ten could be placed, could be occupied by the War and Navy Departments and the different bureaus of those Departments. I think that is a suggestion which is worth considering. Therefore I did not want anything that would take that ground for any other purpose.

Then it was further suggested that perhaps the present Post-Office Department could stand the addition of another story or two, and thus we should get an immense accommodation there.

In other words, in looking over the ground to see how we could get clear of \$186,000 rents we are paying, I thought at least, and I think others of the committee agreed—I am not sure that the Senator from Illinois was present when the discussion was going on—

Mr. LOGAN. I was present.

Mr. BECK. We deemed it advisable to leave these questions open to see what was best and how we could best utilize our own property. I know there are rooms in the State Department with only one clerk where perhaps eight or ten clerks of the War Department could be properly accommodated. I understand that many of the rooms are not considered as properly adapted to the State Department. If a cheap building could be put on the Freedman's Bank ground to accommodate the State Department, I did not want that precluded by an appropriation of that ground for any other purpose.

Mr. LOGAN. I went with the chairman of the committee at his invitation and examined these grounds; we went around by the open grounds belonging to the Government, drove all around and examined them, and examined the ground at the Freedman's Bank, and found quite a number of places belonging to the Government that struck us as being entirely eligible for building purposes, without the purchase of a foot of ground by the Government of the United States. As I said, that was the objection I had to this amendment, and if the Senator from Vermont will strike out that portion of it providing for the purchase of ground, and strike out that portion in reference to the character of the building, that it shall be one story high—

Mr. MORRILL. There is nothing about that in the amendment.

Mr. LOGAN. But it refers to a plan, and you say that plan is one-story high, so that if the law is to make it according to that plan, of course it will be but one-story high. The gentleman mentioned is certainly very competent and capable of making a building that would be satisfactory to everybody, but the idea of having a building one-story high for stowing records seems to me absurd.

Mr. MORRILL. If the Senator had seen the plan he would not object to it, for it is a fine plan for holding a vast amount of documents, and at a very cheap and economical rate.

Mr. ALLISON. I should like to ask the Senator from Vermont, in reference to this amendment, what character of records it is proposed to put in this building.

Mr. MORRILL. The amendment proposed specifies the character of the documents. I have not all the papers here. When the separate bill passed it was in the care of the Senator from Missouri, [Mr. VEST,] and the papers were placed in his hands.

Mr. VEST. I can answer any question of the Senator from Iowa.

In the first place, this bill originated in a recommendation made by General Meigs at the time he occupied the position of the Quartermaster-General.

Mr. MORRILL. And indorsed by the Secretary of War.

Mr. ALLISON. I understand all about that. We passed it twice, I think.

Mr. VEST. An amendment was put on the bill providing for the papers of the Quartermaster-General's Department, that building having been on fire three times, and there was great danger of the destruction of those valuable papers. Then it was found that all the old portion of the Capitol was filled with old papers of every description, and the Architect of the Capitol informed us that in the event of a fire the heat would tear off the roof though it might not injure the walls; the steam engendered by fire would throw off the roof, and there was actually no place to put the accumulation of legislative papers and papers connected with the Supreme Court room. The bill was amended so as to provide a place of deposit for legislative and judicial papers, so that now the intention is to provide a place of deposit, fire-proof, for the papers of all the Departments, and particularly the War Department, and all these legislative and judicial papers.

If the Senator from Illinois will permit me to answer an objection of his in regard to the form of this building, I will say that that matter was considered very elaborately and earnestly by the Committee on Public Buildings and Grounds; and this plan, I undertake to say, although I do not profess to be an expert in regard to this sort of architecture or construction, is far the best that can be suggested. It gives more room; it gives absolute safety; it has been passed upon by all parties who have been particularly interested or who have any knowledge on the subject; and I undertake to say that there can be no sort of objection, after an examination, to the plan that was submitted to us by General Meigs.

Mr. LOGAN. Why not strike that out and let any plan be adopted that the persons named select?

Mr. ALLISON. I do not think any building such as is proposed here will hold the records of this Government for any great length of time. If we are to have a one-story building, I think we had better proceed to purchase ground in order to put all the records of the several Departments of the Government into that building. The Treasury Department itself has all its records from the beginning of the Government; so of the War Department; and if all these records are to be put into a single building, it will require a very large one.

I am thoroughly in favor of erecting this building. We have passed a bill for it twice or three times in the Senate, but I had supposed it was to be a much larger and more commodious building than that suggested by the Senator from Vermont.

Mr. MORRILL. The Senator will find it to be large enough.

Mr. LOGAN. Before the amendment is agreed to I see that it has been modified and words are stricken out, and the very words that are objectionable are left. On line 3 of the amendment I move to strike out the words "for the purchase of a site."

Mr. MORRILL. I hope that will not be done. I understand that negotiations have been entered into so far as to ascertain that the ground can be obtained for a very small price, and it does not increase the cost. It is limited to \$200,000 to erect a building and obtain the site.

Mr. LOGAN. How much will the ground cost?

Mr. MORRILL. I do not know.

Mr. LOGAN. I will state that the estimate which was made for the purchase of ground by the War Department was \$59,000, and as I said it is very strange, when the Government has plenty of ground here which is eligible for building, that every appropriation that is made must have a provision in it for the purchase of a site. I object to that. I do not believe in making these arrangements beforehand about purchasing somebody's property, and then getting a bill through to pay him an extravagant price for it. It has been already estimated, no contract made, but an arrangement made for the purchase of this property for \$59,000, as stated before our committee, and we objected to it, and proposed to put the structure on ground that belonged to the Government. If you have not ground belonging to the Government purchase it; but if you have the ground I should like to know why it is that Congress must always insist upon buying somebody's property here when we have plenty of our own? I move to strike out those three words.

Mr. MORRILL. I hope that will not be done. It will take a large piece of ground for the erection of this building. A bill in the same form passed the Senate twice. Although we have not the plans here to-day, they were exhibited before, and they were entirely satisfactory so far as we know.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois [Mr. LOGAN] to the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. MORRILL. That will kill the proposition.

The amendment to the amendment was agreed to; there being on a division—ayes 32, noes 20.

Mr. MORRILL. I do not care to have the provision put in now, and if I am at liberty I withdraw it, for this amendment will effectually kill the proposition.

Mr. LOGAN. I notice that everything is killed unless you can buy something.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BUTLER. I offer the following amendment, to come in after line 1574 on page 65:

For establishing a coaling-dock and naval storehouse at Port Royal Harbor, South Carolina, \$30,000, the site for said coaling-dock and naval storehouse to be located by a board of naval officers appointed by the Secretary of the Navy for that purpose.

I simply desire to say in connection with that—

Mr. ALLISON. I make the point of order on that amendment.

Mr. BUTLER. I should like to be heard on that. I do not see how the Senator can make the point of order. The amendment has been recommended by a committee of this body, the Committee on Naval Affairs; recommended by Captain Jouett, commander of the Wyoming at Port Royal Harbor; by Commodore English, the Chief of the Bureau of Equipment and Recruiting; by the Secretary of the Navy, and regularly referred to the Committee on Appropriations. I have the letters if the Senator desires to have them read. I simply make that statement to show that it is not liable to the point of order.

The PRESIDING OFFICER. Will the Senator from Iowa state his point of order?

Mr. ALLISON. I did not know that this was a report from the Naval Committee. I thought it was referred to the Committee on Appropriations on the motion of the Senator himself.

Mr. HOAR. Let the amendment be read again.

The PRESIDING OFFICER. The amendment will be read.

The Acting Secretary read the amendment.

Mr. PLUMB. I suggest to the Senator from South Carolina to put in "for completing" the dock, so that we may know that this is not beginning a work to grow to large proportions.

Mr. BUTLER. I have no objection.

Mr. ALLISON. I should like to ask the Senator under what existing law this appropriation is being made. It seems to me there is no existing law which authorizes such an appropriation. You might as well establish a new navy-yard, it seems to me, as to establish a coaling station.

Mr. BUTLER. I introduced the amendment to the naval appropriation bill in order to get it on that bill. The Senator from Maine [Mr. HALE] advised me that the sundry civil bill was the proper bill for appropriations of that kind. So I introduced the amendment to this bill, and it was referred to the Committee on Appropriations in connection with this bill.

Mr. HALE. Undoubtedly the sundry civil bill is the bill that this should go on, but subject to the rules of the Senate. No proposition in reference to the establishment of new stations or new yards ever goes on to the naval appropriation bill. Those items always go on to the sundry civil bill, but you cannot get them on to the sundry civil bill unless under the rules of the Senate. You cannot establish a new coaling station and buy land unless you have a law for it.

Mr. BUTLER. I do not propose to buy any land. The Government owns the land. I will read the letters of Captain Jonett, Commodore English, and the Secretary of the Navy if the Senate desires to hear them.

NAVAL STATION, BEAUFORT, SOUTH CAROLINA.
U. S. S. WYOMING, (THIRD RATE.)
April 7, 1882.

SIR: I have the honor, as commandant of this station, to submit for the consideration of the Department the following remarks upon the advisability and necessity of establishing at this important port a permanent storehouse and coal depot.

I take it for granted the Department is acquainted with the natural advantages of this port as regards ease of access, exceptional depth of water over the bar and roomy anchorage inside, which necessarily makes it an important place as a naval rendezvous.

The medical records on this station for several years past, as well as during the war, when the Government had located here large hospitals for the care of wounded, show a very healthy climate, with freedom from epidemic diseases of all kinds, and thus renders possible a concentration of the forces on the North Atlantic station at any time of the year, should an emergency arise.

Work of all kinds can be done out of doors all the year around, and ships can refit here whenever they may arrive without the usual delay incidental to the more northern ports and their inclement climates. All kinds of exercises may be had, such as with great guns, small-arm ranges ashore, boat-sailing, in short all that the regulations require. With these facts in view, I am of opinion it would redound greatly to the interest of the naval service and our Government that a permanent depot of supplies be kept here, such a one as would be capable of meeting the ordinary needs of the North Atlantic squadron, and possibly the training squadron in winter, should it be sent cruising south.

The storeship now here, the Pawnee, has been in southern climates without any material repair for over twelve years. Her hull is very rotten, the copper is off her bottom in large spaces, and the destructive worm has seriously endangered her safety as a place of deposit for Government property.

That the copper is off her bottom I know, as last year a diver was sent down to examine, and so reported to me. No one can tell the ravages the worms may have made since that examination, and, in my opinion, the Government property now on board is seriously endangered. The value of this property, outside the nominal value of the vessel, is about from ten to fifteen thousand dollars.

The expense of keeping a crew of ten men and an officer in charge and other incidental repairs and cost is by no means an inconsiderable amount, exceeding \$5,000 per annum. The ship itself is beyond repair, and now that the Department seems desirous of disposing of old material on hand she would be in all probability classed under that head and sold.

When we consider the risk to which the Government property now on board the Pawnee is exposed by reason of the unsoundness of the vessel, the natural deterioration from dampness aboard ship, and the cost of maintaining the ship's company, I can but say that it would be very much to the interest of the Government that a storehouse be built on shore, nearly where the Pawnee now lies, that would contain such a supply of coal, provisions, and equipments as the Department might deem advisable.

I am possessed of the knowledge that the Government could buy the land suitably

ble as a site for a storehouse and other minor naval purposes for a reasonable, I might say nominal, price.

This land has a fine beach, suitable for building a coaling-dock, extending from shore or coal house to deep water.

The chart shows twenty-four feet at low water within two hundred and fifty feet of the beach.

From discreet inquiries as to the cost of building the kind of dock that would be needed, and the estimate made by the carpenter of this vessel for a suitable storehouse, about \$12,000 would buy the land, build the dock, and construct the storehouse. Considering the present risk of our stores and cost of taking care of them, it appears the cost of building a substantial dock and storehouse would be covered in two years.

After that the expense would be trifling and the property safe. The storehouse considered above would contain 2,000 tons of coal and provisions for the present North Atlantic squadron for one year.

I have weighed the matter carefully during nearly two years I have had command of this station and have reached the conclusion pointed out in these remarks, and deem it my duty to lay them before the Department, that the Government may take advantage of that in time of peace which would prove of inestimable value in time of war.

I am, sir, very respectfully, your obedient servant,

JAS. E. JOUETT,

Captain, U. S. Navy, Comd'g Naval Station, Beaufort, S. C.

Hon. WILLIAM H. HUNT,

Secretary of the Navy, Navy Department, Washington, D. C.

Then there is a letter from Commodore English, Chief of the Bureau of Equipment and Recruiting, and finally a letter from the Secretary of the Navy, which are as follows:

NAVY DEPARTMENT,
BUREAU OF EQUIPMENT AND RECRUITING,
Washington, May 22, 1882.

SIR: In accordance with instructions as per indorsement on letter of Hon. J. D. CAMERON of the 12th instant, I have the honor to state that during the months of January, February, March, and April, 1876, I was senior officer present at Port Royal, South Carolina. At that time there were about twelve cruising ships and a number of the monitor class of vessels anchored there.

I was thoroughly convinced at that time of the importance to the Government of securing a spot in those waters for a permanent naval station. In case of a foreign war, or any extensive disturbances that might arise among the West India Islands, in which this Government might become involved, its advantages would render it of inestimable value.

There is no place on the Atlantic coast south of the Chesapeake possessing the same advantages—abundance of water for the heaviest draught of vessels, easy of access and egress, sufficiently far inland not to be assailed, and easily protected by land batteries.

I would therefore suggest and recommend that a site for a grand naval station be secured at the earliest possible moment; and in my judgment the best site for a permanent station upon the waters of Port Royal Bay is on Broad River, near the lower end of Port Royal Island. There is a stretch at that spot of over a mile frontage, with never less than thirty feet of water, with good holding ground, &c.

For present naval purposes, however, (and what is likely to be required by the present generation,) the site on Saint Helena Island, near the mouth of Beaufort River and abreast the naval anchorage since 1875, will afford every facility. I believe it is one of the reservations and belongs to the Government, unless recently sold.

At this spot a wharf could be constructed, a storehouse for coal and other stores, and a moderate-sized machine shop built for a small amount.

The old U. S. S. Pawnee, which has been used for a coal hulk, &c., cannot last much longer, and to replace her with another vessel would require a much larger expenditure than to construct on shore a building sufficient to supply all immediate wants. In a sanitary point of view the position is all that can be desired. I would therefore suggest that the site be taken possession of, and recommend that the appropriation be made for the above purposes.

I inclose a chart showing the sites referred to.

I have the honor to be, very respectfully, your obedient servant,

EARL ENGLISH,

Chief of Bureau.

Hon. W. E. CHANDLER,

Secretary of the Navy.

NAVY DEPARTMENT,
Washington, June 3, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of May 12, inclosing a copy of Senate bill 1789, appropriating \$30,000 for a warehouse and coal-dock at Port Royal, South Carolina. In reply, I inclose, as desired, the report on the same subject made by a board of naval officers, of which Admiral Porter was chairman; also copies of a report dated April 7, 1882, of Captain James E. Jouett, commanding the naval station at Beaufort; and of two communications dated May 22, 1882, and June 2, 1882, from the Chief of the Bureau of Equipment and Recruiting.

Inasmuch as the United States undoubtedly now owns the necessary land, I have to advise that no appropriation be made for the purchase of land, but that the sum of \$30,000 should be appropriated for the construction of a storehouse, machine-shop, and coal-dock on the reservation located on Saint Helena Island, as recommended by the Bureau of Equipment and Recruiting.

Very respectfully, your obedient servant,

WM. E. CHANDLER,

Secretary of the Navy.

Hon. J. D. CAMERON,

Committee on Naval Affairs, Senate.

The PRESIDING OFFICER. This appropriation having been estimated for by the head of an Executive Department, and the amendment having been presented in the Senate and referred to the Committee on Appropriations, the Chair holds the amendment to be in order, and the question is, Will the Senate agree to the same?

The amendment was agreed to.

Mr. LOGAN. I offer, to come in after line 242, on page 11, the following amendment:

To enable the Secretary of the Treasury to purchase the ground adjoining the United States court-house and post-office at Springfield, Illinois, between Sixth, Monroe, and Seventh streets, and an alley in the middle of the block on which the said building stands, the sum of \$26,000. The Secretary of the Treasury is authorized to cause the building now on said ground to be sold and removed; and the proceeds used for enclosing the said ground, and he may expend \$1,000 in addition to such proceeds, if necessary, to properly inclose and improve said grounds.

Mr. ALLISON. I raise the point of order.

Mr. LOGAN. Right across the alley from the post-office is a large

livery stable and barn, with combustible material that endangers the post-office building, and under the provision for "the repair and preservation of public buildings" it seems to me this would be an appropriate amendment. It has been examined, and I have the maps here to show the facts as stated. There is no doubt but what the Government at some time will have to purchase this property for the purpose of preserving and protecting the building as it now exists which belongs to the Government. Anybody who will take the photograph before me and look at the map will say that there is a necessity for the purchase of this ground for the purpose of removing the stables and outbuildings adjacent to them. Any person who will examine the map will see the necessity of this provision.

Of course I know it is subject to the point of order, but I supposed no point of order would be raised on this from the fact that it is an absolute necessity that the Government should have this property and the alley there, so that it can remove this combustible material there which is so close to the building as to make it liable to fire.

Mr. ALLISON. Wait until next winter. I raise the point of order.

Mr. WILLIAMS. I think the amendment is very proper. It is for the Springfield building. I know about it.

The PRESIDING OFFICER. Is the question of order raised on the amendment?

Mr. ALLISON. Yes, sir.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. JONES, of Florida. I desire the attention of the Committee on Appropriations to the Book of Estimates. I brought to the attention of the Appropriations Committee an amendment which I framed in accordance with the recommendation of the Government respecting the Pensacola navy-yard. I will now leave out everything but what relates to the dry-dock recently constructed. This is no new station. The Government, at the recommendation of those at the head of the Navy Department, has expended over \$400,000 on a dry-dock for the Gulf of Mexico. Four sections are now there. The two last were taken down within the last month from the yard of Mr. Roach, having been completed there.

They have been under contract since 1872; those sections have cost the Government over \$400,000; and unless you decide to throw that money away and leave them in an utter state of inefficiency, the money must be appropriated. According to the estimates of the Department it requires \$60,000 to make effectual what has already been expended on this work. The committee have given \$300,000 for the purpose of partially completing the dry-dock on the Pacific. This \$60,000 is to finish and make complete the dock in the Gulf of Mexico at the only place where it is possible to have one. In their present condition, of course the sections of it are useless; they will not float a Government ship; but with the expenditure of this sum of money they will at all times be in readiness to raise a ship of war that may be needed to be raised in that locality.

The Department has recommended it, and I have left out all the items of recommendation except that, because of the necessity of it.

Mr. ALLISON. I make the point of order on the amendment.

Mr. JONES, of Florida. It has been recommended.

The PRESIDING OFFICER. No amendment has been offered, so far as the Chair is advised.

Mr. JONES, of Florida. Here is the amendment. I send it to the desk.

The PRESIDING OFFICER. The amendment will be read.

Mr. JONES, of Florida. To come in on page 64, after line 1551.

The ACTING SECRETARY. After line 1551 it is proposed to insert:

For completing four sections of dry-dock at Pensacola navy-yard, \$60,000.

Mr. JONES, of Florida. It is estimated for, and I sent the amendment to the Committee on Appropriations in accordance with the rule. The estimate for \$200,000 included other things, but realizing this as a matter of first consequence I have only included it.

Mr. ALLISON. I desire to call the attention of the Senate to the fact that this is the first of a series of amendments which will take two or three million dollars out of the Treasury. In the naval bill we have suggested the idea of getting rid of some of the navy-yards. I hope it will not fall to the lot of my friend to lose his.

Mr. JONES, of Florida. It is not mine; it is the country's.

Mr. ALLISON. I have no doubt it is a valuable navy-yard in the Gulf of Mexico; but to put on this amendment in reference to the Pensacola navy-yard right in the face of the fact that we have selected a commission in the naval bill whose duty it shall be to examine all the navy-yards with a view to the vacation of a portion of them and closing them up, it seems to me, would be very bad policy indeed.

As to this dry-dock, I feel quite certain that \$400,000 or half a million dollars would not complete it so as to make it useful for the docking of ships.

Mr. JONES, of Florida. The Senator is entirely mistaken in that or every scientific calculation utterly fails. The four sections were contracted for in accordance with the recommendation of the head of the Department, Mr. ROBESON, who was then in charge; they were built at Chester and towed out there, corresponding a good deal to the British dock at Bermuda. The British have one at Bermuda, the Spaniards one at Havana, and there is not one place from the

Rio Grande to the Chesapeake where one of our ships can be raised in case of necessity, and it is that which gave use to this dock. If any one of our men of war were crippled in the Gulf of Mexico the vessel might be lost and millions gone for the want of a place to raise her. There has been \$450,000 spent on this dock, and this will complete it. That is the estimate of the Department.

Now, with reference to the abandonment of the navy-yard I do not think it was ever seriously contemplated by anybody to abandon that yard for repairing purposes. Six millions of money have been expended at it under the authority of the Government on the suggestion of the wisest and most patriotic men of the country.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida, [Mr. JONES.]

Mr. JONES, of Florida, called for the yeas and nays; and they were ordered.

Mr. MORGAN. It seems to me that we are exposing the commerce of the Gulf very much by reducing this appropriation to be added to the \$400,000 already expended. This dry-dock when completed will be very useful to the commercial marine of the Gulf of Mexico, to all the ships that go there. There is no other place on that coast where a large ship can be repaired. The Government has gone to all this expense, and, as the Senator from Florida states, after the most scientific investigation has made a dock and towed it around from Mr. Roach's works, the last of the sections arriving within a few days past. The object of this appropriation is merely to make that efficient. Sixty thousand dollars is estimated for to make it efficient.

I think we ought not to stop. Whether we are to have a navy-yard there for the repair of Government vessels or not, the Government having expended this amount of money, the commercial marine of the country requires that we shall have some place for the repair of ships that get into distress. We now have to go to Cuba or Bermuda to get a large ship docked for the purpose of making any repairs that a dock is necessary for. I hope the Senate will adopt the amendment. It is wise economy.

The question being taken by yeas and nays, resulted—yeas 35, nays 21; as follows:

YEAS—35.

| | | | |
|--------------------|-------------------|------------|-----------|
| Bayard, | Farley, | Lapham, | Saunders, |
| Beck, | George, | Mahone, | Sewell, |
| Blair, | Groome, | Maxey, | Slater, |
| Brown, | Hampton, | Morgan, | Van Wyck, |
| Butler, | Harris, | Pendleton, | Vest, |
| Call, | Ingalls, | Pugh, | Voorhees, |
| Cameron of Pa., | Jackson, | Ransom, | Walker, |
| Coke, | Jonas, | Rollins, | Williams, |
| Davis of Illinois, | Jones of Florida, | Saulsbury, | |

NAYS—21.

| | | | |
|------------------|-----------|------------------|----------|
| Aldrich, | Ferry, | Logan, | Plumb, |
| Allison, | Frye, | McDill, | Sawyer, |
| Cameron of Wis., | Hale, | McMillan, | Sherman, |
| Chilcott, | Harrison, | Miller of N. Y., | |
| Conger, | Hawley, | Morrill, | |
| Dawes, | Hoar, | Platt, | |

ABSENT—20.

| | | | |
|------------------|-------------------|------------------|-----------------|
| Anthony, | Fair, | Hill of Georgia, | McPherson, |
| Camden, | Garland, | Johnston, | Miller of Cal., |
| Cockrell, | Gorman, | Jones of Nevada, | Mitchell, |
| Davis of W. Va., | Grover, | Kellogg, | Vance, |
| Edmunds, | Hill of Colorado, | Lamar, | Windom. |

So the amendment was agreed to.

Mr. VANCE. On page 34, at the end of line 806, I offer the following amendment:

To pay to the State of North Carolina the sum of \$42,532.58, said sum being the net proceeds of five hundred and six bales of cotton, the property of said State, erroneously seized by United States Treasury agents and sold in the months of August, 1865, and April, 1866, and said proceeds paid into the Treasury of the United States.

Mr. ALLISON. I think I must make a point of order on that amendment. That, I believe, was property that belonged to the Confederate State of North Carolina. I do not think we ought—

Mr. HOAR. Let us have a vote on it.

Mr. ALLISON. I make the point of order on it.

Mr. VANCE. What is the Senator's point of order?

The PRESIDING OFFICER. Will the Senator from Iowa state his point of order?

Mr. ALLISON. First, that it is not estimated for; secondly, that it does not come from a committee; and there are a good many other reasons that might be stated.

The PRESIDING OFFICER. The Chair will inquire of the Senator from North Carolina if this appropriation is estimated by the head of any Department?

Mr. VANCE. I think that is very doubtful. [Laughter.] When the proceeds of cotton enter the Treasury the maxim *nulla vestigia retrorsum* applies, and there has been no estimate for it; but I would say to the Senator that there is a report from the Secretary of the Treasury acknowledging that that cotton was seized at a date posterior to the time fixed by the act of 1872, and it is in pursuance of section 5 of the act of May 18, 1872, that I have introduced the amendment. That law is in these words:

SEC. 5. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the lawful owners or their legal representatives of all cotton seized after the 30th day of June, 1865, by the agents of the Government unlawfully and in violation of their instructions, the net proceeds, without interest, of the sales of said cotton actually paid into the Treasury of the United States.

In pursuance of that I offer the amendment. I have the report of the Secretary of the Treasury here, setting forth the number of bales and the net proceeds. They were seized in the city of New York after they were shipped by the government of the State of North Carolina with the permission of the military authorities that were then in command.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken.

Mr. VANCE. I appeal from that decision, and I desire to say a word. I do not think it comports with the spirit of fairness for the Committee on Appropriations to fill a bill with amendments that could be objected to on points of order and be ruled out, and after they have secured all their own amendments in that way then to turn upon everybody else and prevent others having the same justice.

This follows an amendment by the Appropriations Committee directing the adjustment and payment to the amount that may be found due to the State of Nebraska for the direct tax that was collected off her, as clearly out of order as this amendment is, and more so far as I am able to see, as it is not in pursuance of any positive law. Yet, after having secured that for the State of Nebraska, the State of North Carolina is not permitted to have the vote of the Senate as to whether she shall be repaid the amount of her property that was seized after the war was closed and after a law had passed forbidding the seizure of any more property. I do not think that that is the spirit of fairness. If it meets the ideas of the Senator and of the Senate, I have nothing more to say.

Mr. ALLISON. Will the Senator allow me to interrupt him long enough to say that the claim of the State of Nebraska provided for in the bill is a regularly audited claim, audited by the accounting officers?

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

The question was decided in the affirmative.

Mr. LAPHAM. I call the attention of the chairman of the committee to line 247. The words "that remains" should be changed to "which remains." This bill was prepared before the end of the fiscal year, and the language is not appropriate to the present condition of things. It should be "which remains."

The PRESIDING OFFICER. That change will be made if there be no objection.

Mr. LAPHAM. I offer the following amendment, to come in after line 756:

Out of which the secretary of the Territory of Utah shall be paid a reasonable sum, to be certified by the president of the commission, for his services as secretary of the commission, as provided by law.

The act of March last creating the commission in regard to Utah provides in the sixth section that "the secretary of the Territory shall be the secretary of the said board and keep the journal of its proceedings and attest the action of said board under this section." There is no provision whatever for any compensation to him for that service, and this clause of the bill which appropriates the sum of \$15,000 for printing, stationery, clerk hire, and rent I propose to amend by adding a provision that the president of the commission may allow to the secretary of the Territory for this service such sum as he shall judge proper. I cannot fix a definite sum, because it is entirely uncertain what amount of time he will spend on what service he will render.

Mr. ALLISON. I think we had better wait until we see what service he does render. I make the point of order on it.

Mr. LAPHAM. I do not think it is subject to a point of order.

The PRESIDING OFFICER. Was the amendment offered in the Senate and referred to the Committee on Appropriations?

Mr. LAPHAM. It was not; but the bill itself makes an appropriation of this sum.

Mr. ALLISON. But there is an existing law which prohibits a man from receiving two salaries.

The PRESIDING OFFICER. The amendment is ruled out.

Mr. LAPHAM. I have still one more amendment. I offer the following amendment, to come in at the end of line 1003:

For officers' quarters and barracks for two companies at Fort Montgomery, Rouse's Point, New York, \$55,010.66.

I ask to have the Secretary read a letter from the Secretary of War upon that subject, which I send to the desk.

The Acting Secretary read as follows:

WAR DEPARTMENT,
Washington City, July 28, 1882.

SIR: Referring to your proposed amendment to the sundry civil appropriation bill, for the purpose of providing an appropriation for officers' quarters and barracks at Fort Montgomery, Rouse's Point, New York, I have the honor to state that I have this day addressed a communication to the chairman of the Senate Committee on Appropriations, inviting attention to letter of my predecessor of February 20, 1880, (House Executive Document No. 45, Forty-sixth Congress, second session,) and renewing the recommendation therein contained, that the sum estimated to be necessary for the construction of said quarters, &c., be appropriated by Congress.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. E. G. LAPHAM, United States Senate.

Mr. ALLISON. I make the point of order on the amendment. It is not estimated for in the Book of Estimates.

Mr. DAVIS, of West Virginia. And was not referred to the committee.

Mr. LAPHAM. The Secretary of War and the General of the Army have both recommended this appropriation. It is an appropriation of a sum of money for the improvement of one of the established posts of the Army now existing. It does not create anything new. It provides for an expenditure for a purpose which has been recommended; and I introduced this amendment and had it referred to the Committee on Appropriations for the purpose of presenting the question for the consideration of the Senate.

There is a Government reservation at the city of Plattsburgh, on Lake Champlain, as well as at Rouse's Point, to which this amendment applies. The object is to concentrate the forces of the Government at Rouse's Point, and to permit the Government reserve at Plattsburgh to be converted into a reservation adjacent to that city for memorial purposes.

I might occupy time in stating the events which are connected with that locality, but it is unnecessary; they are familiar to all. I remember in my boyhood to have read what was said of that locality by the poet and patriot of the day, somewhat in the following language:

Backside of Albany is Lake Champlain,
A little pond half full of water;
Platt-e-burgh there tries his luck upon the main,
While the boat try her luck upon the water.

On Lake Champlain Uncle Sam set a boat;
Massa McDonough he sail 'em,
While General Macomb make Platt-e-burgh his home
With an army whose courage never fail 'em.

It is of this locality and with a view of carrying out the purpose of the people of the vicinity that I ask this appropriation for the purpose of completing upon this very important point on the border of Canada the Government reservation and armory now existing there.

Mr. HAWLEY. The Senator might have added that at Rouse's Point the Government has already expended, I think, something like a million dollars upon fortifications, but there are no barracks there. General Sherman and others interested consider that an important point and intend to have a permanent post at Rouse's Point.

Mr. ALLISON. No barracks there, and no soldiers there. Neither barracks, nor soldiers, nor officers!

The PRESIDING OFFICER. As this amendment was offered in the Senate and regularly referred to the Committee on Appropriations—

Mr. CAMERON, of Wisconsin. I call the attention of the Chair to Rule 27. I anticipated that the Chair was going to rule the amendment in order. I think if the Chair examines Rule 27—

The PRESIDING OFFICER. If the Senator had waited a moment longer the Chair would have so ruled.

Mr. CAMERON, of Wisconsin. That is what I was afraid of.

The PRESIDING OFFICER. Will the Senator read that part of Rule 27?

Mr. CAMERON, of Wisconsin. "Unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate." This, I understand, has not been moved by direction of a standing committee.

Mr. LAPHAM. This is to carry out the provisions of existing law. There is no doubt about that.

Mr. CAMERON, of Wisconsin. I dispute that.

The PRESIDING OFFICER. That is a controverted point. The Chair would like to be advised exactly how the fact is.

Mr. CAMERON, of Wisconsin. Inasmuch as the Senator from New York has the affirmative, he must produce the statute.

Mr. LAPHAM. It is one of the military forts of the Government, established by law, that has been in existence ever since 1812, and an appropriation for the purpose of protecting the interests of the Government there is an appropriation in pursuance of existing law.

The PRESIDING OFFICER. The Chair was in the act of ruling the amendment in order, but after hearing the Senator from Wisconsin the Chair is very decidedly of the other opinion, and will rule the amendment out of order.

Mr. BROWN. I offer the following amendment, to come in at the end of line 275, on page 12:

And the Secretary of the Treasury is also authorized to secure, by private purchase or by condemnation, land on the Savannah River between the city of Savannah and the bar at Tybee for the location of lights under the appropriation of \$60,000 made by the Forty-sixth Congress to light the river from the bar to the city; and said Secretary may use not exceeding \$3,000 of said sum so appropriated to pay for such land and for the location of lights as may be necessary; and said appropriation of \$60,000 shall be used as soon as convenient for the location and construction of said lights.

The Forty-sixth Congress, last May a year ago, made an appropriation of \$60,000 to light the harbor of Savannah and the river from the city down to the bar of Tybee. As it is well known to those who are in the habit of passing in on vessels at that port, vessels of any considerable draught have to go in on the high tides. Vessels very often arrive at the bar in the night tide and could go up if the river were lighted, but as it has not been lighted heretofore they have to lie over twelve hours until the next tide. To meet that emergency this appropriation was made.

There are marshes all along the sides of the river, both on the Carolina and Georgia side. The owners of that marsh land at once put very exorbitant prices on the small pieces of marsh land that would be required for the location of these lights, refused to sell on any terms that could be agreed upon between them and the city or any other authorities there. The portion of the bill just preceding the point where I desire my amendment to come in provides for the purchase or condemnation of land in another State for a similar case.

Now I desire not to appropriate an additional dollar, but to authorize the Government if it cannot by purchase get these locations to take them by condemnation, and use as much as \$3,000 of the \$60,000 appropriation made last May a year ago to pay for these locations for the lights.

I do not propose to increase the appropriation a single dollar, but as the \$60,000 was appropriated to put the lights on the river, and they cannot be put there without the location, I propose to permit the Secretary of the Treasury to use \$3,000 to pay for the land, and if that cannot be purchased at a reasonable rate to condemn the land, and the balance then to be applied to the building of the lights. That is the whole case.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia, [Mr. BROWN.]

The amendment was agreed to.

Mr. HAWLEY. I invite the attention of the Senator in charge of the bill to page 47, concerning the Signal Service. I intimated to him at the time we passed that point that I should make a motion to raise the appropriation provided for on page 47. In line 1141, I move to strike out \$250,000 and insert \$310,000. The committee, I respectfully submit, did not have the whole information before it, and the result of this appropriation as it stands now will really be to very seriously cripple the Signal Service, and I will show why.

This \$60,000 comes out of the \$180,000 for telegraphic service. The impression of the committee was that the Signal Bureau could dispense with one of the reports. I showed briefly at the time that that would be a very grievous injury, it would depreciate very largely from the value of their estimates of probabilities.

The observations of the Signal Service are taken at 7 a. m., at 3 p. m., and at 11 p. m. It was stated that they were taken at seven, two, and then at midnight. That was a mistake. They are taken at seven in the morning, and by half past nine these statements of the barometer and thermometer and humidity are collected, and at 9.30 they are summed up and the indications are made up from those observations. At three other indications are taken at all the points and sent in, and by about five o'clock they are ready. All that 7 a. m. and 3 p. m. compilation is sent southward over the Southern States and also some of it sent North; but the fact is that in many of the Southern States the newspaper offices there, through lack of proper telegraphic facilities, or for some other reason, do not keep open so late and do not get the 11 o'clock p. m. estimates, but they have the afternoon indications.

At eleven at night other indications are taken, and they are gathered in here by about twelve or twelve and a half, and those are the reports that go out to the great morning papers all over the country up to one or half past one. They are collected between twelve and twelve and a half and are ready to start out from here by 1 or 1.30. The telegraph offices are usually open in the larger cities till two or three o'clock in the morning.

The only observations telegraphed at noon are those from the sea-coast telegraph line extending from Sandy Hook to Wilmington, North Carolina, and that is done without expense to the Government; from this special observation indications are not made.

The display and discontinuance of storm signals are based upon all these telegraphic reports, and observations at additional hours may be called for when necessary. Storms may increase or diminish so much in energy within a few hours that the loss of a single daily observation would seriously impair the efficiency of the system of storm warning.

On account of the great amount of telegraphic work of the Signal Service it has been able to make specially favorable contract with the telegraphic companies, and it is very doubtful if the companies would be willing to perform two-thirds of the work for two-thirds of the same pay. That any business man will see is obvious. If you strike off one-third of the money, they are not likely to give you for \$150,000 the service they would if the contract were larger, especially in view of the fact that the telegraphing for the Signal Service is now done at hours when the lines are not crowded with commercial business.

General Hazen, the Chief Signal Officer, sends me this note which I have shown to the chairman of the committee:

OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington, D. C., August 2, 1882.

Gen. J. R. HAWLEY, U. S. S.:

When I informed the Senate appropriations sub-committee that the \$60,000 dropped from my estimates by the House would cause us to discontinue one of the tri-daily meteorological reports received, as the telegraphic work costs just three times that sum, or \$180,000, I was under the impression that that was the extent of the effect it would have on the work of the Signal Bureau. But on closely examining these expenditures I find the tri-daily observations comprise but a little more than half of our telegraphic work, a large sum being paid for information sent out to all the large centers of population, to all the boards of trade and chambers of commerce in the land.

This information is very much sought and ought not to be discontinued. It

must be greatly curtailed, however, and the cotton-belt reports, and frost warnings to tobacco-growers, and the system of flood warnings just begun must be stopped if this sum of \$60,000 is withheld.

I am, respectfully, your obedient servant.

W. B. HAZEN,
Chief Signal-Officer.

The whole service will be greatly crippled by this reduction, which takes away the basis of their estimates. Even if this be put in as estimated for by the Chief Signal-Officer, the total then will be something like \$50,000 less than the appropriation for last year. He has greatly increased the service and its benefits, and yet does not ask for so much by \$25,000 or \$50,000 as he had last year. This taking off \$60,000, two of the best officers connected with that bureau do affirm, will greatly cripple the service. If the thing is to be kept up at all, certainly we ought not to have less than three regular daily observations, besides the occasional twelve o'clock and other special notifications as to floods and storms on the coast.

Mr. DAVIS, of West Virginia. Now that the Senator from Connecticut has finished, I wish to call the attention of the Chair to the five-minute rule. I believe we are proceeding under that rule.

The PRESIDENT *pro tempore*. The five-minute rule will be applied.

Mr. DAVIS, of West Virginia. The Senator from Connecticut I suppose had forgotten it.

The PRESIDENT *pro tempore*. The Chair had forgotten it.

Mr. ALLISON. I do not desire to say more than one word. The Chief of the Signal Bureau seems to state now to the Senator from Connecticut that he misled the committee by a statement made before the sub-committee with reference to these observations.

Mr. HAWLEY. I will not say that he misled the sub-committee; the committee misapprehended him. It will be a more serious injury than he thought it would be.

Mr. ALLISON. We have gone over this matter very carefully, and we believe that this service can be made efficient with the amount of appropriations here made. For that reason, and that only, we have opposed an increase of the appropriation.

Mr. HAWLEY. They positively declare, and it must be obvious to any man, that by taking off one-third of the observations you vastly diminish the usefulness of the bureau.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Connecticut, [Mr. HAWLEY.]

The amendment was agreed to; there being on a division—ayes 32, noes 15.

Mr. HAWLEY. I have one other amendment to offer. I call the attention of the chairman of the committee to another point where the Signal-Service suffers by this bill. Mind you I am keeping \$50,000 below what they had last year even if I add this. On page 49, lines 1185 and 1186 read "and the further sum of \$300,000, payable from the respective appropriations," &c. That \$300,000 ought to be \$359,000, and I will show why. The paragraph reads:

And it is provided that to support the Signal Service no money shall be expended except such as is appropriated by this act and the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1883, and such sums as are specifically appropriated for said service in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1883, and for other purposes; and the further sum of \$300,000, payable from the respective appropriations in said last-named act—

That is, in the Army act—

similar to those heretofore drawn upon for its support, which sum, or so much thereof as may be necessary, the Secretary of War may apply to the support of said service from said appropriations.

That ought to be \$359,000 instead of \$300,000. The money is appropriated in the Army bill, but the Signal Service Bureau is told in this paragraph that they can have only \$300,000. That \$59,000 then will either lapse into the Treasury or go into some other branch of the Army; I do not know whether it may be diverted to anything else, but if not, it must lapse into the Treasury, \$359,000 having been appropriated in the Army bill; in this bill they are told they can have but \$300,000 of the \$359,000.

The sundry civil bill—

This memorandum from the office says—

also reduces very greatly the money to be expended from the Signal Service from the amount appropriated for the Army. In 1881 the amount expended was \$593,844.44. It certainly was not less than this for the fiscal year 1882. The sundry civil bill as it came from the House Committee gave the service for the military establishment, only such sums as were appropriated specifically by the Army bill, and \$300,000 in addition. According to the statement of the Secretary of War, the part of the money taken from the Army fund in 1881, not specifically appropriated for, was \$359,688.37. This is what the \$300,000 must pay for, leaving a deficiency of \$59,688.37.

Mr. HALE. This bureau is under the Secretary of War. Has the Senator from Connecticut any letter from the Secretary of War recommending a raising of this appropriation?

Mr. HAWLEY. I have not proposed to raise the appropriation.

Mr. HALE. The Senator has moved to add something here. Has he any letter from the Secretary of War asking that there be any more appropriation than is provided in the bill?

Mr. HAWLEY. No; I have no letter from the Secretary of War. The money is already appropriated, but in this bill you say that they shall have but \$300,000 of it. The part of the money taken from the Army fund in 1881 not specifically appropriated for was \$359,688.37. That went to the Signal Service, though it was not

specifically set apart for it. This year you say they shall only take \$300,000, and you reduce them \$59,000 below what they got last year. It is not a new estimate; it does not require an estimate.

Mr. HALE. But the appropriation sought to be taken from is a war appropriation, under the charge of the Secretary of War, who knows the needs of the service. The money will be spent somewhere. If anybody should write a letter recommending what the Senator proposes, it is the Secretary of War, who has not a special interest to get more money for one particular thing, but who looks at all the appropriations for his Department and knows what can be spared from the others. He ought to recommend this before it is increased, it seems to me.

Mr. HAWLEY. I move to add, after the words "three hundred," in line 1185, the words "and fifty-nine;" so as to read "and the further sum of \$359,000;" so that they may have just what they had last year out of this appropriation.

Mr. ALLISON. I desire to ask the Senator from Connecticut if he read from any statement of General Hazen with reference to this matter?

Mr. HAWLEY. This came to me from authority from the Signal Office.

Mr. ALLISON. Who is it signed by?

Mr. HAWLEY. It is not signed by anybody, but delivered to me by two of their officers.

Mr. ALLISON. I was afraid it was not, from the fact that I called General Hazen's special attention to this exact item and he said there was enough.

Mr. HAWLEY. I know there is a loss of \$59,000 to them.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Connecticut, [Mr. HAWLEY.]

The amendment was rejected.

Mr. CAMERON, of Pennsylvania. At the end of line 765, I move to insert:

To pay James L. Selfridge, late assessor of internal revenue for the eleventh district of Pennsylvania, \$397.12, that being the balance due said Selfridge for salary and commissions as assessor of internal revenue.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. BLAIR. I wish to move an amendment, which I do in pursuance of an estimate of the Department of the Interior. After line 2008, I move to insert:

For collecting statistics and writing and compiling matter for annual and special reports, and editing and publishing circulars of information for the use of the Bureau of Education, the expenditures to be approved before payment by the Secretary of the Interior, \$10,000.

For the distribution and exchange of educational documents, and for wrapping, directing, tying, and packing the same; and for the collection, exchange, cataloging, and caring for the collection of educational apparatus and appliances, articles of school furniture, and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, \$5,000, to be expended by the Commissioner of Education under the direction of the Secretary of the Interior.

I wish to say a word with reference to the subject before action by the Senate upon these amendments. These amendments are in the language of the Book of Estimates. Both these items are recommended, and they are repeatedly recommended, by the Secretary of the Interior.

Last winter there was a meeting in this city of superintendents of education for the various States. They represent of course the teachers of the entire country, of whom there are about 280,000; and under these two amendments they desire two things. They appointed an agent to represent their views, and I have here his statement in full, which, as reaching the point more rapidly than can be done in any other way, I will read:

There are in the United States over two hundred and eighty thousand common-school teachers. They have a voluntary organization, which they call the "National Educational Association," divided into sections or departments; a department of primary schools, of grammar schools, of high schools, of normal schools, and so on. But the most important department of this association is the "department of superintendency," composed of State and city superintendents of the common schools.

Under their supervision are about ten million pupils, and over eighty millions of money are expended annually. Nine millions are expended in building school houses.

These superintendents lately held a session of their department and expressed a desire to obtain certain expert information and statistics, which they seem to think could better be prepared under the direction of the Commissioner of Education than elsewhere. For instance, they want prepared a report or circular of information on school-house architecture, which shall embody the latest and best knowledge and plans on that subject. Manifestly the preparation of such a report, to be of any value, must be committed to experts in architecture, in sanitary requirements, and in school-room convenience.

They also want prepared a report or circular of information on industrial education, not a mere compilation of statistics, but a report which shall interpret the statistics, and shows whether and how it is practicable to teach children in the common schools, along with the alphabet and arithmetic, something of the trades and occupations of after-life.

They want the city systems of schools treated in the same way by an expert—the man deemed most competent for such a work. And so of other subjects. And they ask for this purpose an appropriation of \$20,000.

The committee charged with presenting this request to Congress was composed of Messrs. Orr of Georgia, Armstrong of Alabama, Scarborough of North Carolina, Newell of Maryland, Marble of Massachusetts, Smart of Indiana, and Gove of Colorado. The undersigned and Superintendent Wilson of this District were requested to act for the committee in their absence.

I have now stated the case, but I may add that Congress appropriated last year \$15,000 for the collection of statistics, presumably for the purpose above indicated; but the unexampled increase of demands upon the bureau compelled the Depart-

ment to use the fund to pay for ordinary clerical force. This remarkable increase, consequent upon the revival of interest in the common schools all over the country, but particularly in the Southern States, has more than doubled the correspondence of the bureau, and considerably more than doubled the calls for reports and circulars of information. This demand upon the bureau is likely to increase somewhat more during the coming year. It is perfectly plain, therefore, that it will take the whole of the \$50,000 allowed last year to run the office; and unless Congress shall grant in addition thereto the \$20,000 which the superintendents ask for they must go without the special information which they want. The sum they ask for is not large, but the interest they serve to secure is.

Respectfully,

CHAS. E. HOVEY.

These amendments as they are presented ask for both these items only \$15,000. I appeal to the Senate, in view of the record we have made to-day and on former appropriation bills, not to deny this little pittance of only \$15,000 to add to the facilities of the Bureau of Education for the discharge of its functions.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. BROWN. I am a member of the Committee on Education and Labor, of which the honorable Senator from New Hampshire is the chairman. I know the committee feels great interest in this matter. There has been less done for the objects of education than for any other important objects of appropriations. This is a small matter asked for to make valuable additions in certain subjects connected with schools, and I trust it will not be passed by in this way. I hope this little amount, at least, will be given to aid in the cause of education.

Mr. BLAIR. I submit for publication in the RECORD the following paper:

The friends of the Bureau of Education are often asked why it requires an increase of appropriations for its support, and what work it does to justify the expenditure? This question can be best answered by considering, first, why was it established; second, what it is doing; and, third, what is expected of it.

WHY IT WAS ESTABLISHED.

It was instituted by Congress in 1867, at the request of the State and city superintendents of schools who were managing public-school affairs at that time. They and their predecessors had long felt the need of an office which would render assistance in the establishment of school systems where they did not then exist, and be a potent means of improving and vitalizing them where they did; they memorialized Congress to this effect, specifying at least six uses to which such an office could be put, namely: securing greater uniformity and accuracy of statistics; comparing the results of native with those of foreign school systems; recording and reporting the results of all new and special methods in school management and instruction; diffusing correct information about such topics as school laws, the care and disbursement of school funds, the duties and rights of school officers, the training, qualifications, and pay of school teachers, the classification and grading of schools, and the architecture of school buildings, (respecting which subjects information was obtainable only by a few and at great expense, though of the highest value to every educator;) aiding in the proper organization of new school systems where needed; and inculcating in general the value of education to intelligence, morals, industry, wealth, and liberty.

Congress recognized these necessities so far as to prescribe in the law of March 2, 1867, that the office shall be "for the purpose of collecting such statistics and facts as shall show the condition and progress of education in the several States and Territories, and of diffusing such information respecting the organization and management of school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems, and otherwise promote the cause of education."

WHAT IT IS DOING.

With these main purposes always in view the bureau for fifteen years has endeavored to meet the responsibilities imposed on it. Mistakes may have been made, but it has tried to improve the quality and, as fast as time and means would allow, the quantity of its work.

As a branch of the Interior Department and a member of the official family of bureaus which conducts the administrative business of the Government, it has various routine duties to perform which consume the time of some of its employees. Among these duties, which make but little show yet which are essential to the continuity and consistency of action by many people through long periods of time, I may mention the prompt and orderly receipt, registry, and answering of its daily mail; the making of monthly and other reports to the Department as required by law and regulations; the care, custody, and repair of its property, and the indexing of its records, publications, and library. How great this regular labor is will be manifest by the fact that the number of American correspondents whose labors contributed to the report of 1870 were 831 in number, while those whose help was needed to make that for 1879 amounts to 7,869, more than a manifold increase.

The largest part of the ordinary work in the office is expended in the production of the annual reports. Ten of these, from 1870 to 1879, contained an aggregate of 9,661 closely printed octavo pages, or an average of 966 pages a year.

In addition to these annual reports, (eleven in number,) which are required by law, the bureau since its establishment has published five special reports, forty-eight pamphlets entitled "circulars of information," and nineteen other brochures on educational subjects, making eighty-three publications to date.

But this is not all. The bureau, in addition to the work necessary for its annual reports and the special publications it issues as funds and opportunities warrant, communicates much important information by letters. This method of distribution is growing in proportion with the other work of the office. During the first three months of 1881 there were written 1,615 letters; during the same period of the present year, 3,844 letters have been sent. The documents sent in the first quarter of 1881 numbered 25,405, those in the first quarter of 1882 were 51,718 in number.

The information sought is of every grade of importance, and comprehends a study of education of every kind and in every country, and in past as well as present times. The following details may prove of some interest: In one room, special replies in 1880 were prepared to inquiries about the education of colored people, in State and city schools; courses of study in district schools; free-school systems in the Southern States before the war of 1861-65; the number of public school teachers in the whole country; the educational qualifications of voters in the several States; compulsory school laws of the States; arguments for and against coeducation of the sexes in schools and colleges; city free schools for deaf-mutes; professorships of pedagogics in British universities and in American colleges; and university and polytechnic instruction in Europe as compared with that in this country.

Another room, in addition to its regular work, prepared special replies to inquiries about industrial education, the instruction of civil engineers, the organization and management of technical schools, the early history of public instruction

at home and abroad, military schools in this country, laws exempting school property from taxation in the several States, mining engineering, hygiene in schools and colleges, and teacher's examinations. A third room answered special questions about normal schools, city school-systems, courses of study, graded schools, rural schools, and school supervision. Another room prepared elaborate statistics respecting kindergarten work, institutions of learning in the District of Columbia, graduates from professional schools, agricultural colleges, and the value of public school property. The translator prepared special letters on many foreign topics, among which I may mention primary education in Prussia and in Switzerland, compulsory school laws in Europe, military education in Europe, school-houses abroad, school discipline in Germany, organization of the University of France, education before the Reformation, education in Mexico, the medical inspection of schools, needlework teaching in Germany and Holland, education in Hungary, and agricultural instruction in Europe.

WHAT IS EXPECTED OF IT.

This point is partly anticipated in the synopsis of reference already made to the memorial of the educators who asked for the establishment of the bureau. It is obvious from what has been said that an eager, industrious, and enormous profession, such as that engaged in the teaching and supervision of schools and colleges, will inevitably stimulate any office with which it is in contact to a high degree and that the demand on that office may be expected to increase as the labors and difficulties of the profession successively appear. Whenever it has been possible the bureau has tried to anticipate the wishes of the profession, at least partially, and to provide in its collection, printed or manuscript, material for future investigations when they may be called for.

A few out of the many circumstances which confirm the propriety of the methods adopted by the bureau in its work are mentioned here briefly. The following are opinions selected from those of Southern educators:

"Resolved, That we recognize the great value of the work of the United States Commissioner of Education, and respectfully ask our legislators and representatives in Congress to render the Bureau of Education every possible facility for collecting and distributing the important facts and statistics embraced in the circulars and annual report of the Commissioner."—*Missouri State Teachers' Association*, 1873.

"Those who have to deal practically with this matter of State education know what need there is of some central depot of information, where educational facts from all parts of the world may be gathered, digested, and distributed over the country, as is done by the present Bureau of Education. This is a work too large and costly for any State office, and yet important to all."—*Hon. W. H. Ruffner, of Virginia*, report for 1873.

"Your bureau can render incalculable aid to the South by elevating the standard of popular educational sentiment, by stimulating and encouraging increased effort, and by furnishing the information widely and imperatively needed. The South needs the aid of your bureau much more than the North."—*From the principal of a female college in Alabama*.

The testimony from the Northern States is equally emphatic, as the following opinions will show:

"The good already accomplished by the National Bureau of Education is a complete vindication of the wisdom of its establishment."—*The National Educational Association*, 1875.

"We hereby renew our expression of confidence in this national bureau as an instrumentality for the advancement of education, and we earnestly recommend to Congress the policy of continuing the support of the bureau on a liberal scale, so that its valuable reports may be largely distributed in all parts of the country."—*The Association of New England Superintendents*, 1875.

"That we commend to the fostering care of Congress the National Bureau of Education, and that we would regard its abolition, as threatened, a calamity to the cause of education."—*The Vermont State Teachers' Association*, 1876.

"Whether these returns are ever looked at again or not, they will, if the system be continued, have the result of making institutions bring their affairs into order. The making up of this paper on our museum has made us acquainted for the first time with the extent of our collections and with their deficiencies."—*From an officer of a prominent university*.

Nor is the testimony altogether of native origin. The following is culled from foreign sources:

"The advantages of the establishment of the National Bureau of Education cannot be overestimated. By bringing together the results in each State, educational thought and enterprise have been greatly quickened. Even with its present limited powers the action of the bureau is full of promise for the future."—*Francis Adams*, author of *Free Schools in the United States*.

"My friend, Signor R. Mariani, an eminent Italian scholar, has shown me a letter from Signor D. Chilovi, director of the great Biblioteca Nazionale at Florence, requesting him to procure for him, if possible, a copy of the report of your Department on the Libraries of the United States of 1876, a publication to which Mr. Chilovi ascribes great value, both on account of its intrinsic merit and because it is constantly referred to in articles in bibliographical works, which are unintelligible without consulting the volume to which they refer."—*From Hon. Geo. P. Marsh*, United States minister to Italy.

The French Republic, as is well known, has established a similar bureau in its ministry of education, to which further allusion here is unnecessary. The Swiss Government has also taken steps with the same object, as shown below.

The museum at Zurich possesses a complete collection of all the text-books used in the Swiss schools of all grades; also all the books of reference required by teachers in the preparation of their lessons.

The works on the history and science of education are especially numerous. Further on we find very rich collections of apparatus, (physical, chemical, &c.) school-furniture, charts, maps, globes, gymnastic apparatus, plans of school-buildings, work prepared in the sewing-schools, &c.

In the library there is a complete collection of all the federal and cantonal school laws and regulations, time-tables, cantonal and city reports, and the statutes and reports of the various educational associations. Then comes the foreign section, with the statistics and educational literature of every civilized country in the world. In another corner we find a separate collection of works written by prominent Swiss educators, as Rousseau, Girard, Fellenberg, Scherr, Werli, Pastalozzi, and others. The catalogue closes with the enumeration of the special educational works published by prominent educators in all parts of the world. This latter collection contains the works of two hundred and thirty-seven educators and philosophers.

The following extracts show the influence of the bureau on two other foreign governments:

EGYPT.

"As I have recently been appointed by his highness the Khedive a member of the permanent board of education, and as I am especially charged with supervising the instruction in the English and French languages and selecting text-books and preparing statistics for the ministry of public instruction, I thought that I could not do better than place myself in communication with you, and I should deem it a great favor if you would cause to be sent to me the latest reports that have issued from your bureau, and especially those which contain 'comparative statistics.' It is needless to say that I will most cheerfully reciprocate and keep you provided with the latest statistical information in reference to our educational system which may from time to time be published."

"The Khedive, who reads English and who also takes great personal interest in

educational reform, while examining your circular of information in reference to school architecture, was very much pleased with the plan of having windows in two opposite sides of school-rooms, a suggestion which will probably be adopted for the future in Egypt."—*From letters from O. I. Barnard, member of the superior council of public instruction.*

JAPAN.

"I take the liberty to tell you that our educational museum was founded by the department of education through the proposal of Mr. F. Tanaka, the former minister of education, after his return from America in 1876, where I accompanied him as one of his secretaries and had the honor of seeing you.

"The museum contains the school materials of every description, as well as the natural history objects both native and foreign, and is open free to the public at all seasons. I take this opportunity to express to you our gratitude for the school materials, &c., which you were pleased to present to the educational department through Mr. Philbrick at the close of the Paris exposition, in which they were so admirably displayed. They were a valuable addition to the museum and form one of the attractive parts.

"The educational library, containing educational works, Japanese and foreign, which number now about 40,000 volumes, is annexed to the museum, and the public are also daily admitted to the reading-rooms.

"The later issues of your publications are much called for by the readers, having proved beneficial to them; in case you do not have them all for distribution, such numbers as relate to school architecture, teaching chemistry, and physics, library buildings, relation of education to industry and technical training in American schools, &c., will be very gratefully accepted by us."—*Letter from S. Tesima, curator educational museum, Tokio, Japan.*

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

Mr. RANSOM, (at six o'clock and fifteen minutes, p. m.) I move that the Senate adjourn.

Mr. DAVIS, of West Virginia. Last night we agreed to finish the bill to-day.

Mr. RANSOM. It is manifest that we cannot finish the bill to-day. I wish we could.

The PRESIDENT *pro tempore*. Will the Senator from North Carolina withdraw his motion until a count is had on the amendment?

Mr. DAVIS, of West Virginia. There was an agreement to finish the bill to-day.

The PRESIDENT *pro tempore*. A division has been called for on agreeing to the amendment of the Senator from New Hampshire.

The question being put, there were on a division—ayes 22, noes 25.

Mr. RANSOM. I move that the Senate adjourn.

Mr. BLAIR. I ask for the yeas and nays on agreeing to the amendment. I would rather have a record on some of these questions relating to education, and they will get to be serious some time. I should like to have the record as we go along.

Mr. ANTHONY. I voted with the Senator from New Hampshire, but I hope we shall not have the yeas and nays.

Mr. BLAIR. I shall not insist on the call.

The PRESIDENT *pro tempore*. The call for the yeas and nays is withdrawn, and the amendment is rejected.

Mr. BLAIR. Then I will offer another amendment, which I report by direction of the Committee on Education and Labor—

Mr. RANSOM. If my friend from New Hampshire will pardon me, I dislike to interfere with him, but I must insist on the motion to adjourn.

Mr. HOAR. I thought we had unanimous consent last night to finish the bill to-day.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. RANSOM. I made the motion to adjourn when the Senator did not have the floor.

Mr. BLAIR. I do not know that I have yielded the floor.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has the floor.

Mr. BLAIR. I then move, by direction of the Committee on Education and Labor, to add, after line 2008:

That the sum of \$50,000 be, and hereby is, appropriated, to be expended by the Commissioner of Education, under the direction of the Secretary of the Interior, for the establishment and support of schools at such points in Alaska as may be designated by the said Commissioner of Education.

I send to the desk to be read a communication from the Commissioner of Education.

Mr. BECK. Is that amendment subject to a point of order? If it is I should like to make it.

The PRESIDENT *pro tempore*. The point of order is made upon the amendment, and that ends it.

Mr. BLAIR. What is the point of order?

Mr. DAVIS, of West Virginia. It is not estimated for.

Mr. BLAIR. It is not estimated for, but it is reported from a standing committee, and has been referred to the Committee on Appropriations and by them considered, and, like other educational amendments, rejected.

Mr. DAVIS, of West Virginia. It is general legislation.

The PRESIDENT *pro tempore*. It is general legislation.

Mr. BLAIR. Everything that tends in the direction of the alphabet for the children of this country is general legislation.

Mr. LOGAN. It is general legislation relating to Alaska.

Mr. BLAIR. I wish to have printed in connection with the amendment I have offered a letter from the Commissioner of Education, with the communication and message transmitting it to Congress:

To the Senate and House of Representatives:
I transmit herewith, for the consideration of Congress, a letter from the Secretary of the Interior, inclosing a letter from the Commissioner of Education, in

which the recommendation is made that an appropriation of \$50,000 be made for the purpose of education in Alaska.

EXECUTIVE MANSION, February 15, 1882.

CHESTER A. ARTHUR.

DEPARTMENT OF THE INTERIOR,
Washington, February 8, 1882.

SIR: I have the honor to transmit herewith, for your consideration, a letter from the Commissioner of Education, in which he recommends that an appropriation of \$50,000 be made for the establishment and maintenance of schools in Alaska.

I concur in the recommendation that the appropriation be made.

Very respectfully,
S. J. KIRKWOOD, Secretary.

DEPARTMENT OF THE INTERIOR, BUREAU OF EDUCATION,
Washington, February 4, 1882.

SIR: My attention is called to the provisions of the law determining the purpose and duties of this office, which provides that it shall "collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school systems and methods of teaching as shall aid the people of the United States in the establishment and maintenance of efficient school systems and otherwise promote the cause of education throughout the country;" and it is affirmed that I have not yet made any specific recommendation with regard to education in Alaska. I cannot claim to be ignorant of the fact that there is no law either for the protection of life or property or for the establishment of schools in that Territory, nor would I be among those who are indifferent to facts reflecting so unfavorably upon us as a people.

I have sought diligently to gather all information in regard to the education of the children of Alaskans, as will be seen by reference to the several reports of this office. Prior to the purchase of Alaska the Russian Government had schools in portions of that country. When it was transferred to the United States those schools were generally discontinued, and the entire Territory, with few exceptions, has been left without any means of education. From the census of 1880 we learn there are about thirty thousand people in Alaska, and of these it is believed there are about ten thousand children or young people who ought to have some school privileges.

With regard to this people, it may be observed—

(1) That they are docile, peaceful, and have here and there some knowledge of useful industries; are apt in the mechanical arts, and anxious for instruction.

(2) They are self-supporting people, needing no annuities, clothing, or rations from the Government, but do need teachers that they cannot procure for themselves. These teachers should instruct them, not only in letters but in the arts of civilized life and the duties of American citizenship.

(3) If given an opportunity for this kind of instruction for a few years they would, it is believed, make good progress in throwing off tribal relations and in preparation to become an integral portion of the American people, thus contributing to the common wealth and prosperity of the country.

(4) It is well known that civilization in approaching an untutored people may be their destruction by sending its vices before its virtues. It is equally well known that various weeds spring up spontaneously where useful plants must be cultivated, and that not neglect but painstaking care is necessary to the improvement of the human mind.

The people of Alaska having received some measure of aid from the Russian Government, have expected the same from the United States. The natives, already to a limited extent demoralized by the introduction of intemperance and disease, it is thought would by the introduction of schools be prepared better to resist these evils and stand a far better chance to be a permanent and prosperous race.

(5) The development of the fishing interests, the discovery of gold, and the increase of commerce in that region are now calling public attention to it, and the time seems to have arrived when school privileges should be immediately provided. In 1870 Congress appropriated \$50,000 for educational purposes in Alaska, which, on account of difficulties of administration at that time, was not expended there. This amount could now be expended there, I am sure, with most satisfactory results.

In accordance, therefore, with these considerations, and in order not to come short of any duty required of me by law, I have the honor to recommend that Congress be requested to appropriate \$50,000 for the establishment and maintenance of schools for instruction in letters and industry at such points in Alaska as shall be designated by the honorable Secretary of the Interior.

I have the honor to be, very respectfully, your obedient servant,

JOHN EATON, Commissioner.

The honorable SECRETARY OF THE INTERIOR.

Mr. FARLEY. Mr. President—

Mr. RANSOM. I thought I had the floor, and made a motion to adjourn.

The PRESIDENT *pro tempore*. The Senator from New Hampshire had the floor at that time, and the Senator from California obtained it afterwards.

Mr. RANSOM. Very well, I withdraw my motion.

Mr. FARLEY. I offer an amendment to the bill, which was reported by the Committee on Claims and referred to the Committee on Appropriations. After line 825 I move to add:

¶ The Secretary of the Treasury is hereby authorized and directed to adjust and settle, on the principles of equity, the claims of Charles Murphy, arising under his contract with the United States for the supply of material for the erection of the United States appraiser's stores at San Francisco, California; and the money necessary to pay the amount found due him is hereby appropriated, not exceeding the sum of \$3,000.

Mr. ALLISON. I raise the point of order on that amendment.

Mr. FARLEY. I wish to say that the amendment simply authorizes the Treasury Department to adjust any claim Mr. Murphy may have and pay him what is due, if anything is found to be due. It has been reported by the chairman of the Committee on Claims. If nothing is found to be his due, nothing will be paid. It strikes me that there can be no impropriety in placing the amendment upon the bill.

I notice the Committee on Appropriations to-day have been very liberal in allowing a good many amendments to go upon the bill that had not as much merit in them as this amendment has.

Mr. LOGAN. They were voted on the bill by the Senate.

Mr. FARLEY. I understand that many of them went in without any serious objection, as for the purchasing of papers and other arti-

cles, and no objection was made by anybody. I hope the chairman of the Committee on Claims will explain this amendment. There is a letter from the Treasury Department in regard to it, which I should like to have read if necessary.

The PRESIDENT *pro tempore*. What paper does the Senator desire to have read?

Mr. FARLEY. If it is necessary, there is a letter here from the Acting Secretary of the Treasury recommending this proposition.

Mr. ALLISON. I raise the point of order. This is a claim, and has not been estimated for. It is true it has been reported by a standing committee of the Senate; and I see that my friend here [Mr. CAMERON, of Wisconsin] who teaches me the rules is about to insist that it is in order. It may be in order; but if this claim can be put on the bill, then every other claim it seems to me can.

Mr. HARRIS. I hope the Senator from Iowa will not make the point of order, but allow the letter from the Secretary of the Treasury to be read.

Mr. CONGER. If nobody makes the point of order I desire to make it, and have it decided. This would bring in every bill that has been reported favorably from the Committee on Claims as an amendment to this bill, not having been acted upon in the Senate.

Mr. CAMERON, of Wisconsin. This amendment is moved by direction of the Committee on Claims. It was referred to the Committee on Appropriations. I think under Rule 27 it clearly is not liable to a point of order.

Mr. FERRY. I wish to ask the Senator from Wisconsin whether the Committee on Claims moved this as an amendment to the appropriation bill?

Mr. CAMERON, of Wisconsin. This identical amendment?

Mr. FERRY. That was the point made on me a while ago, and I am a little bit sensitive in regard to it.

The PRESIDENT *pro tempore*. If the committee recommended this identical amendment, and it was referred to the Committee on Appropriations, it is not liable to the point of order.

Mr. FARLEY. The Committee on Claims did so recommend it.

Mr. ROLLINS. I wish to make an inquiry of the Chair.

Mr. CONGER. I ask that Rule 30 may be read. I understand that this is a private claim.

The PRESIDENT *pro tempore*. If it is a private claim, then it is subject to a point of order under Rule 30, which provides that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill.

The Senator from Michigan is correct.

Mr. FARLEY. The point is this: the amendment has been recommended by a standing committee of the body.

The PRESIDENT *pro tempore*. That makes no difference. If it is a private claim it cannot be received. It is ruled out under Rule 30. The attention of the Chair was not called to that. Rule 30 provides that—

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Mr. ANTHONY. After line 2132 I move to add:

For one-half month's extra pay to the employees of the Census Bureau to whom certificates of service were issued after June 1, 1881, \$33,000, or so much thereof as may be necessary.

Mr. DAVIS, of West Virginia. I wish to ask the Senator if some provision has not been already made for those employés?

Mr. ANTHONY. No; it was placed by the Senate in the deficiency bill but was not agreed to by the House. I understand that there is a prospect that it will go through now. It was passed by the Senate but was not concurred in by the House on the deficiency bill.

Mr. ALLISON. It was ruled out in the committee of conference.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Rhode Island, [Mr. ANTHONY.]

The amendment was agreed to.

Mr. ANTHONY. After the word "RECORD," in line 2251, I move to insert "as actually delivered, and nothing else;" so as to read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD as actually delivered, and nothing else.

Mr. LOGAN. I object.

Mr. ANTHONY. The amendment is not liable to the point of order. The object of it is too obvious to need any remark. It is merely to make the CONGRESSIONAL RECORD what it professes to be, a record of what has been delivered in the two Houses of Congress, and not what has not been delivered. The practice prevails of publishing speeches which have never been delivered, thereby presenting arguments and alleged facts which would not have been allowed to be delivered without objection, and protest, and refutation; and instead of enlightening the public and posterity as to the arguments upon which a measure was carried, it gives arguments that were never adduced.

Mr. LOGAN. In the Senate?

Mr. ANTHONY. I have known it to be done in the Senate.

Mr. LOGAN. I never did.

Mr. ANTHONY. My former colleague, Governor Sprague, once threatened to inflict upon the Senate a speech in the closing hours of a session, and we unanimously gave him leave to print it.

Mr. LOGAN. That was done by the consent of the Senate.

Mr. ANTHONY. It was done by the consent of the Senate of course; it could not have been done without the consent of the Senate; and it cannot be done without the consent of the other House.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Rhode Island, [Mr. ANTHONY.]

The amendment was agreed to.

Mr. VANCE. If the Senate will suffer me just once more, I rise to offer an amendment; and for fear that my career may be cut short untimely by a point of order, I desire to precede the offering of the amendment by a brief statement, to the effect that there was an Indian agent in the State of California against whom sundry citizens had claims. He requested them to send up their bills receipted. They did so, and instead of paying the money he kept their receipted claims and got credit at the Department. I have here a letter from the auditor's office showing that there is a portion of the money due to these parties, not quite enough to pay them all, but to pay them a large percentage of each claim. This man's account has been audited, but as it stands in another man's name it requires an act of Congress to enable him to draw the money. I hope the Senator from Iowa will not make the point of order on the amendment.

Mr. ALLISON. I make the point of order.

The PRESIDENT *pro tempore*. The point is well taken.

Mr. VANCE. I ask to have the letter of the auditor read.

The PRESIDENT *pro tempore*. When the point of order is made that ends the question and all papers in connection with it.

Mr. VANCE. This is an audited claim.

Mr. SAUNDERS. After line 1014 I move to insert:

To build brick barracks at Fort Omaha, to take the place of the dilapidated wooden buildings heretofore used for said purposes, \$60,000.

This appropriation was asked for by General Sheridan. The papers which were placed with the bill cannot be found now, but I have a letter from General Sherman on the same subject. General Sheridan recommended \$163,000; General Sherman cuts it down to \$60,000. I have a letter from General Sherman showing that he asks for that amount.

Mr. ALLISON. I make the point of order on the amendment.

The PRESIDENT *pro tempore*. Has the amendment been recommended by any head of Department?

Mr. ALLISON. It has not been estimated for in any Book of Estimates.

Mr. HALE. Nor by the head of a Department.

Mr. SAUNDERS. It is recommended by the War Department.

Mr. ALLISON. It is recommended by a sort of letter or indorsement of one kind or another.

Mr. VANCE. I move that the Senate adjourn, if that motion is in order.

The PRESIDENT *pro tempore*. It is not in order while the Senator from Nebraska has the floor.

Mr. SAUNDERS. I should like to have the letter of General Sherman read, at any rate.

Mr. HARRIS. What became of the point of order upon the amendment?

The PRESIDENT *pro tempore*. What is the point of order?

Mr. ALLISON. The point of order is that it is not estimated for by the head of a Department.

The PRESIDENT *pro tempore*. If that is so, it is of course not in order.

Mr. SAUNDERS. It is estimated for by the War Department.

Mr. ALLISON. By letter.

The PRESIDENT *pro tempore*. The amendment is ruled out.

Mr. BUTLER. After line 2127, I move to add:

To enable the Secretary of the Treasury to pay to the officers, clerks, and employés of the Metropolitan police force of the District of Columbia, or their legal representatives, the amount due them under the joint resolution of Congress of February 28, 1867, \$46,846.86.

Mr. ALLISON. I raise the point of order upon that amendment.

Mr. BUTLER. It is recommended by a standing committee.

Mr. ALLISON. But it is a private claim.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. BUTLER. Has the Chair decided the point of order to be well taken?

The PRESIDENT *pro tempore*. Yes; it is a private claim.

Mr. BUTLER. After line 746, I move to insert:

To enable the Secretary of the Treasury to pay the amount of pay and allowances due to James W. Schaumburg, in accordance with the law stated by the United States Supreme Court in the case of James W. Schaumburg, appellant, versus the United States, of October sessions, 1880, numbered 274, the sum of \$11,000, or so much thereof as may be necessary.

Mr. ALLISON. Mr. President—

The PRESIDENT *pro tempore*. This is a private claim, and is ruled out of order.

Mr. BUTLER. The point had not been made.

The PRESIDENT *pro tempore*. The point of order was made. The Chair saw the Senator from Iowa rise to make the point of order.

Mr. BUTLER. I submit that the court cannot take notice of that.

Mr. SEWELL. After line 1217 I move to add:

For improving the road from Beverly, New Jersey, to the national cemetery near that city, \$3,000; to be expended under the direction of the Secretary of War.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. Has it been recommended?

Mr. ALLISON. If it is estimated for by the head of a Department, I suppose it is in order.

Mr. SEWELL. Such things could not possibly be estimated for. I introduced the amendment regularly and had it referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. SEWELL. I am sorry the chairman of the Committee on Appropriations raises the point of order. Will the Chair allow me to state that in line 1214 of the bill the following provision received the approval of the committee?

For the road from Fort Scott to the national cemetery, Kansas: For the completion of the roadway from Fort Scott, Kansas, to the national cemetery near that city, \$3,000.

That received the approval of the committee, and I do not see why they should rule my amendment out, which is for a similar purpose.

The PRESIDENT *pro tempore*. Does the Senator from Iowa insist on his point of order?

Mr. ALLISON. Is it a road to a national cemetery?

Mr. SEWELL. It is a road to a national cemetery.

Mr. ALLISON. I shall not make the point of order.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Jersey, [Mr. SEWELL.]

Mr. DAVIS, of West Virginia. I make the point of order. I do not think it is fair to rule out one person and let another in on the point of order. The amendment was not referred to the Committee on Appropriations that I have had any knowledge of.

Mr. SEWELL. I will state to the Senator from West Virginia that it was regularly referred to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I cannot help it. Senators all around me have been shut out on the point of order, and it is not fair to let another one when his amendment is objectionable on the same ground.

Mr. ALLISON. I quite agree with the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I knew the Senator would.

Mr. ALLISON. But this was estimated for, and I thought at the moment it was as fairly in order as anything in the bill. I will stick to the point my colleague makes.

Mr. SEWELL. I offered the amendment yesterday in the Senate, with the statement that I should renew it to-day, and the Senator from Iowa intimated that he would not make the point of order against it.

Mr. VOORHEES. I will state the facts, as I was in the chair at the time. The Senator from Georgia [Mr. BROWN] offered an amendment in regard to a road to a cemetery in his State. After some question the point of order was not insisted upon, and the amendment was adopted. Thereupon the Senator from New Jersey [Mr. SEWELL] offered his amendment, and it is the fact that he was assured if he would not insist upon it at that time he could offer it at a subsequent period. The Senator from New Jersey is correct.

Mr. DAVIS, of West Virginia. By whom was he assured?

Mr. McMILLAN. The RECORD shows what took place.

Mr. DAVIS, of West Virginia. Who had a right to agree that the point of order should not be made?

Mr. VOORHEES. The Senate. I understood at the time that it was more because of the subject-matter to which it related than anything else, it being the improvement of the approaches to a national cemetery. I think that was the reason why the Senator from Georgia succeeded in his amendment, and I thought the Senator from Iowa at the time made his objection to the Senator from New Jersey more because he wanted to economize time and get through with the body of the bill than because of his intention to object to it at a subsequent period. Those are the facts as I understand them.

Mr. ALLISON. I will say that the Senator from Georgia put in an amendment at this point, and then the Senator from New Jersey rose with a view of also adding an amendment. I then stated to the Senator from New Jersey that I trusted he would not offer it yesterday until the committee amendments were disposed of, and I may have led him to believe that I should not object to it if offered to-day. If so, I shall not object.

Mr. SEWELL. That was my understanding.

Mr. VANCE. I should like to inquire by what right Senators farm out points of order on this floor, and agree that one Senator may offer an amendment and another one shall not. I do not recognize the propriety of such farming out.

Mr. SEWELL. If the point of order is not made, then I ask for the question on agreeing to my amendment.

Mr. BECK. The point of order having been made, I have been looking over the RECORD of yesterday's proceedings.

The PRESIDENT *pro tempore*. Is the point of order insisted upon?

Mr. BECK. Yes; the Senator from West Virginia has made the point of order.

Mr. DAVIS, of West Virginia. I thought it was not fair, when Senators on this side of the Chamber all around me had been shut out on points of order, to allow this amendment to go in.

Mr. HOAR. I object to debate. If the point of order is made it must be settled without debate.

The PRESIDENT *pro tempore*. After the statement of the Senator

from Indiana does the Senator from West Virginia insist upon his point of order?

Mr. DAVIS, of West Virginia. I propose to say whether I made the point of order or not, notwithstanding the Senator from Massachusetts objects to it.

Mr. HOAR. What is the question? I should like to have the question stated before it is debated.

Mr. DAVIS, of West Virginia. I am going to state the point of order, which I have a right to do.

The PRESIDENT *pro tempore*. The question is on the point of order. The Chair has permitted the Senator from Indiana and the Senator from Iowa to state what was the understanding.

Mr. HOAR. What is the question?

The PRESIDENT *pro tempore*. The point of order raised on the amendment of the Senator from New Jersey, and the Chair supposes the Senator from West Virginia is stating why he made the point of order with a view to withdrawing it.

Mr. DAVIS, of West Virginia. I am stating what the point of order is, and I am certainly in order when I do that. The chairman of the committee knows whether I am correct or not when I state that this amendment has not been referred to the Committee on Appropriations one day, as the rule requires.

Mr. SEWELL. That is a mistake on the part of the Senator from West Virginia. It was presented several days ago, was printed and laid on the tables of Senators, and was referred to the Committee on Appropriations.

Mr. BECK. May I be allowed to say a word? The Senator from Indiana, having been in the chair yesterday, stated his recollection. I will read from the RECORD. The Senator from Georgia [Mr. BROWN] offered an amendment, which was agreed to. The Senator from New Jersey [Mr. SEWELL] then said:

I will say to the chairman that a similar amendment offered by the Senator from Georgia has just been adopted, of which no one complained. However, I have no objection to letting it go over until the amendments of the committee shall have been acted upon.

Mr. FERRY. The amendment of the Senator from Georgia was an amendment to a committee amendment. It was not strictly in order, but being an amendment to an amendment, on a generous construction it would be in order. But the amendment of the Senator from New Jersey is entirely new, being offered to the text of the bill, and if new propositions are to be taken up I have an amendment to offer. I think if the Senator from New Jersey will waive his amendment until we get through with the amendments of the committee we shall facilitate business.

Mr. SEWELL. I waive it for the present.

The reading of the bill was resumed.

So that the Senator from Georgia submitted an amendment to an amendment, but the amendment of the Senator from New Jersey being an original amendment there was, in fact, no agreement made according to the RECORD. There was no understanding.

The PRESIDENT *pro tempore*. This amendment is not moved by a standing or select committee of the Senate, nor is it in pursuance of the estimate of the head of one of the Departments, and it will increase the appropriations in the bill. It is liable to the point of order, of course.

Mr. SEWELL. There is no point of order now insisted upon, I understand.

The PRESIDENT *pro tempore*. Of course if there is no point of order made the question is on agreeing to the amendment. Does the Senator from West Virginia withdraw his point of order?

Mr. DAVIS, of West Virginia. No, sir; I have not withdrawn it.

The PRESIDENT *pro tempore*. The Chair must sustain the point of order.

Mr. HARRIS. Was I mistaken in supposing that the Senator from Iowa stated that this was estimated for by the head of the Executive Department?

Mr. ALLISON. I thought for the moment that it was; but I do not think it is estimated for.

Mr. HARRIS. Then I quite agree with the Senator from West Virginia.

Mr. MAHONE. After line 1551 I move to insert:

For extension of quay wall, \$255,000.
For chain and cordage store, \$36,000.
For railroad extension, \$10,000.
For marine railway, \$100,000.
For timber-sheds numbered 34 and 35, \$71,000.

I wish to say that this amendment is offered in conformity with an estimate of the Navy Department. This work is deemed necessary at the Norfolk navy-yard.

Mr. BAYARD. From what committee does the amendment come?

Mr. ALLISON. I make the point of order on the amendment.

The PRESIDENT *pro tempore*. Was the amendment reported by a committee?

Mr. MAHONE. It was referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. It was referred as an "amendment intended to be proposed." It is not reported by any standing or select committee. It is subject to the point of order.

Mr. PLUMB. After line 2008 I move to add:

And not to exceed \$20,000 of the amount appropriated in this paragraph may be applied, under the direction of the Secretary of the Interior, to the procuring of statistics in relation to mines and mining, and in making chemical analyses of iron, coal, and oil.

The amendment does not increase the appropriation. It simply

diverts \$20,000 of the \$220,000 appropriated in the paragraph for the purpose of providing for these statistics, under the direction of the Secretary of the Interior.

Mr. BECK. What is the amount?

Mr. PLUMB. Not to exceed \$20,000.

Mr. BECK. That is right.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas, [Mr. PLUMB.]

The amendment was agreed to.

Mr. PLUMB. I move to add at the end of the first section of the bill:

In the payment to one hundred and twenty supervisors of registration in Baltimore, for services during the year 1882, not exceeding \$5 per day for not over forty-two days' service each, deducting any sum they may have received, the sum necessary being hereby appropriated.

Mr. BECK. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. PLUMB. I move to add to the bill:

In additional compensation to the consul of the United States at Manila, \$1,000.

That is putting upon the same footing substantially the consul at Manila with the consul-general at Siam, by the amendment adopted some time ago.

Mr. ALLISON. I raise the point of order on the amendment.

The PRESIDENT *pro tempore*. The point of order is well taken. Salaries cannot be increased on this bill when the point of order is raised.

Mr. CHILCOTT. After line 2331, I move to add:

Provided, That the wages paid printers, bookbinders, pressmen, and stereotypers employed in the Government Printing Office shall be the same as paid them prior to March 4, 1877; and all laws or parts of laws in conflict with this are hereby repealed.

Mr. ALLISON. I make the point of order on that amendment. It is legislation.

Mr. DAVIS, of West Virginia. Changing existing law.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. LOGAN. At the end of line 242, I offer an amendment which is not an appropriation, but merely a direction. I move to insert:

That the Supervising Architect of the Treasury be, and he is hereby, directed to make a report through the Secretary of the Treasury to the next session of Congress, first, as to a suitable plot of ground belonging to the United States upon which a suitable building can be erected, to be built of brick, to be used for the safe-keeping of the records of the legislative, executive, and judicial departments which are not required for constant reference; second, the probable cost of such building, with plans and specifications for the same.

Mr. HOAR. I suggest to the Senator to say "a suitable fire-proof building."

Mr. LOGAN. I will modify the amendment so as to say "a suitable fire-proof building."

Mr. MORRILL. I make the point of order that that is an amendment which has not been presented by any committee.

Mr. LOGAN. It does not make any appropriation; it does not change any law. It is not subject to a point of order. It merely adds to the appropriation for the preservation and repair of buildings a direction that a certain plan shall be reported to the next session of Congress. That is all there is of it.

The PRESIDENT *pro tempore*. There is no objection to the amendment on the point of order.

Mr. LOGAN. Not at all. It is not subject to a point of order.

The PRESIDENT *pro tempore*. It does not increase any appropriation. The question is on agreeing to the amendment of the Senator from Illinois, [Mr. LOGAN.]

The amendment was agreed to; there being on a division—ayes 23, noes 17.

Mr. CAMERON, of Wisconsin. After line 825 I move to add:

That the Architect of the Capitol is authorized and directed to pay the employees under his charge the pay deducted from them for the time lost by them, respectively, during the obsequies of the late President, James A. Garfield, in the month of September, 1881.

That is proposed pursuant to the recommendation of the Committee on Public Buildings and Grounds.

Mr. DAVIS, of West Virginia. At what time was anything deducted from these employes?

Mr. CAMERON, of Wisconsin. During the obsequies of the late President Garfield.

Mr. DAVIS, of West Virginia. Were they not paid?

Mr. CAMERON, of Wisconsin. They were not paid.

Mr. DAVIS, of West Virginia. That is strange.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Wisconsin, [Mr. CAMERON.]

The amendment was agreed to.

Mr. CALL. I have an amendment which I hope the chairman of the committee will not object to. I move to insert after the amendment just adopted:

To enable the Secretary of the Senate to pay T. B. Kelleher the sum of \$198, it being the difference between the pay of a laborer and that of a messenger, from November 5, 1881, to February 1, 1882.

I will simply state to the chairman of the committee that that is for service performed by a person who acted as a messenger of the Senate for that time, as certified by the Sergeant-at-Arms, and who received the pay of a laborer only. It is the difference between the pay of a laborer and that of a messenger.

Mr. ALLISON. He was a very worthy servant, I have no doubt, but it is a private claim, and I make the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. CALL. I know the Committee on Appropriations do not recognize the rights of any Senator here. They cut us off, disfranchise us, but still the only right we have is to offer amendments. At the end of line 2545 I move to add:

That the compensation of the assistant postmaster and mail-carrier of the Senate shall be \$2,238 per annum, the same to date from July 1, 1882.

Mr. ALLISON. I make the point of order on that amendment.

The PRESIDENT *pro tempore*. The point of order is well taken.

Mr. CALL. I should like to know what point of order is raised on that amendment.

Mr. ALLISON. It changes existing laws.

The PRESIDENT *pro tempore*. It is altering the law.

Mr. ALLISON. It increases the salary of the assistant postmaster. I am very sorry to make the point of order, but I cannot help it.

Mr. CALL. I do not intend to discuss the question, but I will simply say that under such a ruling there can be no law passed by Congress prescribing the compensation the Senate shall pay one of its own officers. But I am not one of your long speakers, and I shall not debate it. At the end of line 523 I move to add:

The jurisdiction of the Light-House Board is extended over the Saint John's River, Florida, and the Secretary of the Treasury is authorized to expend any part of the money herein appropriated for light-houses or lighting rivers which shall not exceed the amount required for the purpose of the appropriation.

I will state to the chairman of the committee that that does not increase the appropriation at all, and it is scarcely objectionable upon any substantial point of order. I will take that if I cannot get anything more.

Mr. ALLISON. I think that changes existing law, extending the jurisdiction of the Light-House Board over a new river.

The PRESIDENT *pro tempore*. The point of order is sustained.

Mr. MORGAN. I have waited to offer an amendment to the bill when the Senate might get through with all its other amendments, as a sort of *coup de grâce* upon the bill, or rather as an act of grace. I have undertaken to do that which is everybody's business and therefore nobody's business.

I have not the backing of any committee, but I have the recommendation of a former President of the United States, Mr. Hayes, and the recommendation of all the officials in the District of Columbia connected with the subject of the preservation of life and property against fire. I think that it is probable now that we should be making some fire-escapes for ourselves, if for nobody else, upon this very large bill, which, however, I think is a very good bill. There is a great deal in it that is very meritorious, and very little in it indeed which is not proper. I have been urged by the Superintendent of the Public Printing and by various medical gentlemen of eminence of this city to present an amendment, which I submitted and had referred to the Committee on Appropriations, and which they have considered. After line 2097 I move to add:

For the erection of suitable fire-escapes, and stand-pipes and other facilities for extinguishing fire in the Government Printing Office, Freedmen's Hospital, Providence Hospital, the Reform School, Howard University, Children's Hospital, and the Government Hospital for the Insane, \$20,000, or so much thereof as may be necessary, to be expended under the direction of the Architect of the Treasury, the health officer of the District of Columbia, and the chief engineer of the fire department of the District of Columbia.

That amendment has been well considered by all those gentlemen who have connection with this subject, and who are interested in it, and it would be a very deplorable thing if some of these days we should find at the Public Printing Office, which seems to be liable to spontaneous combustion really because of the immense amount of paper and oil there, that a number of the employes, many of whom are women, had been destroyed because we have not furnished the means of escape from this enormous building.

Mr. HARRISON. Will the Senator from Alabama allow me to ask what buildings besides the Government Printing Office are included?

Mr. MORGAN. A series of hospitals.

Mr. HARRISON. Those are private hospitals.

Mr. MORGAN. Some of them are private hospitals.

Mr. HARRISON. Providence Hospital is. I did not hear the names of the others.

Mr. MORGAN. If there is any objection on account of any of these hospitals being private and not within the jurisdiction of the Government of the United States I am content to have them stricken out.

Mr. HOAR. I hope the Senator will strike out the buildings about which our responsibility is questionable. I think the Senate will agree to the amendment if properly limited.

Mr. ALLISON. I ask that the amendment may be read.

The Acting Secretary read the amendment, as follows:

For the erection of suitable fire-escapes and stand-pipes and other facilities for extinguishing fire in the Government Printing Office, the Freedmen's Hospital, Providence Hospital, the Reform School, Howard University, Children's Hospital and the Government Hospital for the Insane, \$20,000, or so much thereof as may be necessary, to be expended under the direction of the Architect of the Treasury, the health officer of the District of Columbia, and the chief engineer of the fire department of the District of Columbia.

Mr. ANTHONY. I think there is no doubt about any of those institutions. I think they are all supported by the public.

Mr. MORGAN. Really, I do not know.

Mr. ANTHONY. Congress makes appropriations for all of them.

Mr. ALLISON. Nearly all of them.

Mr. ANTHONY. I think quite all.

Mr. ALLISON. If this amendment is going through, the sum ought to be expended under some other supervision than that suggested.

Mr. MORGAN. I thought that was the best that could possibly be suggested, the Architect of the Treasury, the health officer of the District of Columbia, and the chief engineer of the fire department of the District of Columbia.

Mr. ALLISON. I ask the Senator from Alabama if this matter has been referred to any committee or reported upon by any?

Mr. MORGAN. No; it has been under the consideration of the Committee on Public Buildings and Grounds for some time.

Mr. ALLISON. I ask what is the character of the appliances?

Mr. MORGAN. The chief of the fire department reports that there are some three hundred different varieties of fire-escapes, and of course we cannot anticipate which one will be selected. There are some of them that I suppose are very valuable. The board of course will select the best. I think it is a matter that we should give our attention to. I feel apprehensive about this matter.

Mr. ALLISON. Why does the Senator fix the amount at \$20,000?

Mr. MORGAN. I have an estimate from the Public Printer that four fire-escapes to his building, which are necessary, would cost \$5,000, and I suppose that the other fire-escapes would probably cover the amount of \$20,000, including the stand-pipes, which are very essential for the extinguishment of fire. Here is a report showing that if we had had two stand-pipes the Patent Office could have been saved.

Mr. HARRISON. I do not think that we ought to extend this appropriation to private property. If it extends to Government institutions that is well enough, but I understand there are several buildings mentioned here that are not Government buildings at all. If the Senator will limit it to those which are really Government institutions, belonging to the Government, which we are under obligations to provide for, I shall make no objection.

Mr. MORGAN. If I knew what to strike out I would do so.

Mr. HARRIS. I do not think there is one of the institutions named which is not supported to a very large extent, if not entirely by appropriations from the Treasury.

Mr. HARRISON. I admit there are public appropriations made, as at Providence Hospital, for certain wards which are public wards, but still it is not public property.

Mr. MORGAN. Still it risks the lives of people who cannot escape.

Mr. HARRISON. You might as well put a fire-escape on a hotel here at public expense.

Mr. HARRIS. If we can afford to make appropriations for the support of these institutions I think we can afford to furnish fire-escapes, so as to secure the lives of the inmates in the contingency of fire.

Mr. SEWELL. I would suggest to the Senator from Alabama that this should not be done through the Architect of the Treasury. He is not an executive officer. Why not do it through the commissioners of the District of Columbia?

Mr. MORGAN. There seemed to be a general concurrence of the officers connected with this subject that these three officers were the proper persons to whom to intrust this matter.

Mr. ALLISON. I think the matter ought to go over until next December, when we may have a more thorough examination. I am told all about me that it has been before the Committee on the District of Columbia and the Committee on Public Buildings and Grounds; and if it is a matter of such essential importance it seems to me they would have reported in favor of it long before this time. I do not see why these committees neglected this matter if it was so very meritorious.

Mr. MORGAN. I have never seen such a mass of recommendations for any one project before brought to the attention of the Senate. Every official in this city of any consequence at all seems to have certified in favor of it, and the President sent a special message asking that this might be done. We shall throw away no money by voting this appropriation.

Mr. CONGER. Congress has no power to authorize anybody to go into private buildings to make any of these erections. There are two of these buildings under the control of the Government, the Printing Office and the Hospital for the Insane. All the others have merely annual appropriations because Congress thinks it well to encourage them. Congress has no power whatever over them, either to put in fire-escapes or the stand-pipes or anything of that kind; and when Congress has given to each of these institutions what it thinks proper to aid and assist them and pay them for taking in these hospitals those whom the Government sends there it has done all that it has any right to do there. If this could be confined to the Printing Office and the Insane Asylum, which belong to the Government and are managed by it, I do not see any impropriety in it.

Mr. MORGAN. I will modify my amendment to that extent, to apply to the public Printing Office and the Insane Asylum.

Mr. HOAR. And make the amount \$10,000.

Mr. CONGER. The Reform School ought to be included.

Mr. MORGAN. If any Senator, then, desires to put in any additional building that will be a subject of discussion.

Mr. PLUMB. A similar proposition was before the Committee on Appropriations and came to the sub-committee having charge of the District of Columbia appropriation bill. Two or three questions came up. One was in regard to the patents that might be involved possibly in the purchases recommended or sought to be made. The committee thought on the whole that was getting into deep water, and they would not venture on anything of that kind, which might seem to make a discrimination in favor of one patent or against another or might bring the Government into litigation about a patent or into the purchase of a patent without knowing precisely what it was doing. For that reason it was not favorably considered.

Now, I think on the whole unless some other person desires to speak on this amendment, I had better make the point of order.

Mr. VAN WYCK. That point is no more serious, I take it, in connection with this matter of fire-escapes, than as to the patents in regard to lighted buoys, and yet your committee makes appropriations for lighted buoys. Fire-escapes are just as necessary as lighted buoys.

Mr. PLUMB. The operations of this world will be somewhat unequal until somebody who knows more than somebody else gets control of it.

Mr. MORGAN. I have no information about patents or who has a patent, but Mr. Cronin, the chief of the fire department, says there are about three hundred contrivances in the way of fire-escapes. I suppose from that number they can certainly select the best. It is a matter of utter indifference to me which they select so that it is good.

This amendment was drawn up because these three officers were supposed to be men who would not squander the public money or would not engage in the sale of a patent in a provision for this very necessary matter.

Mr. INGALLS. There are 1,400 employes in the Government Printing Office—men, women, and children. They are employed very largely in the night-time. Vast amounts of inflammable material are stored there. Gas is burned during the greater portion of the night. The building is of fragile architecture, and if there is no opportunity for escape in case of conflagration I am surprised, and I should regard the refusal of Congress to make provision for such a disaster as cruel and inhuman neglect.

The same may be said about Saint Elizabeth, the Government Hospital for the Insane, where vast numbers of the most unfortunate of human beings are held in restraint, and I should say about that, that if in case of conflagration there was no opportunity of escape from the dangers of destruction by fire, the Government was neglecting one very serious and important duty. With regard to Providence Hospital, the Reform School, and the other institutions named, while, to a certain extent, they are private institutions, yet they are supported largely by public appropriations. Take the Providence Hospital. I venture to say that at least one-half of the patients that are there maintained are supported at the expense of the Government.

I should regret very much, while I believe that the point of order may be well presented to this appropriation, to have it enforced, and I hope the Senator from Alabama, if there is any objection to the institutions named, will so modify his amendment as at least to correct the great neglect that exists in regard to the Government Printing Office and the Hospital for the Insane.

Mr. MORGAN. I have so modified the amendment.

Mr. PLUMB. I make the point of order. If the Senator from Alabama desires to offer another amendment, that can be considered when it comes up.

The PRESIDENT *pro tempore*. The Senator from Alabama modifies his amendment so as to confine it to the Insane Asylum and the Printing Office, and reducing the appropriation to \$10,000.

Mr. FRYE. I hope for the sake of the Senator from Kansas [Mr. PLUMB] there will not be a fire in the Printing Office or Insane Asylum within the next year.

Mr. INGALLS. If the Chair will rule on the point of order, and if it should be adverse, I will take the liberty of asking the opinion of the Senate on that question.

The PRESIDENT *pro tempore*. Does the Senator from Kansas [Mr. PLUMB] insist on his point of order?

Mr. PLUMB. I do.

The PRESIDENT *pro tempore*. The Chair will submit the point of order to the Senate.

Mr. ROLLINS. Let me understand what the amendment now proposed is.

Mr. MORGAN. Ten thousand dollars to be applied to the Government Printing Office and the Insane Asylum.

Mr. VAN WYCK. I suggest to the Senator from Alabama that we adopt his original amendment. As the question is to be submitted to the Senate, I trust it will be submitted on the amendment he first offered to include all. ["No!" "No!"]

The PRESIDENT *pro tempore*. The amendment has been modified.

Several SENATORS. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The Acting Secretary read the amendment as modified.

Mr. DAVIS, of West Virginia. My colleague on the committee consents that we shall vote directly on the amendment.

The PRESIDENT *pro tempore*. The point of order is withdrawn.
Mr. ALLISON. Then I move to amend the amendment by inserting the Public Printer and the Superintendent of the Insane Asylum. Let us have people who are responsible for the buildings.

Mr. MORGAN. I have no objection to that.

Mr. PLUMB. It may be necessary to have fire-escapes, but that necessity has suddenly occurred to somebody, and my own belief is now, exculpating everybody here about the matter, that there is a patent interest at the bottom of this, a great deal more than a humanitarian interest. That is the propelling power of this tremendous interest in human life. I do not say the patentee has not a right to pursue his interest and get somebody to adopt his patent, but what I do say is that when such a proposition comes in that kind of way it is not entitled to that sentimental consideration which it would be entitled to if responding to a desire to save the possible consequences of a conflagration in a building so badly situated as the Government Printing Office.

But there are a number of ways in which things may be accomplished, and it is singular that not one single method of substantive legislation has been introduced tending to accomplish this purpose, and that proper opportunity has not been given to investigate the question.

I do not think the Public Printer is necessarily the proper person to be consulted because the Public Printing Office is to be affected by the amendment, but it ought to be submitted to those persons who are best calculated, by their skill and their judgment, to pass on the question, and who are the furthest removed from any possibility of the suggestion that they may have some ulterior purpose in view in the purchase of a patent which might possibly warp their judgment.

Mr. HAWLEY. There are abundant fire-escapes that have no patent connected with them. If we have neglected—and I am ashamed to hear that we have—these buildings in this manner up to this time, let us have some sort of ordinary stairway such as we put up on our factories, put up at once wherever there is occasion for it. I am ashamed. It is discreditable to us that that Printing Office, with 1,400 employes, blazing with gas from top to bottom, filled with oil and combustibles, should have no fire-escape. I do not care if they should find that the best fire-escape involved a patent fee of five or ten dollars for each building or each escape, let them take it; but there are many ways of putting up a strong plain staircase. I am not afraid of patents; the patentee generally has something better than anybody else, and if so we ought to buy it.

Mr. PLUMB. I hope the shame and indignation of the Senator from Connecticut will outlast this session of Congress, and will extend to some other employes of the Government besides those residing in Washington, and will manifest itself in such a way that other public buildings in the country not supplied with these patent appliances may be so supplied.

Mr. HARRIS. I suggest to the Senator from Iowa that instead of adding the superintendents of the two institutions who are not architects, he add the Architect of the Capitol to the commission that is to determine how this shall be done.

Mr. MORGAN. Mr. Hayes sent in a message here on the 10th of December, 1877, announcing that he had appointed a commission under a resolution of Congress to investigate this subject. That commission made a report to him which he laid before the Congress of the United States. That commission consisted of Lieutenant-Colonel Thomas L. Casey, Corps of Engineers; J. G. Hill, Supervising Architect of the Treasury; and Edward Clark, Architect of the Capitol Extension. There cannot be any stronger admonitions of the necessity of action than is contained in that report. Afterward, it seems, the House of Representatives passed a resolution raising a commission, and that commission made an additional report on the 15th of March, 1882, a very recent report, in which the whole subject is gone into, taking in every school-building in the District of Columbia, the Public Printing Office, and all the buildings belonging to the Government that are not supplied with fire-escapes and stand-pipes to furnish water to extinguish fire.

This subject has been under official investigation for a long time. It is not for me to say why action has not been taken on it, but when this request came to me that I should move an amendment of this kind, I could not refuse my assent to the proposition.

Mr. ALLISON. Now, I will modify my amendment in accordance with the suggestion of the Senator from Tennessee. I move to strike out the last two names and insert General M. C. Meigs and the Architect of the Capitol.

Mr. MORGAN. I will accept that amendment.

The PRESIDENT *pro tempore*. The amendment will be so modified. The Chair does not know, unless he is advised, that the point of order is withdrawn.

Mr. PLUMB. Yes, sir, it is withdrawn.

The PRESIDENT *pro tempore*. Then the question is on the amendment of the Senator from Alabama as modified; which will be read. The Acting Secretary read as follows:

For the erection of suitable fire-escapes, and stand-pipes and other facilities for extinguishing fire in the Government Printing Office and the Government Hospital for the Insane, \$10,000, or so much thereof as may be necessary, to be expended under the direction of the Architect of the Treasury, General M. C. Meigs, and the Architect of the Capitol.

The amendment was agreed to.

Mr. GROOME. I offer an amendment to come in immediately after the one just adopted:

That the Architect of the Capitol, the Architect of the Treasury Department, and the chief engineer of the fire department of the District of Columbia are hereby constituted a board to examine the following public buildings in the District of Columbia, and if, in their judgment, any additional facilities are necessary for the extinguishment of fire or safety of the lives of the occupants, they are hereby authorized to provide the same, namely:

The Treasury Department, Winder's Building, Bureau of Engraving and Printing, United States Patent Office, United States Post Office, city post-office, Pension Office, Agricultural Department, Department of Justice, Coast Survey, Hydrographic Office, Smithsonian Institution, Howard University, Bureau of Education, National Medical Museum, Naval Observatory, Quartermaster-General's Office, Paymaster-General's Office, Statistical Bureau, public schools, Reform School of the District of Columbia, court-house, Columbia Hospital for Women and Lying-in Asylum, Freedmen's Hospital and Asylum, and Columbian Institution for the Deaf and Dumb.

That for the purpose of carrying out the provisions of this section the sum of \$100,000 is hereby appropriated, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated, to be expended under the supervision and direction of said board.

Mr. ALLISON. I make the point of order on that.

The PRESIDENT *pro tempore*. The point of order is sustained. This is general legislation on an appropriation bill.

Mr. ALLISON. I understand from the Secretary that a formal vote was not taken on the amendment of the Committee on Appropriations striking out the words from line 430 to 447, inclusive, on pages 18 and 19, in relation to the extension of the jurisdiction of the Light-House Board over certain rivers. I ask that those words be considered as stricken out.

The PRESIDENT *pro tempore*. The question is on the committee amendment just stated by the Senator from Iowa.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate that the vote on concurring in the amendments made as in Committee of the Whole shall be taken in gross, or are there some upon which a separate vote is desired?

Mr. CONGER. I ask a separate vote on the amendment striking out this clause on page 22, being lines 507 and 508:

For the erection of a light-house in Little Traverse Bay, Michigan, \$15,000.

Mr. FERRY. That was not stricken out.

The PRESIDENT *pro tempore*. It was not stricken out.

Mr. FERRY. The amendment of the committee to strike it out was negatived.

Mr. CONGER. Then I ask for a separate vote on striking out this clause, commencing in line 484:

For the establishment of a light and range-beacons at the turn of the channel through Maumee Bay, Ohio, \$20,000.

The PRESIDENT *pro tempore*. Is there any other amendment reserved?

Mr. BROWN. I wish to give notice that I shall ask for separate action on the amendment in reference to the appointments to office in the Territory of Utah.

The PRESIDENT *pro tempore*. Will the Senator state the page?

Mr. BROWN. I do not remember it; but it is the amendment of the Senator from Massachusetts, [Mr. HOAR.]

Mr. HOAR. Page 32, after line 756.

Mr. MORRILL. I propose to move on page 11 to strike out the amendment agreed to in Committee of the Whole and other words from line 250 to line 255.

The PRESIDENT *pro tempore*. The first question is on the amendments made as in Committee of the Whole. What amendment does the Senator wish a separate vote on?

Mr. MORRILL. I reserve that because I want to make a motion to strike out the whole.

Mr. HAWLEY. I wish to have a vote upon an adopted amendment of the committee on page 38, line 907, which struck out the provision giving \$250 to the Government actuary; also on an adopted amendment on page 58 which gave \$48,000 for the erection of a quartermaster and commissary depot at Saint Paul. Also, I propose to offer a motion to raise the appropriation for the civil-service commission from \$15,000 to \$25,000.

The PRESIDENT *pro tempore*. That also will be a separate amendment.

Mr. BLAIR. I wish a separate vote on the rejected amendment which I moved after line 2008.

The PRESIDENT *pro tempore*. If an amendment was rejected it is not to be acted on now. It can be offered again.

Mr. BLAIR. I will offer it.

Mr. GORMAN. I ask a separate vote on the committee amendment on page 3, line 44, relative to the Baltimore post-office.

Mr. CALL. I ask for a separate vote on the amendment of the committee on line 519, page 22, striking out the following clause:

To commence the construction of a light-house at Mosquito Inlet, on the Atlantic seaboard of the State of Florida, \$30,000.

The PRESIDENT *pro tempore*. The Chair will put the question on all the amendments not reserved.

The amendments made as in Committee of the Whole, not reserved for separate votes, were concurred in.

The PRESIDENT *pro tempore*. The amendments reserved will be acted on in order. The first one will be read.

The PRINCIPAL LEGISLATIVE CLERK. The Senate, as in Committee of the Whole, struck out lines 484, 485, and 486, in these words:

For the establishment of a light and range beacons at the turn of the channel through Maumee Bay, Ohio, \$20,000.

The PRESIDENT *pro tempore*. The question is on concurring with the amendment striking out the clause.

Mr. ALLISON. That is more important than several amendments the Senate has put in, and I do not think I shall make much fight upon it. I know perfectly well the Senate will overrule the committee.

The amendment was non-concurred in.

The next reserved amendment was, at the end of line 756, to insert:

The governor of the Territory of Utah is hereby authorized to appoint officers in the said Territory to fill vacancies which may be caused by a failure to elect on the first Monday in August, 1882, in consequence of the provisions of an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, to hold their offices until their successors are elected and are qualified under the provisions of said act.

Mr. BROWN. I make the point of order on that amendment that it is general legislation, and that it is not germane to the objects of this provision of the bill.

The PRESIDENT *pro tempore*. No point of order can be taken in the Senate; it must be taken in Committee of the Whole.

Mr. BROWN. Can we not make the point of order in the Senate? I do not so understand the rule.

The PRESIDENT *pro tempore*. The Chair has decided that repeatedly at this session. The point must be taken as soon as the amendment is offered in Committee of the Whole, and if an amendment has been made in Committee of the Whole and no point of order is taken to it, the point cannot be made in the Senate.

Mr. FERRY. Simply because it was not made in time.

The PRESIDENT *pro tempore*. Of course.

Mr. BROWN. That being the ruling of the Chair, I ask for a vote. I desire to say only a few words. The recital is that the registration that was necessary in the Territory of Utah was not made on account of what is known as the Edmunds bill, and that at a certain future period the present officers will go out of office. The proposition now is to permit the governor of Utah to appoint all the officers of the Territory, as I understand it, until their successors are elected and qualified.

Mr. HOAR. All those who do go out, no others.

Mr. BROWN. All go out, as I understand. It amounts to the right to appoint the whole of them, and until their successors are elected by law and qualified. I do not know when the commission that has gone out there will authorize an election or will make any provisions for an election. If the governor of Utah is permitted to make appointments until such elections are had they may not be had in years, and the right of election by the people of the Territory will be defeated by a measure of this character. If there was something in this amendment that limited this duration to some definite time and required the commissioners sent there to institute a government by election within a reasonable time, I would not have the objection.

Mr. HOAR. I do not think my honorable friend heard the explanation which I made when the amendment was offered, or the letter from the judges of the Territory. This amendment was proposed unanimously by the Judiciary Committee, in consequence of a letter brought to their attention by the Senator from New York, [Mr. LAPHAM,] and the mode of reaching the difficulty was one suggested by the Senator from Delaware, [Mr. BAYARD,] although I actually held the pen that put it into shape myself. The point is this: These commissioners go on and provide for a new election of the Territorial Legislature forthwith; that is their duty; and that Territorial Legislature in its turn is to provide for elections for all these county and other subordinate Territorial officers. Until that action is had by the Territorial Legislature elected in the new way under election officers appointed by the commissioners the old law would go on; but the Edmunds bill vacated every elective office in the Territory. The effect of that was that there were no officers who could make a registration in May. The August election was to be an election by voters registered in May. Therefore there is not a legally qualified voter in the Territory of Utah to vote next Monday. The effect is that all the offices in that Territory become vacant, and there is a time of absolute and total lawlessness, which is to be next Monday unless the Government can provide for it. There is not a register of deeds; there is not a local county assessor, or collector, or I suppose a constable—though I am not sure about that, no auditor of accounts. This amendment provides, without suspending or delaying the operation of the Edmunds bill a moment, that the governor may appoint these officers temporarily to hold until the new Legislature comes in under the Edmunds bill, which will then provide, according to the provisions of that law, for a new election.

Mr. BROWN. What length of time does the Senator from Massachusetts suppose it will take to organize the government?

Mr. HOAR. Probably two or three months.

Mr. BROWN. I have no objection, then, to the amendment, with a proviso that the appointees shall not hold more than three months.

Mr. BAYARD. It amounts to this: it merely is intended to keep that Territory from almost anarchy until the next election.

Mr. BROWN. To that I do not object, but I do object to the delay that may be practiced by the commission. It may be six months or twelve months or two years. There ought to be some time beyond which these appointees shall not hold.

Mr. HOAR. If the Senator will make it six or eight months there will be time enough to cover it.

Mr. BAYARD. It is understood to be a mere temporary appointment to keep the machinery of government going.

Mr. BROWN. But in fact it may be years before there will be any election.

Mr. HOAR. Congress will be in session in four months from this day.

Mr. BROWN. I want some time fixed beyond which they shall hold. I am willing to say six months.

Mr. BAYARD. You had better make it eight months, and you can reach it almost any time.

Mr. BROWN. If the commissioners have gone there with an honest intention to organize a government as soon as it can be done, I know that it can be done in six months.

Mr. HOAR. It seems to me to be an impossibility to suppose that those officers will not exercise that duty, and that there will not be a Legislature in Utah. The Senator's idea supposes that there will be no election for a Legislature in Utah under the Edmunds bill at all.

Mr. BROWN. If you authorize the governor to appoint all these officers, and the commissioners choose to delay it, there is no power behind them to compel them to act in a year.

Mr. HOAR. I will consent to an amendment adding:

Provided, That the term of said officers shall in no case exceed eight months.

Mr. BROWN. I will then submit to that. I want some reasonable time within which the people shall have the right to organize government there. I will suggest that the usual provision in States, and I suppose in Territories, where no election is made to fill an office, is that the incumbent remains in office until his successor is elected and qualified. Is there anything in Utah in conflict with that?

Mr. HOAR. The difficulty with that is this: the present officers are, very many of them, polygamists, and the Edmunds act provides that no polygamist shall continue to hold office. Therefore the present officers do not hold there.

Mr. BROWN. How do you ascertain that a man is a polygamist?

Mr. HOAR. The judges of the Territory are unanimous in sending this to us.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

The PRESIDENT *pro tempore*. The next reserved amendment will be read.

The ACTING SECRETARY. On page 11, in line 252, after the word "dollars," this clause was inserted as in Committee of the Whole:

The same to be expended on plans to be made and approved by the Supervising Architect of the Treasury and the Architect of the Capitol.

Mr. MORRILL. I move to strike out that proposed amendment and other lines preceding it, commencing in line 250.

The PRESIDENT *pro tempore*. The first question is on concurring in the amendment of the Committee of the Whole. The Senator can afterward move to strike out. The question is on concurring in this amendment.

The amendment was concurred in.

The next reserved amendment was to strike out, after line 706, the following words:

For the purchase of books and serials for use in the office of the Government actuary, \$250, to be expended under direction of the Secretary of the Treasury.

Mr. HAWLEY. This is a comparatively small amount. The Government actuary, who is a very valuable officer in my opinion, has furnished his own library, which is a pretty good one in that line, and he desires to have the Government do a little something toward it. He has to purchase some books of computation which are valuable and necessary in his work. I should like to have the committee let him have this.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment striking out this clause.

Mr. HAWLEY. I hope the chairman will allow it to be retained.

The amendment was non-concurred in; there being on a division—ayes 16, noes 23.

The next reserved amendment was, after the word "promote," in line 2659, to insert "the efficiency of the," and after "civil service" to strike out "reform;" so as to make the clause read:

To enable the President to carry out the provisions of section 1753 of the Revised Statutes of the United States, to promote the efficiency of the civil service and official accountability, \$15,000.

Mr. HAWLEY. I propose to strike out, in line 2660, after the word "accountability," the word "fifteen" and insert "twenty-five," so as to give that civil-service commission, if it is organized under the statute providing for it, the \$25,000 they used to have, and the \$25,000 that the President recommends.

Mr. LOGAN. Why do they want \$25,000? How can they expend it?

Mr. ALLISON. That is not in order now. Let us concur in the amendment of the committee.

The PRESIDENT *pro tempore*. The Chair was trying to find it.

Mr. BLAIR. The next one in order is, after line 2008, page 82.

The PRESIDENT *pro tempore*. Is there any amendment of the committee that the Senator from Connecticut wishes concurrence in here?

Mr. HAWLEY. No, sir.

Mr. BLAIR. I do not know but that there is some misunderstanding. I asked for a separate vote upon the amendments which I introduced which were rejected.

The PRESIDENT *pro tempore*. They can be moved after the reserved amendments are disposed of.

Mr. BLAIR. I think there is no other reserved amendment.

The PRESIDENT *pro tempore*. Yes; there are more.

The ACTING SECRETARY. The next reserved amendment is, in the clause making appropriation for the post-office and court-house at Baltimore, Maryland, after the word "dollars," in line 44, to strike out:

And the same shall be built of white marble, provided the cost shall be no greater than if constructed of granite.

Mr. GORMAN. I ask the chairman of the committee to allow that amendment to be rejected.

Mr. ALLISON. Let it go.

The amendment was non-concurred in.

The PRESIDENT *pro tempore*. Are there any further reserved amendments?

Mr. CALL. I had one reserved in line 519.

The ACTING SECRETARY. The Committee of the Whole struck out the following clause, beginning in line 519:

To commence the construction of a light-house at Mosquito Inlet, on the Atlantic seaboard of the State of Florida, \$30,000.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment striking out these words.

Mr. CALL. That is a light upon the Atlantic coast. It was obviously erroneously stricken out. The whole commerce of the country from the Mississippi River and the Gulf to the Atlantic passes there.

The amendment was concurred in, there being on a division—ayes 22, noes 19.

The PRESIDENT *pro tempore*. The reserved amendments are disposed of.

Mr. MORRILL. I move to strike out from line 250 down to and including line 255, as follows:

To enable the Commissioner of Agriculture to erect a suitable brick building to be used for storing, packing, and shipping seed, \$25,000, the same to be expended on plans to be made and approved by the Supervising Architect of the Treasury and the Architect of the Capitol.

Undoubtedly we have now the most brilliant Commissioner of Agriculture that we have had for many years, and I trust it will not be long before the grand old Commonwealth of Massachusetts will be honored by having him promoted to a Cabinet position; but so far as this appropriation for a public building is concerned, it will be seen that there is no larger amount of seeds appropriated for this year than last. I cannot, therefore, conceive how it can be possible that this new building should be wanted. I know that we have added to the force of that Department this last year nineteen clerks and other employés, but we have not increased the amount of seeds to be distributed, and I therefore am emboldened to make this motion.

Now, I do it for another reason. I do not desire that the Commissioner of Agriculture shall have the right to locate that building on the grounds there wherever he may please. I think there has been one building placed there now in defiance of any public authority, and without the consideration of a standing statute which provides that before any new buildings for the use of the United States are commenced the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior, and the cost of each building shall not exceed the amount of such estimate.

It seems to me that this may well be postponed until we meet here again in three or four months. I therefore hope the item will be stricken out.

Mr. DAVIS, of West Virginia. I hope the Senate will not agree to the motion. The Agricultural Department needs this building badly and the House and the Senate Committees on Appropriations have agreed to it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. MORRILL] to strike out the clause from line 250 to 255, inclusive.

The question being put, there were on a division—ayes 15, noes 18.

Mr. MORRILL. I call for the yeas and nays.

Mr. CAMERON, of Wisconsin. I hope my colleague on the Committee on Public Buildings and Grounds will not insist on that.

Mr. MORRILL. I do not think this ought to go in without further consideration. It will leave that ground entirely as it is now, all sprinkled over and nearly spoiled by several of the buildings put up there.

The PRESIDENT *pro tempore*. The yeas and nays are called for. The yeas and nays were ordered and taken.

Mr. MAXEY. My colleague [Mr. COKE] left the Chamber a few moments ago indisposed. He is paired.

The result was announced—yeas 22, nays 22; as follows:

YEAS—22.

| | | | |
|--------------------|-----------------|------------|-----------|
| Aldrich, | Gorman, | Morrill, | Van Wyck, |
| Anthony, | Hawley, | Pendleton, | Vest, |
| Cameron of Wis., | Ingalls, | Fugh, | Voorhees, |
| Chilcott, | Jones, | Saunders, | Windom. |
| Davis of Illinois, | McMillan, | Sawyer, | |
| Farley, | Miller of Cal., | Sherman, | |

NAYS—22.

| | | | |
|------------------|-----------|----------|-----------|
| Allison, | Ferry, | McDill, | Sewell, |
| Bayard, | Frye, | Maxey, | Slater, |
| Beck, | Groome, | Morgan, | Walker, |
| Brown, | Hale, | Plumb, | Williams. |
| Conger, | Harris, | Ransom, | |
| Davis of W. Va., | Harrison, | Rollins, | |

ABSENT—32.

| | | | |
|-----------------|-------------------|-------------------|------------------|
| Blair, | Edmunds, | Hoar, | Logan, |
| Butler, | Fair, | Jackson, | McPherson, |
| Call, | Garland, | Johnston, | Mahone, |
| Camden, | George, | Jones of Florida, | Miller of N. Y., |
| Cameron of Pa., | Grover, | Jones of Nevada, | Mitchell, |
| Cockrell, | Hampton, | Kellogg, | Platt, |
| Coke, | Hill of Colorado, | Lamar, | Saulsbury, |
| Dawes, | Hill of Georgia, | Lapham, | Vance, |

So the amendment was rejected.

Mr. SLATER. I move an amendment, on page 74, to strike out, commencing with the word "provided," in line 1807, to the end of line 1817.

The Acting Secretary read the words proposed to be stricken out, as follows:

Provided further, That no certificate issued for a deposit of money for the survey of lands under section 2403 of the Revised Statutes, and the act approved March 3, 1879, amendatory thereof, shall be received in payment for lands except at the land office in which the lands surveyed for which the deposit was made are subject to entry, and not elsewhere; but this section shall not be held to impair, prejudice, or affect in any manner deposits and contracts made under the provisions of said act prior to the passage of this act.

Mr. SLATER. This amendment was proposed by the Committee on Appropriations, and was not agreed to in Committee of the Whole. It is very difficult to make Senators and Members of Congress who live so far away from that western section understand our situation and the needs and wants of our people. For many years in California and Oregon and in the Territories adjacent our people were very much straitened. The settlers in going on the public lands were compelled to remain on their lands many years before they could secure titles. I know of many instances myself where people lived upon their lands ten and fifteen years before they could get title under the homestead laws or file a pre-emption claim. Settlement goes constantly in advance of the surveys. The statutes were amended so that the deposit system was adopted.

Now it is claimed that some frauds have been perpetrated in Colorado and some of the Western States, and that therefore this law should be abandoned. As I understand, the General Land Office has recently taken such steps as practically to destroy any chance of frauds growing up under the statutes as they exist now and will exist if this proviso is not inserted.

I trust the Senate will not rashly repeal this law and place our people who have gone so far west in the condition in which they were for many years. Many of our people who had lived upon their land many years were unable to perfect their titles. In Oregon and portions of California and many portions of the Western Territories in a township there would not be more than two or three sections susceptible of settlement or selected for settlement. If they are allowed to be surveyed under this system they will be surveyed; otherwise they will not be.

It may be stated, and will no doubt be stated if it has not been already, that these surveys outrun the needs of settlers and will absorb all the money that will come into the Treasury. Under the restriction that I see is contained in the bill the reduction in the price of surveys of land West will of itself check surveying to a very large extent. The rough mountainous country cannot be surveyed at the price here allowed. That will restrict it, and under the restrictions of the Department three persons now must commit perjury before a fraud can be perpetrated upon the Government. So I cannot see why the Government is not entirely and amply protected under the laws that exist and the regulations of the Department. I hope the amendment will be adopted.

Mr. WINDOM. The House provision affords all the facilities, in my judgment, that are needed. If there are settlers in any given land district who want their lands surveyed, they can sell the certificates in that district. The House bill now authorizes the use of those certificates in the district. If the surveys are needed, there will be a sale for the certificates in that district; if the surveys are not needed, they should not be made for the sake of speculating on the surveys and selling them elsewhere.

Mr. McMILLAN. But if settlers desire the lands surveyed on which they wish to settle, they can have them surveyed under this provision.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Oregon, [Mr. SLATER.]

The amendment was rejected.

Mr. SLATER. I ask now to make a verbal amendment in the bill as it stands. After the word "manner," in line 1816, I move to insert "certificates issued or;" so as to read "affect in any manner certificates issued or deposits and contracts made."

The PRESIDENT *pro tempore*. Is there objection to that?

Mr. ALLISON. No; there ought not to be objection.

Mr. VAN WYCK. What is the object?

Mr. SLATER. As the bill stands I have the impression that outstanding certificates would be debarred from being taken up.

The PRESIDENT *pro tempore*. The amendment is adopted.

Mr. WINDOM. I renew the amendment moved in Committee of the Whole in reference to the consul-general at Madrid. I will not take up time with it.

The ACTING SECRETARY. After line 31, page 2, it is proposed to insert:

For salary of consul-general at Madrid, (in addition to that of secretary of legation when acting as such,) \$1,200.

The amendment was agreed to.

Mr. BLAIR. I renew the amendments which I offered following line 2008, providing for an appropriation of \$15,000 in the aggregate—

The PRESIDENT *pro tempore*. Was not the point of order raised?

Mr. BLAIR. There was none.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. BLAIR. I should not trouble the Senate with any further remarks upon what may be a disagreeable topic if I did not feel that I should not be wholly guiltless if this session closed without granting this mere pittance to the cause of common school education in this country. I can assure you, Mr. President, that it is as disagreeable to me as it is to any human being to speak upon a matter which I know it is not pleasant for others to hear, but I have this feeling in regard to this trivial amendment, that it is of more consequence to this country than everything else involved in the bill, and therefore I wish to be heard for a moment.

We are paying in this country to-day \$10,000,000 and more annually in the construction and repair of our school-houses. There are very few school buildings anywhere in the United States that are constructed in accordance with the most improved patterns of science, and of the existing development in the direction of school architecture. The city of Boston, perhaps, has a few buildings that would serve as proper models for the country at large. There is, I think, no other city which, as a whole, is supplied with school buildings, properly constructed.

In the smaller cities, in the villages, and in the country at large, North and South as well, in the course of the next ten years at least, nearly every school-building that we have is likely to be replaced by another. Vast tracts of country are to be supplied with school-buildings for the first time. While we now spend \$10,000,000 we are liable within the next ten years to be expending at least \$20,000,000 annually in the matter of schools and school-house construction and architecture. There is nowhere in this country to-day a book upon school architecture such as the wants of the time require.

The 280,000 teachers of the country, the State superintendents of the country, the educators of the country almost *en masse*, have made their wishes known through the Bureau of Education, and through their own committees that have been here sitting the last winter, in this regard, and they have called upon the national Government to make a slight contribution for the preparation of a work of this kind, and such a work has been partially prepared.

Last year, from the appropriation of last year, a small amount was expended in that direction, but the unusual call for information on the office itself and the unusual consequent necessity of expending the appropriation in the way of clerical force in the office here in this city arrested that work. This year the committee has granted the usual appropriation, with \$2,000 excess for the support of the bureau, but the \$15,000 or \$20,000 necessary—

The PRESIDENT *pro tempore*. The Senator's five minutes are up.

Mr. BLAIR. I should like two minutes more to complete what I have to say on this point.

The PRESIDENT *pro tempore*. Will the Senate agree to extend the time of the Senator from New Hampshire?

Mr. DAVIS, of West Virginia. We ought to go on regularly.

The PRESIDENT *pro tempore*. There is objection.

Mr. BLAIR. Very well. I decline to trouble the Senate longer. I ask for a vote.

The PRESIDENT *pro tempore*. The question is on the amendment, which will be read.

The ACTING SECRETARY. After line 2008 it is proposed to insert:

For collecting statistics and writing and compiling matter for annual and special reports, and editing and publishing circulars of information for the use of the Bureau of Education, the expenditures to be approved before payment by the Secretary of the Interior, \$10,000.

For the distribution and exchange of educational documents, and for wrapping, directing, tying, and packing the same; and for the collection, exchange, cataloging, and caring for the collection of educational apparatus and appliances, articles of school furniture, and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, \$5,000, to be expended by the Commissioner of Education under the direction of the Secretary of the Interior.

Mr. DAVIS, of West Virginia. Did not the chairman of the committee make the point of order on that?

Mr. ALLISON. I made the point of order in Committee of the Whole, and it was overruled.

Mr. BLAIR. It was overruled because no point of order could be sustained.

The PRESIDENT *pro tempore*. There was no point of order made in Committee of the Whole on these amendments. A vote was taken on them and they were disagreed to.

Mr. PLUMB. I suggest to the Senator from New Hampshire that his amendment should not come in after line 2008, because one amendment has already been inserted there.

The PRESIDENT *pro tempore*. The Secretary will fix that right if it is adopted. The question is on the amendment of the Senator from New Hampshire, [Mr. BLAIR.]

The question being put, there were on a division—ayes 18, noes 19—not a quorum voting.

The PRESIDENT *pro tempore*. There is a quorum present if all vote.

Mr. BLAIR. Well, let us have the yeas and nays. ["Another division!"] I do not ask the yeas and nays if we can get a quorum to vote in some other way.

The PRESIDENT *pro tempore*. The Chair will take another count.

Mr. BROWN. Before another count is taken, I wish to appeal to my side of the Senate on this question. I do not want them to make a bad record on this point. We have done nothing whatever for the cause of education.

The PRESIDENT *pro tempore*. The Chair will again put the question on the amendment of the Senator from New Hampshire.

The question being put, there were on a division—ayes 18, noes 22. So the amendment was rejected.

Mr. SEWELL. I renew my amendment offered in Committee of the Whole.

The PRESIDENT *pro tempore*. But it was ruled out on a point of order.

Mr. SEWELL. No point of order is made now.

The PRESIDENT *pro tempore*. But any amendment ruled out on a point of order cannot be renewed in the Senate.

Mr. SEWELL. I thought the Chair might have forgotten it. [Laughter.]

Mr. HOAR. Unless somebody makes the point of order the amendment may be offered.

Mr. SEWELL. I think there is no objection to the amendment.

The PRESIDENT *pro tempore*. The amendment will be read.

The amendment was read, as follows:

For the road from Beverly, New Jersey, to the national cemetery near that city, \$3,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

Mr. PLUMB. I want to move one amendment on the same page. On page 50 the appropriation is \$3,000 to complete the roadway from Fort Scott to the national cemetery. That appropriation is estimated for at \$7,000. I have seen the officer having charge of the work, and he says that \$3,000 will not complete it, even in any condition, to be traversable at all. I therefore move to change that from \$3,000 to \$5,000.

Mr. BECK. Where is that amendment to come in?

Mr. PLUMB. On page 50, line 1216.

Mr. BECK. I want to say one word about that. We gave for the road from Fort Scott to the national cemetery, Kansas, "for the completion of the road-way from Fort Scott, Kansas, to the national cemetery, \$3,000." We gave them \$5,500 two years ago, and last year \$5,500 to complete that road, and required them on the face of the bill to complete the road for \$5,500, and instead of completing it they come now and want \$7,000 more and we give them \$3,000 in this bill after they agreed to complete it last year for \$5,500. There must be an end to these roads somewhere.

Mr. PLUMB. The original estimate for this work was \$17,000. Of that \$10,500 has been spent, and here is an appropriation of only \$3,000 more.

Mr. BECK. Eleven thousand dollars have been spent.

Mr. PLUMB. Well, \$11,000 and these \$3,000 make \$14,000, leaving \$3,000 short of the estimate. I do not question what the Senator from Kentucky says, and I deprecate as much as he does any exercise of executive responsibility such as he has properly characterized here; but the Government has got this money invested, a portion of it, and according to the best estimate that can be made more than this amount is needed in order to render what we have done effective. I think there is something in that, and I think \$5,000 ought to be given.

Mr. BECK. One of the bad things we have to contend with all the time is that executive officers do not obey our law. When we said \$5,500 should complete the road they ought to have done it; but I do not care.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas, [Mr. PLUMB.]

The amendment was rejected.

Mr. HAWLEY. I move, on page 109, line 2660, to strike out "fifteen" and insert "twenty-five;" so as to read:

To enable the President to carry out the provisions of section 1753 of the Revised Statutes of the United States, to promote the efficiency of the civil service and official accountability, \$25,000.

Section 1753 has been idle for several years, and public sentiment of the country—

Mr. LOGAN. I ask the Senator what he wants with \$25,000?

Mr. HAWLEY. I do not want it at all.

Mr. LOGAN. Who does?

Mr. PENDLETON. The President does.

Mr. HAWLEY. The President wants it and recommends it.

Mr. LOGAN. If you make the calculation between now and the end of the fiscal year you will see that you cannot use it unless you pay \$50 a day to each of the three commissioners.

Mr. HAWLEY. The President urgently recommends it in his message.

Mr. BECK. I want it provided that they shall not take 2 per cent. of this money for the campaign fund. [Laughter.]

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Connecticut, [Mr. HAWLEY.]

The amendment was rejected.

Mr. VEST. I wish to offer one amendment and have the vote of the Senate upon it. It comes in under the head of "War Department:"

That the sum of \$200,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for a site and erection thereon of a brick and metal fire-proof building, to be used for the safe-keeping of records of the executive and legislative and judicial departments not required in the present executive or legislative or judicial offices for constant reference, as recommended by the Secretary of War in his annual reports of 1879 and 1880; said building to be erected under the supervision and direction of General M. C. Meigs, lately Quartermaster-General, and according to the plans heretofore prepared by him and submitted in his annual reports of the Quartermaster's Department.

Mr. LOGAN. This was voted down a while ago when offered by the Senator from Vermont; and I make the point of order.

The PRESIDENT *pro tempore*. Was the point of order made on this amendment in Committee of the Whole?

Mr. VEST. No, sir.

The PRESIDENT *pro tempore*. If there was no point of order made then, it is not subject to a point of order now.

Mr. ALLISON. Well, let us vote on it.

Mr. FERRY. This is a new amendment in the Senate. It is not a question of concurrence, and therefore the point of order can be made.

Mr. MORRILL. It is the same amendment reported by the Committee on Public Buildings and Grounds verbatim and referred to the Committee on Appropriations.

Mr. SHERMAN. And held to be in order.

Mr. HARRIS. The Senator from Missouri has modified it by striking out "near the War Department."

Mr. SHERMAN. If it is in order I desire also to insert the words "under the direction of the Secretary of War," so that he may be left to select a site and have the whole charge of the construction of the building.

I know it is almost cruel to speak even for a moment at this time, but I wish to say a word. I know the vital importance of having a building of this kind to secure the public records. I do not believe that any insurance company in the land would secure the public records to anything like their value for \$200,000 a year. When the Patent Office was burned I happened to be in the city, and feeling anxious about the Treasury records, I for the first time examined into the enormous records of the Treasury Department. They were there piled in stacks up near the roof, and an accident like the dropping of a match might have set on fire all the records of the Department containing the settlement of accounts without number.

I do not care where this building is located or by whom it is erected, but I say it is a matter of as vital necessity and importance as any provision in this bill that some place should be selected where these records can be kept, fire-proof and burglar-proof and safe, and I do not think it ought to be delayed a day.

The PRESIDENT *pro tempore*. The Chair will state the exact position of this question. The amendment is substantially the amendment that was presented by the Senator from Vermont in committee, but the Senator from Vermont withdrew it and no point of order was raised in committee. Does the Chair understand that any point of order is raised here?

Mr. LOGAN. I make the point of order.

The PRESIDENT *pro tempore*. The point of order is well taken, because this is general legislation; it is for purchasing property.

Mr. LOGAN. Now I will explain why.

Several SENATORS. "No!" "No!"

Mr. LOGAN. Very well.

Mr. HARRIS. It is out of order, and that is the end of it.

Mr. WALKER. I offer the following amendment:

For improving road from the national cemetery near Fayetteville, Arkansas, to the county road, \$3,000.

Mr. ALLISON. I make the point of order on that amendment.

Mr. WALKER. Does the Senator wish to make a point of order on a national graveyard?

The PRESIDENT *pro tempore*. The point of order is made and well taken.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on Finance:

A bill (H. R. No. 604) for the relief of William W. Thomas;

A bill (H. R. No. 2911) for the relief of the German National Bank of Louisville, Kentucky; and

A bill (H. R. No. 4396) repealing the limitation of redemption of two-cent documentary internal-revenue stamps by the Government.

The bill (H. R. No. 1328) for the relief of Peter March, Frederick Kimmerly, David Vaughn, Barney Schooley, Eliza Scott, widow of Joseph Scott, Phebe C. Clement, widow of Isaac M. Clement, Frederick Smith, Owen McNabb, and Thomas Miller, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. No. 2713) to extend the provisions of the act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners, was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. R. No. 281) to pay the Capitol police one month's extra pay was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries was read twice by its title, and referred to the Committee on Printing.

SIGNAL-SERVICE REPORT.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate of the 6th ultimo to print and bind 2,500 copies of the annual report of the Chief Signal Officer for 1881 for the use of the Signal Office. The House amendment was, in lines 3 and 4, to strike out "2,500" and insert in lieu thereof "10,000;" so as to make the resolution read:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed and bound for the use of the Signal Office and the Department of War 10,000 copies of the annual report of the Chief Signal Officer for 1881.

Mr. ANTHONY. The Senate sent two resolutions to the House, one to print 2,500 and one to print 7,500, the additional number being given for reasons stated to the Senate. The House put the two resolutions together and provided here for the full number in both, and disagreed to one of the resolutions. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. CONGER. I move that the Senate adjourn.

The motion was agreed to; there being on a division—ayes 11, noes 10; and (at eight o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, August 2, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The SPEAKER. The remainder of the Journal of Monday last and also the Journal of yesterday will now be read.

The reading having been concluded, the Journal of Monday last and that of yesterday were approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 2151) to provide for the publication of the Tenth Census.

The message also announced that the Senate had passed without amendment joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to the said regiment and which is now in the custody of the Secretary of War.

The message also announced that the Senate had agreed to the amendments of the House to the amendments of the Senate numbered 63 and 64 to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; had insisted on its amendments disagreed to by the House to the said bill; asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. LOGAN, and Mr. DAVIS of West Virginia.

HELEN M. SCHOLEFIELD.

Mr. PRESCOTT. I ask unanimous consent for the present consideration of Senate bill No. 249, for the relief of Helen M. Scholefield. The bill was read.

Mr. RANDALL. I object.

Mr. PRESCOTT. I trusted the gentleman would not object to the consideration of this bill.

Mr. RANDALL. I do object.

JAMES GAYLER.

Mr. CARLISLE, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be directed to pay out of the contingent fund of the House to James Gayler the sum of \$50 for his services as expert and witness before the select committee to investigate the authorship of the anonymous letter to Hon. W. M. SPRINGER.

MASTER ARMORER, SPRINGFIELD, MASSACHUSETTS.

Mr. ROBINSON, of Massachusetts. I ask by unanimous consent to call up from the Speaker's table a verbal amendment of the Senate to the bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts.

Mr. HOLMAN. Let the amendment be read.

The Clerk read as follows:

In line 3, after the word "him," insert the words "from and after the passage of this act."

The SPEAKER. The Chair hears no objection, and the amendment is before the House.

The amendment of the Senate was concurred in.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I rise to a privileged motion. I move that the House insist on its disagreement to the amendments of the Senate to the naval appropriation bill, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER. The Chair appoints as managers of said conference on the part of the House Mr. ROBESON, Mr. KETCHAM, and Mr. ATKINS.

STATIONERY FOR SUCCESSFUL CONTESTANTS.

Mr. CALKINS. I rise to what I deem to be a privileged matter, and submit the resolution which I send to the Clerk's desk. It is in the nature of instructions to the Clerk of the House:

Resolved, That the successful contestants for seats in the House are entitled to stationery allowance for the Congress in which they may be seated.

Mr. CALKINS. It is a mere direction to the clerk, who claims, without such direction, contestants who have been successful are not entitled to their allowance of stationery.

Mr. HOLMAN. The reading of that resolution was not heard distinctly and I ask that it be read again.

The resolution was again read.

Mr. CALKINS. It is a mere direction to the Clerk that they are entitled to it. The Clerk desires some direction in the matter from the House, as I understand it.

The resolution was adopted.

Mr. CALKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for, which is the call of committees under the new rule. The pending bill is Senate bill No. 171, in relation to certain fees allowed registers and receivers. At the expiration of the hour yesterday the bill had been read. It is still open to objection.

Mr. PAGE. When the House adjourned it had completed the reading of the President's veto message.

The SPEAKER. The Chair does not think this hour having been entered on can be interrupted.

Mr. PAGE. But I rose before the hour had been entered on to a question of the highest privilege.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 280) authorizing the Secretary of War to loan tents to the Washington Light Infantry Corps;

A bill (H. R. No. 2402) to quiet title to certain land in Washington, District of Columbia;

A bill (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania;

A bill (H. R. No. 5222) to restore the Fort Benton military reservation to the public domain, and for other purposes;

Joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional numbers heretofore ordered of the memorial address on the late President Garfield;

A bill (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes;

A bill (S. No. 70) granting a pension to Sarah Hayne;

A bill (S. No. 101) for the relief of G. W. Thompson and others;

A bill (S. No. 138) for the relief of James Burke;

A bill (S. No. 340) granting a pension to Erastus Crippen;

A bill (S. No. 346) to provide for the disposition of the Fort Larned military reservation;

A bill (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott;

A bill (S. No. 356) for the relief of the widow of George W. Flood;

A bill (S. No. 412) for the relief of Joab Spencer and James R. Mead;

A bill (S. No. 547) granting a pension to E. G. Hoffman, late a captain in the One hundred and sixty-fifth Regiment New York Volunteers;

A bill (S. No. 703) granting a pension to Sarah Shea;

A bill (S. No. 997) for the relief of Ella Carroll, formerly Ella Long;

A bill (S. No. 1170) granting a pension to Jane S. Taplin;

A bill (S. No. 1264) to increase the pension of Joseph N. Abbey;

A bill (S. No. 1437) granting a pension to Amos Chapman;

A bill (S. No. 1680) granting a pension to Ann Leddy;

A bill (S. No. 1796) for the relief of Elizabeth H. Spotts;

A bill (S. No. 1925) granting a pension to Ann Elizabeth Rodgers;

A bill (S. No. 1959) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation, in Arizona;

A bill (S. No. 2026) granting a pension to Mary E. Matthews; and

A bill (S. No. 2089) granting a pension to Caroline French.

VETO MESSAGE—RIVER AND HARBOR APPROPRIATION BILL.

Mr. PAGE. I am unanimously instructed by the Committee on Commerce to move to take up the river and harbor appropriation bill, with the President's veto message relating thereto, and to move that the bill do pass notwithstanding the President's objections.

Mr. COX, of New York. On that motion I call for the yeas and nays.

Mr. PAGE. I call for the previous question on my motion.

The SPEAKER. There is no occasion for calling for the yeas and nays. The form of the vote is well settled. The question will be, Will the House, on reconsideration, agree to pass the bill?

Mr. PAGE. And on that I call for the previous question.

Mr. COX, of New York. Is the question debatable?

Mr. KASSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KASSON. I wish to make a motion to refer the bill to the Committee on Commerce with the following instructions—

Mr. PAGE. Is that in order?

The SPEAKER. The House will be in order. Gentlemen will resume their seats.

Mr. KASSON. I wish to be heard on the point of order.

Mr. PAGE. The gentleman from Iowa has not the floor to offer that resolution.

The SPEAKER. The Chair understood the gentleman from Iowa to rise to a parliamentary inquiry, whereupon he offered, after having obtained the floor, a motion to refer with instructions.

Mr. KASSON. No, sir; my object is to learn from the Speaker whether this motion, in the present status of this case, is now in order. That, of course, must be first determined. My parliamentary inquiry is whether it is not in order under our rules to move to refer the bill? And I have something to say to show why such a motion should be in order to refer with the instructions which I have sent to the desk. That was the point of my inquiry.

Mr. PAGE. I do not know how the gentleman from Iowa can take me off the floor to make such a motion.

The SPEAKER. The gentleman from California was on the floor and had moved the previous question. The Chair thinks a motion to refer, if the gentleman from Iowa had obtained the floor in time for that purpose, would have been in order, but not a motion to refer with instructions. The motion to refer without instructions the message of the President and the bill, or either, the Chair thinks, would have been in order.

Mr. COX, of New York. Is that motion debatable?

The SPEAKER. It is not, because that motion is not now pending.

Mr. KASSON. Will the Chair allow me to say one word on the point of order? I find there are abundant precedents for this proposition.

Mr. PAGE. I do not yield to the gentleman.

Mr. KASSON. I am entitled to be heard on the point of order.

Mr. PAGE. The point of order has already been decided.

The SPEAKER. The Chair will hear the gentleman from Iowa on the point of order.

Mr. KASSON. Gentlemen may as well listen to what I have to say on the point of order. I refer the Speaker to page 363 of the Digest.

The SPEAKER. The Chair does not hold a motion to refer is not in order. The Chair only holds such a motion must come in its place.

Mr. COX, of New York. Where is that place?

Mr. KASSON. One motion to refer with or without instructions is in order pending the motion for the previous question on the passage.

Mr. PAGE. I submit that I was on the floor and was recognized by the Speaker.

The SPEAKER. The Chair understands that.

Mr. PAGE. I have called up the bill, with the President's message, and moved the previous question.

Mr. KASSON. And I make the point of order that my motion to refer is in order prior to the vote on the passage, and on that I ask to be heard.

The SPEAKER. The Chair thinks there is no difficulty about this. The gentleman from California, having been recognized to demand the previous question on the reconsideration of the bill, is entitled to have the judgment of the House on that proposition first. The Chair does not hold a motion to refer would be out of order if the gentleman from Iowa had taken the floor before the demand for the previous question was pending.

Mr. KASSON. I took the floor, but the Chair, according to custom, recognized the gentleman from California. But I wish still to ask the Speaker to listen to me on the point I make.

Mr. POUND. I wish to know if there is any dispute between the gentleman from Iowa and the Chair on this point?

Mr. KASSON. I think I have the right to interpose, pending the motion for the previous question, a motion to refer.

Mr. ATKINS. I rise to make a parliamentary inquiry.

The SPEAKER. The Chair can only hear one gentleman at a time. Mr. KASSON. On page 363 it is stated as being within the power of the House—

To proceed to the reconsideration of the bill or to postpone its consideration for a future day; but not where less than a quorum is present. A veto message and a bill may be referred, or the message alone, and the bill may be laid on the table.

The SPEAKER. There is no doubt about that.

Mr. KASSON. Now, under our other rule, pending a motion for the previous question, one motion to refer may be entertained. I will turn to the rule unless the Speaker recollects it.

Mr. ROBINSON, of Massachusetts. Rule XVII seems to cover that point.

Mr. KASSON. If the motion is not in order until after the previous question is seconded, then I would like to offer at that time a motion to refer with instructions, under Rule XVII.

The SPEAKER. The Chair is not clear that Rule XVII applies in such a case as this. On the ordinary passage of a bill a motion to refer with or without instructions is in order pending the demand for the previous question or after the previous question is ordered. But the question still arises whether that rule applies to a case like this, where the House is simply considering the question of again passing a bill which has already been passed.

Mr. KASSON. The motion to refer is stated as one of the motions in order on the consideration of a veto message. I desire to save all the rights under the rules, for the purpose of availing myself of the right to submit the motion to refer; and therefore, pending the demand for the previous question, I interrupted the proceeding for the purpose of submitting the motion in order to lose no right. There must be a time when the motion to refer is in order; and if it is in order pending the demand for the previous question on the passage of any bill, then now is the time to submit that motion.

Mr. REAGAN. I desire to say one word in response to the gentleman from Iowa in regard to the rule to which he refers. The gentleman does not read the whole of the paragraph describing the order of proceeding which occurs in a contingency like this.

Whenever a bill is returned to the House with the objections of the President it is usual to have the message containing his objections immediately read, and for the House to proceed to the consideration of the bill—

That is the first thing which is prescribed by the rule, and that is the motion submitted by the gentleman from California, [Mr. PAGE]—

or to postpone its consideration for a future day, but not where less than a quorum is present.

So that it will be seen—

Mr. KASSON. Read the next clause.

Mr. REAGAN. I will do so.

The veto message and a bill may be referred, or the message alone, and the bill may be laid on the table.

But the motion to refer would have to be made, in order to be in order, before the motion is submitted to proceed to the reconsideration of the bill and the demand for the previous question on that motion. The motion of the gentleman from Iowa would have been in order if he had had the floor; but he did not obtain the floor and move it until the previous question had been demanded on the first proceeding in order.

Mr. KASSON. If the gentleman will read the first clause of the Constitution, under the head of veto, he will find that reconsideration under the Constitution means debate; and the proposition of the gentleman from California [Mr. PAGE] is a proposition to cut off all debate. I desire to be heard, and so do many others, on this important question of appropriating \$18,000,000 for this purpose; yes, nearly \$19,000,000.

Mr. PAGE. I understand that the Chair has practically decided the point of order.

Mr. COX, of New York. I desire to be heard on the point of order.

Mr. TUCKER. I desire to ask a question of the gentleman from Iowa, [Mr. KASSON.]

Mr. KASSON. Certainly.

Mr. TUCKER. It is whether the instructions which the gentleman moves look to any change in the character of the bill which has been vetoed by the President?

Mr. KASSON. The instructions which I shall move, if it shall be decided in order, look to a reduction or limitation of the amounts appropriated by the bill.

Mr. TUCKER. Then that must be out of order, because we are entitled to vote upon the bill which went to the President and which was vetoed by him.

Mr. KASSON. But this is a motion to refer.

Mr. TUCKER. Yes, but with instructions to change the bill.

Mr. COX, of New York. There ought to be some settled rule about vetoes and our conduct with respect to them.

A MEMBER. There is.

Mr. COX, of New York. The rules are explicit on the subject. I cannot see how, if a vote be taken on the motion of my friend from California [Mr. PAGE] and the bill is passed in spite of the veto message, I cannot see how any motion for reference can be made after that. How can it be made after the bill be passed? Hence it is absolutely indispensable, under the rule which provides that a veto message and bill may be referred—when? Why certainly at the time when a reference would be useful, when a consideration of the question may be had, and that is just the object of the gentleman from Iowa, [Mr. KASSON.] If the gentleman from California [Mr. PAGE] shall be sustained in his claim that he now has the right to move the passage of the bill and to call the previous question upon it, and the bill shall be passed by a two-thirds vote, where then is my friend from Iowa?

Mr. KASSON. Where is the consideration?

Mr. COX, of New York. Where is the consideration of the bill?

Mr. KASSON. The question being on the passage of the bill, by Rule XVII the motion to refer is clearly in order.

Mr. PAGE. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAGE. Would it be in order, after the previous question shall have been ordered, for the gentleman from Iowa [Mr. KASSON] then to interpose his motion to commit?

The SPEAKER. The Chair does not feel called upon to decide that question until it arises.

Mr. ROBESON. I desire to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. ROBESON. It seems to me that this is a very plain question. This bill has come back to us disapproved by the President. We are now to vote upon it, not as an original proposition under our rules, subject to amendment, but as a proposition under the Constitution, which has brought this bill back to us for reconsideration, either to pass it over the veto or to fail to pass it. We cannot refer it with instructions, because no matter how we may instruct the committee the bill cannot be changed. We cannot pass a bill over a veto with an amendment. We cannot concur with the President with an amendment; nor can we disagree with the President with an amendment. The question upon the passage of the bill, notwithstanding the veto, comes squarely before us; and while it may be proper to refer the bill in order that the House may be informed by its committee as to what action ought to be taken upon the question of passage or nonpassage, yet the question cannot be presented otherwise than as the Constitution presents it—squarely, whether the bill shall be repassed in spite of the President's objections. Therefore instructions to the committee are out of order.

Mr. KASSON. One word in reply to the gentleman from New Jersey, [Mr. ROBESON.] We have repeatedly received veto messages which have never been acted upon; there is one such now on our table. I regard this motion to refer the bill as appropriate under the rules prior to final action by the House upon the bill. If the committee should not report in favor of repassing the vetoed bill, but should report an original bill, being the bill as referred with some modifications satisfactory to them, that might be passed upon the recommendation of the committee as an original bill, and the main question upon the vetoed bill might never arise in the House, as sometimes has happened in reference to other bills vetoed by the President. But, sir, I will simplify the question by merely moving that the bill be referred.

Mr. COX, of New York. That is better.

Mr. KASSON. This will leave the matter free from all embarrassment, though I still believe that under Rule XVII I have the right to move to refer the bill with instructions.

Mr. CALKINS. Mr. Speaker, I think it immaterial, so far as this bill is concerned, what the ruling of the Chair may be; the question is only important as it may affect the orderly proceeding of the House. Rule XVII was designed clearly to include only bills and resolutions originating in the Senate or the House which come up for action in the first instance. It does not include bills returned by the President with a veto. No person, in my judgment, can read the rule without coming to this conclusion. The rule, after stating the effect of the previous question, says:

The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection.

This bill cannot be amended; it is impossible to amend the bill now. The only motions in order are to refer the message and bill, to table the message and bill, or to refer the one and table the other. The rule referred to does not enlarge our right in this respect. When a bill is accompanied by a veto message it is not within the terms of Rule XVII, and if the motion to refer is in order it is so not by virtue of Rule XVII, but by reason of some other rule or practice, and I am not acquainted with any such rule or practice. Rule XVII not applying to cases of this kind, the motion of the gentleman from Iowa cannot be in order after the gentleman from California has demanded the previous question.

Mr. BURROWS, of Michigan. I desire to be heard a moment upon the point of order. It seems to me there is no difficulty in this question. The gentleman from California [Mr. PAGE] called up for consideration the veto message of the President; and upon the question whether the bill shall pass notwithstanding the President's objections the gentleman demanded the previous question. That was done for the very purpose of cutting off debate, or a motion to amend, or any other motion. Clearly the motion of the gentleman from California was in order. The motion of the gentleman from Iowa, it seems to me, cannot be entertained to take the gentleman from California off the floor. The first question is upon the motion of the gentleman from California. This matter is entirely within the control of the House. If the House should vote down the motion of the gentleman from California for the previous question, then the motion of the gentleman from Iowa to refer will certainly be in order; but it seems to me that motion is not in order at this time.

Mr. KASSON. I will say to the gentleman from Michigan [Mr. BURROWS] that there was on my part no attempt to take the gentleman from California from the floor. That gentleman having moved the previous question, I, under Rule XVII, made my motion, the question being upon the passage of the bill, and Rule XVII making no exception with reference to this particular case.

Mr. ROBINSON, of Massachusetts. Mr. Speaker, it is important as a matter of correct practice that this question should be properly decided. It has been very truly said that the determination of the question is finally in the hands of the House; but the Speaker of course desires to rule properly upon it, that the House may reach a conclusion by a correct course. The House can of course sustain the demand for the previous question if it so desires, and can vote down the motion to refer. If the friends of the bill in its present form have a sufficient number of votes, it does not matter in the final result what order of proceeding may be pursued. But let us see what is the correct practice. Undoubtedly the motion to refer the message of the President to a committee would be in order unless the gentleman from California by taking the floor acquired a prior right to recognition. He certainly had that right, as I submit, unless it is qualified by Rule XVII. The simple question is whether Rule XVII in the last portion of the first clause meets this case. There need be no agitation about the question, because whatever result may meet the wishes of the House can readily be reached, whatever the ruling upon this question may be.

But let us see what harm will be done by following the rule strictly. And it seems to me the rule allows the motion to refer, the gentleman having modified it to remove the objection the gentleman from New Jersey made. I am not arguing whether that objection was a sound one or not. But the provision in the last clause of the rule is that pending the demand for the previous question or after the previous question is ordered on the passage of a bill, it shall be in order to make the motion to refer. Now, what is the question the Speaker proposes to submit to the House? Shall this bill pass notwithstanding the objection of the President? Therefore the bill is to be put on its passage. Now, the gentleman from California says on that question of passage, "I demand the previous question." Pending that demand on the passage of the bill within that portion of the Rule XVII I have cited, it is plainly in order the gentleman from Iowa or any other gentleman may make the motion to refer. That is all the question we have now to discuss.

When my friend from Indiana says the language of Rule XVII excludes this question of a veto, I reply that it does not in terms, because it does not say anything about it; nor indeed does it in spirit or intent.

It is proposed, pending the passage of the bill, to say whether the House will refer it to the committee for further consideration. It is in order under Rule XVII to refer. This House has already referred one bill, notably the steamship bill, and it has never come back from the committee; but the committee reported another bill and the House passed it. It has passed both branches.

Mr. CALKINS. If the gentleman's position is correct, it proves under this rule you may refer this bill and the accompanying message with instructions, because you cannot eliminate part of the rule from operation and say the residue shall be effective. Let me read in the presence of the gentleman from Massachusetts what the rule does say. It provides that "it shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee."

Now, if it comes within that rule, then it is in order to commit this bill and the veto message with or without instructions. You can-

not eliminate a part of the rule and say it does not operate, but when you appeal to it as operating in this case you must take the whole rule. If it is in order at all, then it is in order to commit this bill and veto message with or without instructions. To say that it is in order to commit it without instructions and not with instructions is to say it does not fall within that rule at all.

Mr. ROBINSON, of Massachusetts. All right; I go right along with my friend from Indiana and answer him. The motion to commit is the motion to refer, and there is no difference between them, and there need be no argument about that. He says the first proposition might be sound, except that it is connected with another which seems to him objectionable. But the difficulty is only apparent, not real, for I hold that the motion to commit with instructions is entirely in order.

I might go on to support that statement, but it is not of any use at this time except as an illustration; but I say it enforces my position. I say it is in order for this House to refer or commit that bill without instructions to the committee, and it is no sufficient answer that the committee may bring in another bill, as the House has disposed of this bill by sending it to the committee.

Mr. CALKINS. I ask the gentleman how we can ever get a direct vote on a bill which has been vetoed under his construction of the rule? We would not get to a direct vote on it at all. We would get to a direct vote on the motion to commit or to refer with instructions, but not on the bill. Now, the rule says that these motions may be made in all stages of a bill, even to the engrossment. If the rule refers at all it refers in all its parts and must be so construed.

Mr. HASKELL. On page 363 of the Manual is a line of procedure on vetoed bills which is complete and full, and on that page, under the heading of "vetoed bills," it is distinctly recognized that the veto message is debatable, that it is referable, that it may be laid on the table; and it is just as distinctly stated it cannot be amended as a vetoed bill and the vote on it cannot be reconsidered, and those are the only two motions barred out under the practice. The proposition before the House now is on that veto message. A simple motion to refer, on page 363 of the Manual, is ruled in order—ruled in order by numerous precedents, and cannot be possibly controverted. Without discussing Rule XVII at all, there is the Manual and there is your line of action, clear and clean and perfect. As has been distinctly stated, if you give the floor to the member in charge of the bill by courtesy, and recognize him to handle it and move the previous question, then all these succeeding motions would be ruled out of order—you take it off the floor, you take it from the power of the House to move the subsidiary motions, and hence that practice has grown up a clear and clean practice. You can refer that bill, you can lay it on the table, you can refer the message, you can lay both bill and message on the table, or you can vote directly on the bill.

Mr. KENNA. Will the gentleman allow me to ask him a question?

Mr. HASKELL. There is no power of amending a vetoed bill. There is no power to reconsider the vote on the passage of a vetoed bill. But otherwise this bill is precisely like any other bill. It is now upon its final passage under the Constitution of the United States; and every motion but the one to reconsider the vote on the passage and the motion to amend—every other motion is just as much in order on this bill as it is upon any bill that can be brought before the House.

Mr. ATKINS rose.

Mr. KENNA. Will the gentleman from Kansas allow me to ask him a question?

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] is recognized.

Mr. ATKINS. I simply desire to have read at the Clerk's desk a paragraph from article I, section 7, of the Constitution, if it be not amiss to have it read upon this floor; or I will read it myself:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

It seems to me that the only thing that is necessary to do is now to proceed to vote whether or not this bill shall become the law or whether it shall fall.

Mr. KASSON. Is it not "reconsideration" to refer it?

Mr. REAGAN. The right to debate covers any bill that comes before the House, qualified by the right of the House to order the previous question. There is no measure that can come before the House upon which the previous question does not cut off debate. And to insist that the right to consider involves the right to debate, so as to preclude the call of the previous question, is to assume that this case is exceptional to rules, and takes from the House the power to direct its own business under the rules of the House.

The river and harbor bills have often come here on motions of the committee to suspend the rules and pass them. But never with reference to one of them—I am not speaking of veto messages, but that does not change the case—never in the case of one of them was a motion made or sustained to supersede the motion to suspend the rules and pass the bill by referring the bill with or without instruc-

tions, because under the ordinary rules of the House the motion to suspend the rules on a pending question precludes debate and precludes other motions except in certain cases specially provided for.

The SPEAKER. The Chair is ready to dispose of this question. Since the inquiry was first made whether it would be in order to move to refer, and since the motion which the gentleman from Iowa [Mr. KASSON] proposed to make was sent to the Clerk, the Chair understands the gentleman from Iowa to have withdrawn that part of his motion which included instructions to the committee. Clearly that would be out of order. The House could not instruct the committee to report the bill back with amendments, as it is a bill which the House itself could not amend when it was being considered. What the House cannot do itself it cannot instruct a committee to do.

This bill comes back to the House by reason of the veto message of the President of the United States, and under the Constitution, paragraph 2, section 7, article 2, the House must proceed to reconsider it. That does not necessarily mean that the House may debate it. Reconsidering may be voting on it; and perhaps that was all that was intended by the language of the Constitution. The Chair would not intimate that if the House desires, it may not debate; but reconsideration might be had by simply voting on the bill.

It is settled, the Chair thinks, by the practice, that a motion to refer—a simple motion to refer—to a committee may be entertained. But the Chair thinks that that motion to refer must come in at the proper time. It is the first duty of the House, under the Constitution, as the Chair interprets its language, to reconsider and proceed to vote upon the vetoed bill. If the House chooses, by ordering the previous question, to cut off debate upon this matter of reconsideration, that is within the power of the House. If the House does not order the previous question, the Chair would hold that a motion to refer would be in order. It is claimed that under Rule XVII of the House the motion to refer, being, as the Chair holds, equivalent to a motion to commit, is in order. The Chair does not think so. Rule XVII speaks entirely of proceedings governing the ordinary passage of the bill. If the whole rule is read it will appear that a motion for the previous question is made, first, upon the engrossment and third reading of the bill. Then that having exhausted itself upon the third reading of the bill, the second step is a motion for the previous question upon the passage of the same bill, such a bill as the House has ordered to be engrossed and read a third time. This rule refers to the passage of a bill in the ordinary sense. The bill before us is at a different stage. It is a reconsideration of a bill which the House and the Senate have already passed, and for the purpose of determining whether the House will by a two-thirds vote pass the bill, notwithstanding the President's veto as provided by the Constitution.

The Chair feels bound to hold that the demand for the previous question having been made first, must be first submitted to the House. If that be voted down, the Chair will entertain a motion to refer the bill.

Mr. KASSON. I wish to ask the gentleman from California if he intends to allow debate for the hour following the previous question?

Mr. PAGE. I will be frank with the gentleman from Iowa, and will say I do not.

Mr. KASSON. Then I ask for the yeas and nays on ordering the previous question.

The question was taken upon ordering the yeas and nays; and there were 16 in the affirmative, not one-fifth.

Mr. ANDERSON. I call for tellers on ordering the yeas and nays. Tellers were not ordered; there being 5 in the affirmative, not one-fifth of a quorum.

The question was taken upon ordering the previous question; and upon a division there were—ayes 121, noes 8.

Mr. BROWNE. No quorum has voted. Tellers were ordered; and Mr. PAGE and Mr. BROWNE were appointed.

The House again divided; and the tellers reported that there were—ayes 138, noes 19.

So the previous question was ordered.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill notwithstanding the objections of the President? By paragraph 2, section 7, article 1 of the Constitution of the United States this vote must be taken by yeas and nays.

The question was taken; and there were—yeas 122, nays 59, not voting 108; as follows:

YEAS—122.

| | | | |
|--------------------|------------------|--------------------|------------------|
| Atkins, | Carpenter, | Farwell, Sewell S. | Hepburn, |
| Barbour, | Chapman, | Ford, | Herndon, |
| Bayne, | Clements, | Forney, | Hoblitzell, |
| Bingham, | Crapo, | Fulkerson, | Hoge, |
| Blackburn, | Cravens, | Garrison, | Horr, |
| Blanchard, | Culberson, | George, | House, |
| Bliss, | Cullen, | Gibson, | Hubbell, |
| Bowman, | Davis, George R. | Guenther, | Jones, George W. |
| Brewer, | Dawes, | Gunter, | Jones, James K. |
| Buck, | De Motte, | Hammond, John | Kenna, |
| Buckner, | Deuster, | Harmer, | King, |
| Burrows, Julius C. | Dibrell, | Harris, Benj. W. | Latham, |
| Butterworth, | Dunn, | Harris, Henry S. | Lewis, |
| Cabell, | Dunnell, | Hastine, | Lord, |
| Calkins, | Ellis, | Hatch, | Lynch, |
| Candler, | Errett, | Hazleton, | Mackey, |
| Cannon, | Evins, | Hendersen, | Manning, |

| | | |
|-----------|--------------------|----------------|
| McClure, | Rice, John B. | Smalls, |
| McCoid, | Rice, Theron M. | Spaulding, |
| McLane, | Rice, William W. | Speer, |
| McMillin, | Rich, | Spooner, |
| Mills, | Richardson, D. P. | Stephens, |
| Oates, | Ritchie, | Stone, |
| O'Neill, | Robertson, | Strait, |
| Page, | Robeson, | Talbot, |
| Parker, | Rosecrans, | Taylor, |
| Payson, | Ross, | Townsend, Amos |
| Peirce, | Shallenberger, | Tucker, |
| Phelps, | Sherwin, | Upson, |
| Pound, | Simonton, | Urner, |
| Reagan, | Singleton, Otho R. | Vance, |

| |
|--------------------|
| Van Aernam, |
| Van Horn, |
| Wait, |
| Ward, |
| Washburn, |
| Webber, |
| Webb, |
| White, |
| Williams, Chas. G. |
| Williams, Thomas |
| Wilson, |
| Wise, George D. |

NAYS—59.

| | | | |
|----------------|------------------|-------------------|-------------------|
| Anderson, | Fisher, | Leedom, | Smith, A. Herr |
| Belmont, | Godshalk, | Le Fevre, | Springer, |
| Blount, | Hammond, N. J. | McKinley, | Stockslager, |
| Briggs, | Hardy, | Miller, | Townsend, R. W. |
| Browne, | Haskell, | Mitchler, | Turner, Henry G. |
| Brum, | Hewitt, Abram S. | Norcross, | Turner, Oscar |
| Buchanan, | Hill, | Peelle, | Tyler, |
| Caldwell, | Hiscock, | Randall, | Updegraff, J. T. |
| Campbell, | Holman, | Ray, | Updegraff, Thomas |
| Colerick, | Hutchins, | Reed, | Warner, |
| Converse, | Jacobs, | Robinson, Geo. D. | Whitthorne, |
| Cox, Samuel S. | Jadwin, | Robinson, Jas. S. | Willis, |
| Deering, | Kasson, | Robinson, Wm. E. | Willits, |
| Dingley, | Ketcham, | Ryan, | Young, |
| Ermentrout, | Klotz, | Scales, | |

NOT VOTING—108.

| | | | |
|------------------|-------------------|------------|--------------------|
| Aiken, | Curtin, | Knott, | Phister, |
| Aldrich, | Cutts, | Lacey, | Prescott, |
| Armfield, | Darrall, | Ladd, | Ranney, |
| Atherton, | Davidson, | Lindsey, | Richardson, J. S. |
| Barr, | Davis, Lowndes H. | Lowe, | Russell, |
| Beach, | Dezendorf, | Marsh, | Scoville, |
| Belford, | Dowd, | Martin, | Scranton, |
| Beltzhoover, | Dugro, | Mason, | Shackelford, |
| Berry, | Dwight, | Matson, | Shultz, |
| Bisbee, | Farwell, Chas. B. | McCook, | Singleton, Jas. W. |
| Black, | Flower, | McKenzie, | Skinner, |
| Bland, | Frost, | Miles, | Smith, Dietrich C. |
| Bragg, | Geddes, | Money, | Smith, J. Hyatt |
| Burrows, Jos. H. | Grout, | Moore, | Sparks, |
| Camp, | Hall, | Morey, | Steele, |
| Carlisle, | Hardenbergh, | Morrison, | Thomas, |
| Cassidy, | Heilman, | Morse, | Thompson, P. B. |
| Caswell, | Herbert, | Mosgrove, | Thompson, Wm. G. |
| Chace, | Hewitt, G. W. | Moulton, | Valentine, |
| Clardy, | Hooker, | Muldrow, | Van Voorhis, |
| Clark, | Houk, | Murch, | Wadsworth, |
| Cobb, | Hubbs, | Neal, | Walker, |
| Cook, | Humphrey, | Nolan, | Watson, |
| Cornell, | Jones, Phineas | Orth, | West, |
| Covington, | Jorgensen, | Pacheco, | Wise, Morgan R. |
| Cox, William R. | Joyce, | Paul, | Wood, Benjamin |
| Crowley, | Kelley, | Pettibone, | Wood, Walter A. |

So (two-thirds voting in favor thereof) the bill was passed.

The following pairs were announced:

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. MURCH with Mr. CLARK.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. BARR with Mr. DAVIDSON.

Mr. COX, of North Carolina, with Mr. HEWITT, of Alabama.

Mr. FARWELL, of Illinois, with Mr. CLARDY.

Mr. ORTH with Mr. SPARKS.

Mr. GROUT with Mr. STOCKSLAGER.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. WATSON with Mr. MONEY.

Mr. CORNELL with Mr. DOWD.

Mr. SCRANTON with Mr. BEACH.

Mr. ALDRICH with Mr. VAN VOORHIS.

Mr. LACEY with Mr. BENJAMIN WOOD.

Mr. STEELE with Mr. COBB.

Mr. CASWELL with Mr. MOULTON.

Mr. MCCOOK with Mr. BELTZHOVER; if present, Mr. MCCOOK would vote "no."

Mr. CHACE with Mr. SCOVILLE.

Mr. MOORE with Mr. MATSON.

Mr. SMITH, of Illinois, with Mr. MORSE.

Mr. PETTIBONE with Mr. ATHERTON.

Mr. HOUK with Mr. SMITH of Illinois.

Mr. NEAL with Mr. GEDDES.

Mr. MORRISON with Mr. KELLEY.

Mr. ARMFIELD with Mr. MULBROW.

Mr. CUTTS with Mr. CARLISLE.

Mr. DWIGHT with Mr. NOLAN.

Mr. DEZENDORF with Mr. HARDENBERGH.

Mr. JADWIN with Mr. ERMENTROUT.

Mr. THOMAS with Mr. CURTIN.

Mr. DARRALL with Mr. THOMPSON of Kentucky.

Mr. LOWE with Mr. MCKENZIE.

Mr. MASON with Mr. COVINGTON.

Mr. SHULTZ with Mr. MARTIN.

Mr. DAVIS of Missouri with Mr. VALENTINE.

Mr. FLOWER with Mr. SKINNER.

Mr. PHISTER with Mr. RICHARDSON, of South Carolina.

Mr. KNOTT with Mr. HOOKER.

Mr. CROWLEY with Mr. AIKEN.

Mr. CASSIDY with Mr. FROST.

Mr. PRESCOTT with Mr. PACHECO.

Mr. ROBINSON, of Ohio. My colleague [Mr. MOREY] is absent on account of illness, and I believe he is paired; if present, he would vote "no."

Mr. PRESCOTT. On this question I am paired with Governor PACHECO, of California; if present, he would vote "ay," and I would vote "no."

Mr. THOMAS. On this question I am paired with Governor CURTIN, of Pennsylvania; if he were present, I should vote "ay."

Mr. KNOTT. On this question I am paired with General HOOKER, of Mississippi. If General HOOKER were present, he would vote "ay" and I would vote "no."

Mr. SPEER. I have a general pair with Mr. RUSSELL, of Massachusetts; but having been informed by his colleague that if present he would vote "ay," I have therefore voted.

Mr. CASSIDY. I am paired with the gentleman from Missouri, [Mr. FROST.] If he were here I understand he would vote for the bill, and I should vote against it.

Mr. McLANE. I desire to state that the gentleman from Delaware, Mr. MARTIN, is paired with Mr. SHULTZ, of Pennsylvania; if present, Mr. MARTIN would vote "ay." I have been requested to state further that my colleague, Mr. COVINGTON, is paired with Mr. MASON, of New York; if present, my colleague would vote "ay."

Mr. STOCKSLAGER. Mr. Speaker, the Clerk announced me as being paired. I was paired yesterday during my absence.

The SPEAKER. Has notice been given to the Clerk of the termination of the pair?

Mr. STOCKSLAGER. I do not know; but I have voted on this question with the understanding that the pair terminated yesterday.

Mr. MANNING. I desire to say that my colleague, Mr. MULBROW, is paired with the gentleman from North Carolina, Mr. ARMFIELD; my colleague, Mr. MONEY, with the gentleman from Pennsylvania, Mr. WATSON; and my colleague, Mr. HOOKER, with the gentleman from Kentucky, Mr. KNOTT. My three colleagues, if present, would vote "ay."

The SPEAKER. On this question the yeas are 122, the nays 59. Two-thirds having voted in the affirmative, the bill has passed notwithstanding the objections of the President. In accordance with the provision of the Constitution the bill as thus repassed will be sent, with the President's message, to the Senate. [Applause.]

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to the said regiment, and which is now in the custody of the Secretary of War.

FEES OF REGISTERS AND RECEIVERS.

The SPEAKER. The regular order is now the consideration of business for one hour under the special rule. The hour begins at fifteen minutes before one o'clock. When this hour expired yesterday the House was considering the bill (S. No. 171) in relation to certain fees allowed registers and receivers.

The bill was read, as follows:

Be it enacted, etc., That the fees allowed registers and receivers for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights and mineral entries, and in contested cases, shall not be considered or taken into account in determining the maximum of compensation of said officers.

SEC. 2. That registers and receivers shall, upon application, furnish plats or diagrams of townships in their respective districts, showing what lands are vacant and what lands are taken, and shall be allowed to receive compensation therefor, from the party obtaining said plat or diagram, at such rates as may be prescribed by the Commissioner of the General Land Office; and said officers shall, upon application by the proper State or Territorial authorities, furnish, for the purpose of taxation, a list of all lands sold in their respective districts, together with the names of the purchasers, and shall be allowed to receive compensation for the same, not to exceed ten cents per entry; and the sums thus received for plats and lists shall not be considered or taken into account in determining the maximum of compensation of said officers.

Mr. STRAIT. I ask that the report be read; and I hope the House will be in order and listen to the reading.

The Clerk proceeded to read the report, which is as follows:

The Committee on Public Lands, to whom was referred the bill (H. R. No. 835) regulating fees allowed to registers and receivers of land offices, beg leave to report the same back and recommend its passage.

Formerly the registers and receivers had only to reduce the testimony offered in contested cases to writing and forward it to the Commissioner of the General Land Office for his decision, accompanied by an informal recommendation as to the merits of the case.

The rules of practice of the General Land Office, approved December 20, 1880, required the registers and receivers, in addition to the above duties in such cases, to enter all objections made, exceptions taken, and prayers offered, to entertain and determine all motions for continuances—the taking of depositions to be read at the trial, issuing the commissions for taking the same, in conformity to the specific rules of the Department.

Upon the trial of all cases the registers and receivers are personally required to see that all the facts within the knowledge of the witnesses requisite to a correct conclusion of the same be developed in compliance with specific rules of the

Department as to the status of the land involved, nature, extent, and value of all improvements, when and by whom made, date of settlement, and steps taken to make and secure the claim, and to pass judicially upon all of the same.

The effects of these rules is to construct of the registers and receivers a court of record, and require of these officers the duties of judges and clerks without providing any additional compensation for the additional duties and responsibilities.

Exhibits of the occupied lands are necessary for the purpose of levying the taxes by the State or Territorial officers, and cannot practically be obtained from any other source.

Lists and plats of the occupied and unoccupied lands are valuable to prospectors and settlers, as they greatly cheapen the expenses and reduce the liability of error in making their selections of land for entry.

The registers and receivers are not required by law or rule to supply either the exhibits or plats, and the effects of the law as now construed by the General Land Office, which requires these officers to account for these fees in determining their maximum, is to encumber the local land offices, on the one hand, with the county assessors for the purpose of levying the taxes, and on the other it deprives the settler of the benefits of the plats.

This labor is wholly outside of the legitimate duties of the local land offices, and the amount stated in the bill as compensation therefor is intended to be the first cost of producing these exhibits and plats, which the public are anxious to obtain and willing to pay for.

If the law or rules required this class of work to be done free of any charge, there could be little else attended to in the offices, and it is clearly impracticable to give the public free access to the records for the purpose of making these said exhibits and plats.

The following extract is taken from Senate Report No. 245, second session Forty-sixth Congress, relating to this subject:

"In his annual report for the fiscal year ending June 30, 1878, the Commissioner of the General Land Office makes the following recommendation, (pages 114, 115):

"Prior to the last fiscal year the joint fees allowed registers and receivers for reducing testimony to writing in establishing pre-emption, homestead, and mineral rights were not required to be accounted for by the receiver of public moneys. On July 9, 1877, this Office, after careful consideration, decided that, under the law as it now stands, these fees should be accounted for as other fees and commissions.

"The services for which these moneys are received are over and above the ordinary duties of registers and receivers. The performance thereof involves personal labor, and frequently requires clerical assistance to be employed by the officers for the purpose. Under said instruction registers and receivers employed the necessary clerical force, and paid therefor out of the fees authorized to be received for reducing testimony to writing.

"In July, 1877, an order was issued by the Commissioner of the General Land Office directing registers and receivers to report monthly thereafter the amount of fees received from said service, but no order to pay over the same until February, 1879, when an order was issued requiring the payment of all fees received for such service subsequent to July 1, 1877, in all cases when by including these fees the maximum compensation was exceeded.

"The Commissioner of the General Land Office evidently regards the literal interpretation he feels compelled to give the law as a hardship. And the moneys are to be viewed in the nature of expenses incident to the prosecution of the claims, rather than fees. We regard it as a hardship to compel the district officers to charge up the same against their maximum compensation, and recommend legislation to relieve them therefrom."

The object of the present bill is to make the law conform to the construction given to the act of March 21, 1864, from its passage to July 1, 1877. And the committee recommend its passage.

Before the reading of the report was concluded, five minutes having expired,

The SPEAKER said: Is there objection to the consideration of this bill?

Mr. STRAIT. I hope there will be no objection.

The question being taken on the consideration of the bill, six members objected.

The SPEAKER. The bill is not before the House.

NEW YORK INDIAN LANDS IN KANSAS.

The Committee on Indian Affairs being called,

Mr. HASKELL said: I am directed by the Committee on Indian Affairs to ask the consideration of the bill (H. R. No. 405) to provide for the sale of certain New York Indian lands in Kansas.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those persons, being heads of families or single persons over twenty-one years of age, who have made settlement and improvement upon, and are bona fide claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at not less than \$3 per acre, payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts respectively from date of entry at 6 per cent. per annum; and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for, and to be paid to, said Indians respectively to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale in the usual manner, at not less than \$3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold, together with such tracts as have heretofore been or may hereafter be entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts.

Mr. SCALES. I object to the consideration of this bill.

Mr. HASKELL. There is a minority report, recommending an amendment with reference to the price per acre which shall be charged for these lands. I desire to offer that amendment; and if the amendment be agreed to there is no difference of opinion in the committee.

Mr. BLANCHARD. I have the amendment prepared.

Mr. SCALES. I am afraid the amendment may not be adopted. Is the gentleman from Kansas [Mr. HASKELL] willing to accept it?

Mr. HASKELL. I would rather accept the amendment than have the bill defeated. With this amendment the bill is not objected to by any member of the committee.

Mr. HOLMAN. It seems to me this is too important a bill to be considered in this way.

Mr. BLANCHARD. I will say to the gentleman from Indiana [Mr. HOLMAN] that the amendment which I have prepared embodies the views of the minority of the committee, and that there is no objection on the part of any member of the committee to the passage of the bill provided this amendment be adopted.

Mr. HOLMAN. It seems to me it is too late in the session to be passing bills of this kind.

The question being taken on the consideration of the bill, four members objected.

The SPEAKER. The bill is not before the House.

HALL OF RECORDS, WASHINGTON, DISTRICT OF COLUMBIA.

The Committee on Public Buildings and Grounds being called, Mr. SHALLENBERGER said: By instruction of the Committee on Public Buildings and Grounds I ask the consideration of Senate bill No. 817, making appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a hall of records.

The bill was read, as follows:

Be it enacted, &c., That the sum of \$200,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the purchase of a site near the War Department and erection thereon of a brick and metal fire-proof building, to be used for the safe-keeping of records of the executive and legislative departments not required in the present executive or legislative offices for constant reference, as recommended by the Secretary of War in his annual reports of 1879 and 1880; said building to be erected according to plans prepared by the Quartermaster-General and heretofore submitted, and under his supervision and direction.

Mr. SHALLENBERGER. I desire to be heard for five minutes in explanation of this bill.

The SPEAKER. The gentleman is entitled to be heard before the question is taken upon considering the bill.

Mr. SHALLENBERGER. Mr. Speaker, this bill has a twofold purpose. First, it is designed to protect valuable records of the Government, dating back to its foundation, which are now stored in insecure buildings—records which are not referred to once in six months, possibly not once in a year.

Its next purpose is to rid ourselves, if possible, of some of the extravagant rentals paid by the Government in the city of Washington by providing a warehouse wherein can be deposited secure from fire the large masses of Government records and vouchers and papers which are now encumbering every Department of the Government, occupying valuable and costly space, which is demanded for clerical force and must be provided in rented buildings at heavy expense.

This bill comes before this House thoroughly matured. It has been strongly recommended by the Secretary of War and by the late Quartermaster-General, M. C. Meigs. Elaborate plans have been prepared for it. It has passed the Senate twice. It has been unanimously reported favorably by the committee of the House. It has been indorsed by every public man I have talked with in the city of Washington. It will accommodate records and papers from all the Departments, securely housed and conveniently arranged. Its estimated cost is only \$200,000. As I have said, it proposes to put up a cheap building, but perfectly fire-proof, on a cheap piece of ground, connected by telephone with every Department, in which can be stored all these valuable records which are now exposed to destruction by fire, and which could not be replaced if lost, of necessity entailing great loss to the Government. The Quartermaster-General's Office alone in 1878 and 1879 had 24,000 claims pending, involving \$13,000,000, and the Quartermaster-General at that time urged Congress to make some provision by which these records and valuable vouchers could be protected from casualty of fire, such as occurred in the Interior Department only a year or two ago. This building will cover a large square of ground; it will be 305 by 540 feet; it will be of brick and iron; it will have in each room stone floors and iron ceilings; the interior partition-walls will be solid and of brick; it will have 1,750,000 cubic feet of storage space, and will not cost more than \$200,000, which will be eleven and one-half cents a cubic foot for space which now costs the Government vastly more.

I would say, Mr. Speaker, that if the bill comes before the House for action under the rule, and I hope it will, I would suggest an amendment, asking consent that it be accepted, as follows, to come in at the close of the bill:

Provided, That the plans and specifications shall be subject to modifications and approval by a commission consisting of the Secretary of the Treasury, the Secretary of War, and General M. C. Meigs: *And provided further,* That said building may be located on ground now owned by the Government at a point designated by said commission, with the approval of the President.

The following is the letter of General Meigs:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., January 13, 1879.

MY DEAR SIR: In preparing the project for a hall of records, I assumed, as a basis of estimate, that it might be built on square 172, which is on the west side of Seventeenth street, just south of New York avenue northwest.

This is very convenient to the new executive building, to contain the State, War, and Navy Departments, and the land is not valuable. The greater portion of it was assessed for the fiscal year 1873-74 at 12 cents per square foot; a small

portion, probably one-eighth of the lots, was assessed at 15 cents. The total assessment, including all improvements then existing, was, for the whole square, \$28,582.85. Values throughout the city are less now than in 1873-74.

I know of no square more conveniently situated, and I presume that none exists. But I do not think it prudent, if the appropriation is granted, to fix absolutely the site of the building. The President should have authority to procure any other site more desirable and at a cheaper rate.

It will be well to limit the appropriation to \$200,000 for the site and building complete. If it be found that a site cannot be obtained at such cost as to bring the whole expense within the appropriation suggested, report can be made at the next session of Congress. I hope, however, that final action may be now taken. The insecurity of the records of this office keeps me constantly anxious.

The subject of a hall of records has been discussed for years, but I believe that this is the first project brought before Congress. The great difficulty heretofore seems to have been that no one was willing to present or project a plan for a warehouse; architects working for the country all desire to build palaces. The public departments should be palatial, but the Government may very well build its stores or warehouses of brick, in simple and cheap style, and brick is, of all building material, the most thoroughly fire-proof. Even if the contents burn the brick walls are seldom harmed beyond repairs, and no material lasts longer than brick. The marbles of the baths of Caracalla and Diocletian at Rome have disappeared; the brick walls and arches to a great extent remain.

I am, very respectfully, your obedient servant,

M. C. MEIGS,

Quartermaster-General, Bt. Maj. Gen., U. S. A.

Hon. Senator MORRILL, United States Senate.

The following is an extract from the report of the Secretary of War:

SAFETY OF RECORDS.

The papers relating to the claims filed in this office are very bulky and are valuable. They contain the evidence for and against claims reported above as amounting on 1st of July last to 12,778 miscellaneous claims and accounts, \$6,947,000; 11,676 claims under the act of July 4, 1864, \$5,960,172.55.

Until the 2d August of this year it was the custom of this office to transmit to the Third Auditor of the Treasury not only all the claims recommended for settlement, in order that they might be paid or reported to Congress, under existing laws for appropriation, but also all the papers, evidence, reports, and decisions in cases which, on examination, the Quartermaster-General found himself unable to report favorably.

On that date the Third Auditor advised this office that his file-rooms were burdened with these claims, which he had theretofore received and placed in the fire-proof rooms containing the records of his office, but that the space at his command was too small to justify him in continuing to receive papers which he found no existing law requiring him to take care of, and for which in fact he now had no space.

This office is in a building not in any respect fire-proof. A fire originating in it would, in despite of all precautions of watchmen constantly on duty here, and water always kept ready, and portable fire-extinguishers, probably clear all persons out of the building before any considerable portion of the records could be removed.

A fire-proof storehouse of simple and cheap construction could be built on some place convenient to the executive offices for about \$200,000, which would afford perfectly safe and convenient storage for such of these papers as have been finally disposed of, and for such others as are seldom consulted. Telegraphic or telephonic communication with its superintendent would bring to every office in a few moments any paper needed for reference.

Such a building would not only relieve this combustible and unsafe office of the valuable papers relating to many of these claims, but of many other papers whose loss would be a grievous calamity. It would also relieve the War and Treasury Departments of papers which now occupy rooms costing millions of dollars.

I submit a plan which I have caused to be prepared of such a building, to be 302 by 540 feet, surrounding a court-yard 171 by 309 feet.

It would occupy a whole block, would provide 70,000 feet of stone floor under fire-proof roof, (about one and two-thirds acres,) would contain 1,750,000 cubic feet of storage room, and could be built for about \$200,000.

It has but one door of entrance from the street. The rooms are all separated by fire-proof party walls without openings. There are windows on the street and on the court, placed high so as not to be easily reached and forced. Each room communicates by a strong door with a covered porch surrounding the court-yard. A water and watch tower in the center keeps a supply of water constantly at a sufficient head to extinguish fire, which, originating in any one room, could not possibly communicate to the other rooms, and, in fact, could be extinguished before it could destroy much of the contents of the room in which it originated.

I submit this as a cheap provision for keeping in safety a great quantity of very important state papers and at the same time relieving the handsome and costly buildings occupied by the Executive Departments of a considerable portion of the matter stored in them, which occupies such costly space needed for the transaction of daily business.

The SPEAKER. The gentleman's time has expired.

The question being on the consideration of the bill, more than four members objected.

The SPEAKER. The bill is not before the House.

SMITH E. G. RAWSON.

Mr. VANCE. I am directed by the Committee on Patents to call up for present consideration the bill (S. No. 203) for the relief of the widow and children of Smith E. G. Rawson.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of Patents be, and hereby is, authorized to hear and determine the application of Frances A. Rawson, widow of Smith E. G. Rawson, for an extension of letters patent for an improvement in testicle-supporters granted to him the 4th day of August, 1863, numbered 39452; and if upon such hearing the Commissioner shall be satisfied that the said Smith E. G. Rawson, without fault or neglect on his part, has failed to obtain from the use or sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and its introduction into use, and that it is just and proper that the term of the patent should be extended, the said Commissioner shall make a certificate upon said patent renewing and extending the same to Frances A. Rawson, widow of said Smith E. G. Rawson, in trust for herself and her children, for the further term of seven years from the date of the issuance of such certificate, which certificate shall be recorded in the Patent Office: *Provided,* That no person shall be held liable for infringing the patent between the expiration of the patent and its extension.

Mr. HOLMAN. I ask for the reading of the report.

Mr. VANCE. Let the report be read, and I think there will be no objection to the bill.

The Clerk read as follows:

The Committee on Patents, to whom was referred the bill (H. R. No. 2505) for the relief of Frances A. Rawson, have had the same under consideration, and submit the following report:

The report of the Committee on Patents, submitted by Mr. Ward in the Forty-sixth Congress, correctly states the case. The report is as follows:

"The Committee on Patents, to whom was referred bill H. R. No. 2537, submit the following report:

"In this case the committee have decided to report a substitute, and recommend favorable action on the bill, because they find exceptional circumstances connected with it, and believe that no precedent can thereby be established to make a general rule for the extension of patents.

"The subject-matter of this patent is exceptional in itself. It is a surgical appliance of a delicate and private nature, and its beneficial effects have been in the direction of relieving the suffering and sustaining the weak.

"Of its value as an invention there can be no doubt. This is fully established by the testimony submitted to your committee by such eminent surgeons as Drs. Buchanan, Belcher, and Lusby, of New York City; Hall, of Saratoga; Bulkley, of Washington; and Bliss and Connor, surgeons in the United States service.

"The evidence shows that the patent was originally granted on August 4, 1863, for the period of seventeen years; that for the first eight years there were virtually no returns, notwithstanding the inventor and his family worked faithfully, laboriously, and constantly to introduce the invention, investing all his own means, the separate estate of his wife, and borrowing funds from friends and relatives in the enterprise. But the article was of a character that confined it to a necessarily restricted market, and closed to it the ordinary channels to publicity by advertisement and exhibition.

"As soon as these indefatigable efforts had produced results by establishing a business in 1871, the hostility of infringers was manifested, followed by a long course of litigation, and expenses to the inventor of about \$3,500.

"About this period, also, the extraordinary exertions of years and the anxieties of the business and litigation preyed upon the health of Mr. Rawson, and he was prevented by illness for a considerable time from giving such care and attention to the promotion of his business as would develop it to the full extent. Nevertheless, he worked to the utmost of his strength, and with the assistance of his family maintained the manufacture of the patented article. Mr. Rawson died on July 9, 1879.

"It is further to be noticed that Mr. Rawson gave his whole time and effort to the introduction of his invention. He did not speculate by disposing of licenses, but himself manufactured; he did not sell his invention, but struggled himself to make it a success. His accounts, verified by affidavit, show that for the entire life of the patent the profits realized both from the patent and the business of manufacturing, representing the aggregate labors of himself, wife, and children, amount to \$19,177.12. But the long illness, with the consequent heavy expenses, have left the inventor's family without money or property.

"The widow of Mr. Rawson is the petitioner for the extension of the patent proposed by this bill. She is entitled to consideration, having invested her private estate in the enterprise at its inception, and having faithfully assisted her husband by her manual labor, her encouragement and advice during all the long years of his struggles. Believing, therefore, that the exceptional character of the invention, its benefit to the public, and the peculiar circumstances of difficulty that attended its introduction to public use render it a case eminently entitled to the consideration of Congress, the committee recommend that the substitute to the bill do pass."

"The committee propose to amend the bill by striking out, in line 19, the words "ten years" and inserting the words "seven years;" also, with a proviso that no person shall be held liable for infringing the patent between the expiration of the patent and its extension. With these amendments, we recommend that the bill do pass.

The question being on the consideration of the bill six members objected.

The SPEAKER. The bill is not before the House.

HELEN M. SCHOLEFIELD.

Mr. RAY. I am directed by the Committee on Claims to call up for present consideration the bill (S. No. 249) for the relief of Helen M. Scholefield.

The bill was read, as follows:

Be it enacted, &c., That there be paid, out of any moneys in the Treasury appropriated or hereafter to be appropriated to the payment of the Army, to Helen M. Scholefield, administratrix of the estate of C. M. Scholefield, deceased, late an additional paymaster in the Army, the sum of \$544.32, being the amount due to the said paymaster on the final settlement of his accounts, after deducting from the amount charged to him the sum of \$10,000 which stands to the debit of the said paymaster on the authority of an alleged voucher for that amount presented by Major J. Ledyard Hodge, late paymaster, and bearing date August 10, 1864, the validity of which voucher the Government has failed to establish in a suit brought and finally determined in the United States district court at Utica, New York, in April, 1876, for the settlement of the accounts of the said Major C. M. Scholefield, as such additional paymaster, with the Government; and upon the payment of the said sum of \$544.32, as herein provided, the accounting officers of the Treasury are authorized to balance the accounts of the said Major C. M. Scholefield, as paymaster, with the Government.

Mr. RAY. Mr. Speaker, I desire to make a statement touching this bill. I think no one will object to it if its object and purport be understood. The beneficiary of this bill is the widow of the late assistant Army paymaster Major Charles M. Scholefield, of Whites-town, New York, who died November 21, 1869. He was assistant paymaster for several years and until October 3, 1865, when he resigned. His accounts were all rendered to the proper department and the funds of the Government in his hands at that time were all paid over to the proper officer of the Government. But his account was not closed or settled at the time, probably because other and earlier accounts preceded it.

In 1867 or 1868 another assistant paymaster, named J. Ledyard Hodge, was discovered to have embezzled a considerable amount of public money. Hodge returned false accounts and vouchers to the Government, and among them one showing he had paid Scholefield \$10,000. It does not appear that Paymaster Scholefield was ever advised of these facts in his life-time. Scholefield died November 1, 1869, without ever having been informed of the existence of any such charge or voucher against himself. The Government did not notify him. After his death, and after Hodge had been indicted and con-

victed as an embezzler of the public funds, a claim was made against the estate of Scholefield for the \$10,000. On an examination of the voucher by his friends and the administrator, it was discovered that this voucher was a forgery, and the estate and his sureties refused to pay the \$9,455.68 which the books at the Treasury Department, reckoning the false voucher, showed was due from Scholefield to balance his accounts.

In 1872 the Government brought a suit in the United States circuit court for the northern district of New York against his bondsmen to recover the balance due. The cause was twice tried by a jury. The only issue was whether this receipt purporting to be signed by Scholefield was a forgery. The jury found at both trials it was a forgery, and in 1876 a final judgment was entered for the defendants and against the Government in the cause.

Striking out the \$10,000 item from the final statement of accounts rendered by Paymaster Scholefield in his life-time it leaves a balance overpaid by him to the Department of \$544.32. The Government does not now claim anything from the estate, but the accounting officers of the Treasury still have this false balance of \$9,455.68 charged on their books against him, and cannot adjust it without the authority of an act of Congress. It is conceded by the Government that the sum of \$544 is due the administratrix, Mrs. Helen A. Scholefield, in whose behalf the bill is reported.

I hope nobody will object to this bill. It has passed the Senate. It was favorably reported in the last Congress by the gentleman from New York, [Mr. CROWLEY,] who was also counsel for the Government and tried the case for the United States.

The SPEAKER. Is there objection to the consideration of this bill?

Eight members rose.

The SPEAKER. Eight gentlemen objecting, the bill is not before the House.

DISTRIBUTION OF JOURNALS.

The Committee on Printing was called.

Mr. MCCLURE. I am authorized by the Committee on Printing to report for present consideration the joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of the Interior be authorized and directed, from the Journals of the Senate and House of Representatives in his charge, to distribute copies to such public and law libraries, not already supplied with the same, as shall be designated, in equal number, by each Senator, Representative, and Delegate in Congress.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Let the report be read.

The report was read, as follows:

Your committee, to whom was referred joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives, have had the same under consideration, and respectfully report it back to the House with the recommendation that it do pass.

Mr. HOLMAN. I think there ought to be some explanation as to the necessity for this measure. These works are of very little general value; and we are so constantly increasing the printing and making it so heavy a cost to the Government that I think some caution should be exercised.

Mr. MCCLURE. The bill authorizes the Secretary of the Interior to distribute the Journals of the Senate and the House to public and law libraries which are not now supplied with the same. These volumes have accumulated in the Interior Department, and there is no law for their distribution. It involves the distribution of about 1,200 volumes.

Mr. RANDALL. Annually?

Mr. MCCLURE. No; not annually, but simply the distribution of those now on hand.

Mr. HOLMAN. Does this apply to the distribution of those to be printed hereafter?

Mr. MCCLURE. No, sir.

Mr. McMILLIN. I did not distinctly hear the reading of the resolution, but am inclined to think it does not guard against future deliveries.

Mr. HOLMAN. I ask that the resolution be again read.

The joint resolution was again read.

Mr. HOLMAN. Let it be added that this only applies to the copies now on hand.

The SPEAKER. The word "now" after the word "Representatives" would make that perfectly clear.

Mr. HAMMOND, of Georgia. It would then read "now in his charge."

Mr. MCCLURE. I agree to that.

The SPEAKER. If there be no objection, this amendment will be considered as agreed to.

There was no objection.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCLURE moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the joint resolution (H. R. No. 92) to print 25,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey.

The message further announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 2162) to authorize the Secretary of War to donate to the J. F. Sawyer Post No. 7, Grand Army of the Republic, at Omro, Wisconsin, one condemned 24-pounder cast-iron cannon;

A bill (S. No. 2153) for the erection of a public building at Leavenworth, Kansas;

A bill (S. No. 2169) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased;

A bill (S. No. 2172) to amend section 4702, title 57, of the Revised Statutes of the United States, and for other purposes; and

A joint resolution (S. R. No. 102) authorizing the Secretary of War to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to it by citizens of Norristown, Pennsylvania.

AMENDMENT OF PENSION LAWS.

The Select Committee on the Payment of Pensions, Bounty, and Back Pay was called.

Mr. CURTIN. I am instructed by the Select Committee on the Payment of Pensions, Bounty and Back Pay to call up for present consideration the bill (H. R. No. 2713) to extend the provisions of the act of Congress entitled "An act for the relief of certain pensioners," approved March 3, 1879, to certain other pensioners.

The bill was read, as follows:

Be it enacted, &c., That the provisions of the act entitled "An act for the relief of certain pensioners," approved March 3, 1879, be, and the same are hereby, extended to all pensioners now on the pension-roll, or who may hereafter be placed thereon, for amputation of either arm at the shoulder-joint.

Mr. CURTIN. The reasons for the passage of this bill are perfectly obvious. The law now provides a pension of \$37.50 per month for a man who has lost a leg at the hip-joint. This bill proposes to extend that bounty to those who have lost an arm at the shoulder-joint. I do not believe that there are twenty men living in the United States who have suffered in that way; I know of but one now in Pennsylvania. That was a remarkable surgical operation sometimes resorted to during the war, and those who suffered it rarely lived. The loss of an arm at the shoulder-joint is certainly a greater disability than the loss of a leg at the hip-joint.

Mr. ROBINSON, of Massachusetts. I have not before me the law which this bill proposes to amend. I will ask the gentleman if it carries any arrears?

Mr. CURTIN. None at all.

Mr. TOWNSHEND, of Illinois. I hope there will be no objection to this bill. It is of similar nature to one introduced by myself, and I think it is very meritorious. I know of but one case in my own district, and, as has already been said by the gentleman from Pennsylvania, believe it will affect but few persons.

Mr. McMILLIN. Let the report be read.

Mr. BROWNE. If I understand this bill correctly, it simply makes the pension of those who have suffered an amputation at the shoulder-joint equal to the pension given to those who have suffered an amputation at the hip-joint, \$37.50 per month.

Mr. CURTIN. That is all, and there are but about twenty persons living who would receive any benefit under this bill.

Mr. McMILLIN. Either the gentleman from Pennsylvania [Mr. CURTIN] is incorrect, or a soldier who suffered this disability is incorrect, for the soldier stated to me the number at a larger figure than the gentleman from Pennsylvania has given. I have no doubt but that we can find the exact facts by calling upon the Commissioner of Pensions. I ask that the report be read.

The report was read, as follows:

This committee, to whom was referred House bill No. 2713, have, after duly considering the same, come to the conclusion that it ought to pass.

The act of March 3, 1879, gave to all pensioners then on the pension-rolls, or who should hereafter be placed thereon, for amputation of either leg at the hip-joint, a pension of \$37.50 per month.

This bill seeks to extend the provisions of that act to all pensioners who are now on the pension-rolls, or may hereafter be placed thereon, for amputation of either arm at the shoulder-joint.

The committee are of opinion that, taking everything into account, the man who has lost an arm is equally as helpless as one who has lost a leg, and they therefore favor the change of the law asked for in this bill.

There being no objection, the bill was before the House for consideration.

Mr. McMILLIN. I desire to ask the gentleman from Pennsylvania if the bill is retroactive in its effect?

Mr. CURTIN. It is not.

Mr. McMILLIN. And carries no arrears?

Mr. CURTIN. It does not, and the original law does not.

Mr. ROBINSON, of Massachusetts. Does the gentleman know whether there are other sections of the original act which relate to this class of pensions than the one referred to in the bill now before the House?

Mr. CURTIN. The section referred to in the bill is the only one referred to by it.

Mr. McMILLIN. I move to amend the bill so that it shall take effect only after its passage.

Mr. CURTIN. I do not object to that, though there is no necessity for it.

Mr. McMILLIN. It ought to be so guarded as to carry with it no arrears.

Mr. CURTIN. It does not; but I am satisfied to put that in if it will gratify the gentleman.

Mr. McMILLIN. I move to amend the bill by adding to it:

Provided, That no arrears shall be allowed under this act.

The amendment was agreed to.

The bill as amended was then ordered to be engrossed for a third reading, and it was accordingly read the third time, and passed.

Mr. CURTIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REDEMPTION OF TWO-CENT DOCUMENTARY STAMPS.

Mr. DUNNELL. I have been instructed by the Committee on Ways and Means to call up for consideration at this time the bill (H. R. No. 4906) repealing the limitation of redemption of two-cent documentary internal-revenue stamps by the Government.

The bill was read, as follows:

Be it enacted, &c., That claims for the redemption of two-cent documentary internal-revenue stamps may be allowed by the Commissioner of Internal Revenue, notwithstanding any existing statutory provision limiting the time for their redemption.

Mr. DUNNELL. This bill is a substitute for a bill which provided for the extension of time for the redemption of internal-revenue stamps and also two-cent documentary stamps. The Secretary of the Treasury and also the Commissioner of Internal Revenue did not recommend the repeal of so much of the law as referred to internal-revenue stamps, but did approve the extension of time for the redemption of the two-cent documentary stamps.

Mr. HOLMAN. I wish to ask the gentleman from Minnesota [Mr. DUNNELL] whether he proposes to remove all limitations upon the redemption of these stamps?

Mr. DUNNELL. Of the two-cent documentary stamps, yes.

Mr. HOLMAN. Why is not the limit now proposed a very proper limit?

Mr. DUNNELL. The fact is that there are a great many of these stamps in existence, and there is a constant pressure upon the Department for their redemption. It is difficult to see why the Government should refuse to redeem these stamps which may not have been used and which cannot now be used. The report of the officers of the Government may be read if the gentleman from Indiana [Mr. HOLMAN] is not satisfied.

Mr. ANDERSON. Let it be read.

The Clerk read as follows:

The Committee on Ways and Means, to whom was referred the bill H. R. No. 2318, have had the same under consideration, and report back a substitute therefor and recommend its passage.

Your committee refer to the following letters from the Commissioner of Internal Revenue and the honorable Secretary of the Treasury for the reasons sustaining the report:

TREASURY DEPARTMENT, February 9, 1882.

SIR: I have the honor to inclose herewith the letter of the Commissioner of Internal Revenue, dated the 8th instant, in reply to your letter to him of the 3d instant, requesting his views in regard to bill H. R. No. 2318, repealing the limitation of redemption of internal-revenue stamps.

It will be seen that the Commissioner gives what appear to be satisfactory reasons against the passage of the bill, except in so far as it would affect the redemption of the two-cent stamps now in current use. Such stamps, under the present law, must be presented for redemption within three years after the purchase of the same. The Commissioner proposes to repeal that limitation, and has drafted a bill (which is inclosed) for that purpose, to which I see no objection.

Very respectfully,

CHAS. J. FOLGER, Secretary.

Hon. M. H. DUNNELL,

Of the Committee on Ways and Means, House of Representatives.

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE.

Washington, February 8, 1881.

SIR: I am in receipt of a letter, under date of the 3d instant, from Hon. M. H. DUNNELL, chairman of sub-committee of the Committee on Ways and Means, inclosing copy of bill H. R. No. 2318, repealing the limitation of redemption of internal-revenue stamps, in which I am requested to give an opinion as to the propriety of the passage of the bill.

In reply I have the honor to forward herewith the copy of said bill, and have to inform you that the act of March 1, 1879, provided a limitation in regard to the redemption of internal-revenue stamps. The act of July 14, 1870, provided for discontinuing the use of certain documentary stamps after October 1, 1870, and such of these stamps as were in the hands of citizens unused were subject to be redeemed upon application to this Office.

You are further informed that such stamps were constantly presented for redemption for a number of years, when finally the stamps offered for redemption were few in number and most of them of doubtful character, it being almost im-

possible in many cases to determine whether the stamps had been used or not. These facts were brought to the attention of Congress, and after due consideration the act of March 1, 1879, was enacted, which provided that such stamps should not be redeemed after the 30th of June, 1879.

It will be seen that nearly ten years elapsed from the date of the repeal of the tax law until the limitation went into effect, during all of which time parties holding such stamps could present them for redemption.

I am of opinion that the evil to be remedied is not of such consequence as calls for legislation. I am satisfied that the number of unused stamps now in the hands of the people is very insignificant.

In regard to that branch of the act of March 1, 1879, which provides a limitation upon the redemption of the two-cent stamps now in current use, I have the honor to recommend its repeal, and respectfully forward a draft of a bill for that purpose.

Very respectfully,

GREEN B. RAUM, *Commissioner*.

Hon. CHAS. J. FOLGER, *Secretary of the Treasury*.

The SPEAKER. Is there objection to the present consideration of the bill which has been read? [After a pause.] Only one gentleman objects, and the bill is before the House.

Mr. HOLMAN. It appears that the objection of the Commissioner of Internal Revenue to measures of this kind has been based upon the difficulty of determining whether stamps presented for redemption have been used. Certainly it would appear proper that there should be a reasonable limitation to prevent fraudulent transactions growing out of attempts to secure from the Government the redemption of stamps which have actually been used. It has always appeared to me that when in the passage of a law reasonable limitations have been provided it is safest to adhere to those limitations. I do not see any ground for apprehending fraud in this case except in the direction suggested by the Commissioner himself; and as a safeguard in that respect some reasonable limitation should be imposed.

Mr. DUNNELL. The suggestions of the Commissioner of Internal Revenue to which the gentleman from Indiana [Mr. HOLMAN] has referred had reference to a part of the original bill, which has now been struck out. It might appear on first view that the bill is objected to by the Commissioner; but in point of fact the measure has been so modified as to obviate his objections. The Commissioner does not object to the redemption of two-cent documentary stamps.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed; there being—ayes 33, noes 5.

Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The hour for business under the special rule has now expired.

ORDER OF BUSINESS.

Mr. TOWNSEND, of Ohio. Mr. Speaker, would it be in order to move to proceed to the consideration of business on the House Calendar?

The SPEAKER. The business of the morning hour is first in order.

GEORGE F. BICKNELL.

Mr. DAVIS, of Illinois, by unanimous consent, reported back from the Committee on Military Affairs the bill (H. R. No. 178) for the relief of George F. Bicknell; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DECORATIONS FROM FOREIGN POWERS.

Mr. HARRIS, of Massachusetts. I ask unanimous consent to have taken from the Speaker's table for present consideration the joint resolution (S. R. No. 6) authorizing Lieutenant-Commander Charles Dwight Sigsbee, United States Navy, to accept a decoration from the Emperor of Germany, and also authorizing Joseph R. Hawley to accept decorations from the Governments of the Netherlands, of Spain, and of Japan.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That Lieutenant-Commander Charles Dwight Sigsbee, of the United States Navy, be, and is hereby, authorized to accept a decoration of the Order of the Red Eagle which has been tendered him by the Emperor of Germany for meritorious service rendered to the German navy in superintending the construction of a deep-sea sounding-machine invented by himself. Permission is also granted to Joseph R. Hawley to accept from the Governments of the Netherlands, of Spain, and of Japan certain decorations tendered him as president of the United States centennial commission.

The SPEAKER. Is there objection?

Mr. ROBINSON, of New York. I must object to everything of this kind. We have a good enough eagle of our own without going abroad for a "red eagle." I object to all these decorations from foreign countries as a piece of snobbery.

Mr. HARRIS, of Massachusetts. Will the gentleman reserve his objection for a moment?

Mr. ROBINSON, of New York. I will.

Mr. HARRIS, of Massachusetts. Lieutenant-Commander Sigsbee of our Navy invented for deep soundings the finest machine in the world. The Emperor of Germany asked that it might be duplicated for his government. Lieutenant-Commander Sigsbee giving his time to the work, the machine was completed and sent abroad. There now rests in the State Department a simple decoration sent to him by the Emperor of Germany.

The decorations offered to General Hawley are from the Nether-

lands, from Spain and Japan, in recognition of his services as president of our great centennial exposition. I hope that no man will object to the interchange of courtesies of this kind.

Mr. RANDALL. I hope this resolution will pass as a deserved recognition to General Hawley.

Mr. ROBINSON, of New York. There is no man living who respects General Hawley more than I do. I withdraw my objection; but hereafter I will object to everything of this kind.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. HARRIS, of Massachusetts, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GERMAN NATIONAL BANK, LOUISVILLE, KENTUCKY.

Mr. WILLIS. I ask unanimous consent that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 2911) for the relief of the German National Bank of Louisville, Kentucky, and that the same be put on its passage. It is a merely formal matter in reference to the loss of some coupons destroyed while in the custody of the postal authorities.

The bill was read, as follows:

Be it enacted, &c., That there be paid out of the Treasury of the United States, out of any moneys not otherwise appropriated, the sum of \$313.50 to the German National Bank of Louisville, Kentucky, being the amount of United States 5-20 coupons inclosed in a registered letter and destroyed while in custody of the postal authorities: Provided, however, That a satisfactory bond of indemnity shall be filed with the Secretary of the Treasury before said payment shall be made.

Mr. WILLIS. This bill has been favorably reported in two Congresses.

The bill was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. WILLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WILLIAM W. THOMAS.

Mr. REED. I desire unanimous consent for the present consideration of a bill precisely similar in its object to that just passed. It is the bill (H. R. No. 604) for the relief of William W. Thomas. I ask that the Committee on Claims be discharged from its further consideration and that it be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be authorized and directed to pay to William W. Thomas, of Portland, in the State of Maine, the sum of \$450, (being the amount of coupons of United States bonds lost by him, and now unpaid, namely: coupons due December 15, 1867, of five-hundred-dollar 7-30 notes numbered 132909, 132911, 142262, and 142268, act of June 30, 1864, dated June 15, 1865; also coupons due January 15, 1868, of one-thousand-dollar 7-30 notes numbered 24199, 24204, 39406, and 64136, act of June 30, 1864, dated July 15, 1865; and coupons due January 1, 1868, of bonds numbered 1437, 86826, and 86827, for \$1,000 each, act of July 17, 1861) upon said Thomas giving a bond of indemnity in double the amount to be paid, with sureties satisfactory to the Secretary of the Treasury.

Mr. HOLMAN. Does not the present law provide for cases of this kind?

Mr. REED. It does not; it applies only to bonds.

Mr. WILLIS. The law speaks of interest-bearing securities, and as coupons do not bear interest the Secretary of the Treasury on this technicality rules out cases of this kind.

Mr. HOLMAN. I hope there will be some statement as to how this loss occurred.

Mr. REED. It is impossible to state how the loss occurred. Mr. Thomas had cut off the coupons and put them away for collection and they were lost. This happened over ten years ago and they have never turned up. Under the bill he is to give a bond which will protect the Treasury.

Mr. HOLMAN. What evidence is there that he owned the bonds at all?

Mr. REED. The evidence is that he made the statement to me, and I know him personally to be a perfectly reliable man and one very liable to own bonds.

Mr. HOLMAN. I think there should be some evidence before the House that the party claiming this relief was the owner of the bonds and that the loss actually occurred.

Mr. REED. The correspondence with the Secretary of the Treasury shows that.

Mr. HOLMAN. I understand that the bonds were not lost, but the coupons.

Mr. REED. Yes, sir.

Mr. HOLMAN. And the whole amount is—how much?

Mr. REED. Four hundred and fifty dollars.

Mr. RANDALL. Is this bill recommended by any committee?

Mr. REED. No, sir; it has not yet been reported. But I personally know about it and vouch for it.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CARLILE P. PATTERSON.

Mr. RANDALL. Mr. Speaker, I wish to make a statement. I was instructed by the select committee in relation to the late Carlile P. Patterson to submit a report from that committee during the hour under the new rule, but by some inadvertence that committee was not called.

The SPEAKER. It was not called because it was not treated as one of the committees coming within the rule. The language of the rule is "standing committees." The Chair, however, will recognize the gentleman to ask for unanimous consent.

Mr. RANDALL. Very well; then I ask to report from that committee a bill allowing the widow of Carlile P. Patterson one year's salary. It is in the line of precedents we have established granting a year's salary to the widows of the deceased ministers to Peru, Chili, and Liberia.

The SPEAKER. Is there objection?

Mr. PRESCOTT. Yes; I object.

Mr. HOLMAN. I hope this will not be done. We are carrying the rule in reference to such cases a very great way.

The SPEAKER. The bill is not before the House.

ALASKA.

Mr. YOUNG, by unanimous consent, introduced a joint resolution (H. R. No. 283) authorizing the printing of the report of the collector of customs in Alaska in relation to that Territory; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

IMPROVEMENT OF ALLEGHENY RIVER.

Mr. BAYNE. I ask by unanimous consent to introduce a joint resolution requiring the Chief Engineer of the United States Army to cause an examination of plans for the improvement of the Allegheny River.

The SPEAKER. The resolution will be read, when the Chair will ask for objection.

The Clerk read as follows:

Resolved, That the Chief Engineer of the United States Army be, and he is hereby, required to cause to be examined and to report to the House the various plans for improving the navigation of the Allegheny River, in Pennsylvania, together with such recommendations as may be deemed proper.

Mr. HOLMAN. I object. I think we have had legislation enough on that subject during this session.

ORDER OF BUSINESS.

Mr. RANDALL. We might as well have the regular order.

Mr. LEWIS. I hope there will be no objection to my calling up Senate bill No. 1589 for the relief of Joseph F. Wilson.

Mr. RANDALL. Let us have the regular order of business.

The SPEAKER. The regular order is the call of committees for reports.

ENSIGN L. K. REYNOLDS, UNITED STATES NAVY.

Mr. WILLIAMS, of Wisconsin, from the Committee on Foreign Affairs, reported a joint resolution (H. R. No. 284) granting permission to Ensign L. K. Reynolds, United States Navy, to accept the decoration of the Royal and Imperial Order of Francis-Joseph from the Government of Austria; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT MONTPELIER, VERMONT.

Mr. LEWIS, from the Committee on Public Buildings and Grounds, reported, as a substitute for House bill No. 5390, a bill (H. R. No. 6887) for the erection of a public building at Montpelier, Vermont; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT BRATTLEBOROUGH, VERMONT.

Mr. LEWIS also, from the same committee, reported back the bill (H. R. No. 6788) making an appropriation for the erection of a public building at Brattleborough, Vermont; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CUSTOM-HOUSE, PROVIDENCE, RHODE ISLAND.

Mr. LEWIS also, from the same committee, reported back the bill (H. R. No. 5566) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, Rhode Island; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

WILLIAM MOSS.

Mr. BUCHANAN, from the Committee on Claims, reported a bill (H. R. No. 6888) making an appropriation to pay William Moss, of Arkansas, for extra mail service; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

LOUISA F. STONE.

Mr. CHAPMAN, from the Committee on War Claims, reported, as a substitute for House bill No. 3325, a bill (H. R. No. 6889) for the

relief of Mrs. Louisa F. Stone; which was read a first and second time, referred to the Committee of the Whole House, and, with the accompanying report, ordered to be printed.

THE LATE CARLILE P. PATTERSON.

Mr. RANDALL, from the select committee in relation to the late Carlile P. Patterson, reported a joint resolution (H. R. No. 285) allowing the widow of Carlile P. Patterson, late Superintendent of the United States Coast and Geodetic Survey, one year's salary; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FIFTY-FIRST REGIMENT PENNSYLVANIA VETERAN VOLUNTEERS.

Mr. WARD. I ask unanimous consent to take from the Speaker's table for present consideration the Senate joint resolution No. 102. I am sure there will be no objection to it.

The joint resolution was read, as follows:

Joint resolution (S. R. No. 102) authorizing the Secretary of War to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to it by citizens of Norristown, Pennsylvania.

Resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to said regiment by the citizens of Norristown, Pennsylvania, which was captured by the confederate forces on May 12, 1864, at the battle of Spottsylvania, Virginia, and subsequently retaken by the United States troops at the fall of Richmond.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. WARD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PETER MARCH AND OTHERS.

Mr. BUTTERWORTH. I desire to call up for present consideration the bill H. R. No. 1328. It is the unanimous report of the Committee on War Claims.

The bill was read, as follows:

A bill (H. R. No. 1328) for the relief of Peter March, Frederick Kimmerly, David Vaughn, Barney Schooley, Eliza Scott, widow of Joseph Scott, Phebe C. Clement, widow of Isaac M. Clement, Frederick Smith, Owen McNabb, and Thomas Miller.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Peter March \$126.16;

To Frederick Kimmerly, \$273.25;

To David Vaughn, \$393.25;

To Barney Schooley, \$95.50;

To Eliza Scott, widow of Joseph Scott, deceased, \$2,433.25;

To Phebe C. Clement, widow of Isaac M. Clement, deceased, \$753.25;

To Frederick Smith, \$273.25;

To Owen McNabb, \$273.25; and

To Thomas Miller, the sum of \$273.25, out of any money in the Treasury not otherwise appropriated; the same being compensation in full for time while held as prisoners of war after being captured from the steamboat *Prima Donna*, in 1864, as will appear from evidence on file in the Third Auditor's Office, United States Treasury, cases numbered 37736, 39260, 39601, 39639, and 39736.

Mr. McMILLIN. Reserving the right to object, I should like to hear some explanation of this bill.

Mr. BUTTERWORTH. This is the unanimous report of the Committee on War Claims. These persons were in the service of the Government, engaged in the transportation of government supplies when captured. In all such cases heretofore the parties have been paid until Secretary Sherman expressed a doubt as to the authority of the Department to pay them. The matter, therefore, was referred to Congress, and having been fully investigated this is the unanimous report of the committee. The gentleman from Kentucky [Mr. CARLISLE] is familiar with the subject.

Mr. CARLISLE. If the report was read or the letter of the Third Auditor which is embraced in the report, I do not think there would be any objection. This is not to pay damages, but is simply to pay these persons their usual compensation while held in captivity—

Mr. BUTTERWORTH. As prisoners of war.

Mr. CARLISLE. Similar claims have been paid heretofore. I believe a part of the very crew of this vessel have already been paid by special act of Congress.

Mr. BUTTERWORTH. That is true.

There being no objection, the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill, and it was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTTERWORTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIA A. NUTT.

Mr. SINGLETON, of Mississippi. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased. That bill was called up the other day and objection was made by the gentleman from New York, [Mr. HISCOCK.] The objection is now removed by the amendments I propose to offer.

The bill was read, as follows:

Be it enacted, &c., That the Quartermaster-General of the United States is hereby authorized and directed to examine, adjust, and settle the claims of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, late of Natchez, in the State of Mississippi, growing out of the occupation and use by the United States Army during the late rebellion of the property of the said Haller Nutt during his lifetime, or of his estate after his decease, including live stock, goods, and moneys taken and used by the United States or the armies thereof; and full jurisdiction is hereby given to the Quartermaster-General to try and determine the same; and he may consider the evidence heretofore taken on said claim, so far as applicable, before the commissioners of claims, and such other legal evidence as may be adduced before him in behalf of the legal representatives of Haller Nutt, deceased, or in behalf of the United States: *Provided*, That no part of said claims upon which said commissioners of claims have passed on the merits shall be considered by the Quartermaster-General.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SINGLETON, of Mississippi. There were objections made to it the other day. I have conversed with the members who objected. There are certain amendments which they insist shall be placed on the bill, which I will have read, and I think then there will be no objection made. The bill does not appropriate a dollar.

The Clerk read the proposed amendments, as follows:

Insert after the word "examining," in the fourth line, the word "and."
Strike out of said line, after the word "adjust," the words "and settle."
In lines 11, 12, and 13, strike out all after the word "thereof," in line 11, down to and including the word "same," in line 13, namely, these words: "and full jurisdiction is hereby given to the Quartermaster-General to try and determine the same."
At the end of line 17, after the words "United States," insert as follows: "And shall report the facts to Congress, to be considered with other claims reported by the Quartermaster-General."

Mr. SINGLETON, of Mississippi. That brings the case back to the House after being passed upon by the accounting officers.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EXTRA PAY TO CAPITOL POLICE.

Mr. HOLMAN. I call for the regular order.

Mr. BREWER. I desire to report back from the Committee on Accounts with a favorable recommendation the joint resolution (H. R. No. 281) to pay the Capitol police one month's extra pay.

Mr. HOLMAN. I insist on the regular order.

The SPEAKER. The Chair understands this is a privileged matter, being a report from the Committee on Accounts.

The joint resolution was read, as follows:

Resolved, &c., That the Clerk of the House be, and is hereby, authorized and directed to pay to all those of the Capitol police on the roll July 1, 1882, one month's extra pay, at the same compensation now paid them by law; and an amount sufficient to pay the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same to be made immediately available.

Mr. BREWER. I ask that the report of the committee be read. The Clerk read as follows:

The Committee on Accounts, to whom was referred the joint resolution (H. R. No. 281) to pay the Capitol police one month's extra pay, beg to report that they have considered the same, and report it back to the House with their approval, and recommend that the same do pass.

Mr. HOLMAN. Is this a privileged matter?

The SPEAKER. The Chair understands it is privileged, as it relates to the employés of the House and of the Capitol.

Mr. BLOUNT. I do not understand that these Capitol police are in any sense House employés.

Mr. BREWER. I would say that similar reports from the Committee on Accounts have heretofore been considered privileged.

The SPEAKER. The Chair would call attention to the fact that this joint resolution relates to the Capitol police, not to the employés of the House, which is the distinction the gentleman from Georgia [Mr. BLOUNT] makes, as the Chair understands.

Mr. BREWER. Are they not employés of the House?

The SPEAKER. The Chair thinks not; but the Chair is willing to hear the gentleman on that subject.

Mr. BREWER. Are they not appointed by officers of the House?

The SPEAKER. They are not, as the Chair understands.

Mr. BREWER. Do I understand, then, that the Chair decides that this is not a privileged report? If so, I hope the gentleman from Indiana [Mr. HOLMAN] will withdraw his objection. All the employés of the House have had voted them an extra month's pay, and it has been customary and would be but simple justice that the Capitol police should receive the same. They are here more hours than the House employés; they are here nights and Sundays and week days; they have to purchase two suits of clothes a year, and are now receiving \$300 a year less than they received some time ago.

The SPEAKER. The Chair will state that upon examining Rule XI it discovers that the Committee on Accounts are charged with the duty of considering all matters touching the expenditure of the contingent fund of the House, and paragraph 47 of Rule XI authorizes the Committee on Accounts to report at any time on all matters touching the expenditures of the contingent fund of the House.

This joint resolution authorizes and directs the Clerk of the House to pay all of those Capitol police on the roll July 1, 1882, one month's extra pay. If that is paid out of the contingent fund of the House, as the Chair thinks it is, then it seems to the Chair that under the rule the Committee on Accounts can report this joint resolution at any time, and the right to report at any time carries with it the right of present consideration. The Chair therefore reviews its first impression about the matter, and would hold that this joint resolution is in order. It does not turn upon the question as to whether the Capitol police are officers or employés of the House, but whether they are paid out of the contingent fund of the House.

Mr. HOLMAN. So that any proposition would now be in order coming from that committee, provided it relates to any expenditure to be paid out of the contingent fund of the House?

The SPEAKER. The complaint of the gentleman is a complaint against a standing rule of the House.

The question was upon ordering the joint resolution to be engrossed for a third reading; and, being taken, upon a division there were—ayes 29, noes 19.

Mr. HOLMAN and Mr. McMILLIN. No quorum.

Tellers were ordered; and Mr. BREWER and Mr. McMILLIN were appointed.

The House again divided; and the tellers reported that there were—ayes 62, noes 58.

Mr. McMILLIN. No quorum.

The SPEAKER. The tellers will retain their places and continue the count, and members who have not voted are requested to vote.

The count was continued; and the tellers further reported that there were—ayes 84, noes 63.

So the joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time.

The question was on the passage of the joint resolution.

Mr. BLOUNT. On that question I call for the yeas and nays.

Mr. NEAL. If it is in order I would like to say a word in connection with this joint resolution and to call attention to some facts.

The SPEAKER. The question is now on the passage of the joint resolution.

Mr. NEAL. It is in order to move to recommit.

Mr. KLOTZ. Will the gentleman give any reason for that?

Mr. NEAL. I will if the House will give me an opportunity to do so. I move to recommit this joint resolution to the Committee on Accounts.

Mr. BREWER. I call the previous question.

Mr. NEAL. I propose to state my reasons for making that motion.

Mr. URNER. Is the motion to recommit debatable?

Mr. NEAL. Certainly it is.

The SPEAKER. The gentleman from Ohio [Mr. NEAL] moves to recommit this joint resolution to the Committee on Accounts, and the gentleman from New Jersey [Mr. BREWER] demands the previous question on that motion and on the passage of the joint resolution.

The previous question was ordered.

Mr. NEAL. Now, Mr. Speaker—

The SPEAKER. Debate is not in order pending the previous question.

Mr. NEAL. Then I ask consent to say what this joint resolution is; the reading of it does not show.

Mr. BREWER. I object.

Mr. DINGLEY. We want to know the facts.

Mr. NEAL. I will state the facts.

Mr. BREWER. I have stated them.

Mr. NEAL. You have not stated all the facts.

Mr. HAMMOND, of Georgia. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND, of Georgia. Can the previous question be called upon the motion to recommit and the passage of the joint resolution?

The SPEAKER. At the time the motion to recommit was made the joint resolution had been read a third time, and the question was upon its passage. The gentleman from New Jersey [Mr. BREWER] moved the previous question, which, by the express terms of standing rule XVII, can apply to as many pending propositions as the gentleman desires.

Mr. HAMMOND, of Georgia. But before he made that motion the motion to recommit was pending.

The SPEAKER. That motion is pending now.

Mr. HAMMOND, of Georgia. But can the gentleman demand the previous question while the gentleman from Ohio [Mr. NEAL] was on the floor desiring to speak on the subject, and can the Speaker lump the two together and put the question in the way he did?

The SPEAKER. The gentleman who makes the motion to recommit does not hold the floor while the question is being stated to the House; and the gentleman from New Jersey [Mr. BREWER] promptly moved the previous question, which is a privileged motion.

Mr. NEAL. I moved to recommit. The Chair recognized me for that purpose.

The SPEAKER. Undoubtedly; and that motion is pending because the gentleman was recognized before the motion for the previous question was made.

Mr. NEAL. I did not yield the floor, however, to the gentleman from New Jersey or any other person. I understand that the motion to recommit is debatable.

The SPEAKER. But it is not debatable after the previous question has been ordered on it.

Mr. NEAL. But I did not yield the floor to the gentleman to make the motion.

The SPEAKER. The gentleman could not prevent it. The motion was made and the previous question has been ordered. It can be ordered under the rules upon as many propositions as are before the House.

The question being on the motion to recommit,

Mr. BLOUNT and Mr. HOLMAN called for the yeas and nays.

Mr. BREWER. If the gentleman from Ohio [Mr. NEAL] desires five minutes, I am willing he may occupy that time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 66, nays 81, not voting 143; as follows:

YEAS—66.

| | | | |
|------------|--------------------|------------------|--------------------|
| Anderson, | Dibrell, | Jones, George W. | Scales, |
| Armfield, | Dingley, | Kasson, | Singleton, Otho R. |
| Atherton, | Dunn, | Kenna, | Springer, |
| Atkins, | Evins, | Ketcham, | Stockslager, |
| Berry, | Farwell, Sewell S. | Knot, | |
| Blanchard, | Forney, | Latham, | |
| Blount, | Fulkerson, | Lewis, | |
| Buchanan, | Garrison, | McKenzie, | |
| Buckner, | Gibson, | McMillin, | |
| Cabell, | Hammond, N. J. | Mills, | |
| Cassidy, | Harris, Benj. W. | Neal, | |
| Clements, | Haseltine, | Oates, | |
| Colerick, | Hatch, | Randall, | |
| Cravens, | Hewitt, Abram S. | Reagan, | |
| Cullen, | Holman, | Rice, Theron M. | |
| Dawes, | House, | Ritchie, | |
| Deuster, | Hutchins, | Rosecrans, | |

NAYS—81.

| | | | |
|--------------------|------------------|-------------------|--------------------|
| Bayne, | Ermentrout, | Manning, | Shultz, |
| Bingham, | Errett, | McClure, | Smalls, |
| Blackburn, | George, | McCoid, | Smith, A. Herr |
| Bliss, | Guenther, | McKinley, | Spooner, |
| Brewer, | Gunter, | McLane, | Stone, |
| Briggs, | Hardy, | Miller, | Strait, |
| Browne, | Harmer, | Mutchler, | Talbot, |
| Brumm, | Harris, Henry S. | O'Neill, | Townsend, Amos |
| Buck, | Hepburn, | Parker, | Tyler, |
| Burrows, Julius C. | Herndon, | Peelle, | Updegraff, J. T. |
| Butterworth, | Hill, | Peirce, | Urner, |
| Calkins, | Hiscock, | Phelps, | Van Aernam, |
| Campbell, | Hoblitzell, | Reed, | Washburn, |
| Candler, | Horr, | Rice, John B. | Webber, |
| Carpenter, | Jacobs, | Rice, William W. | White, |
| Chapman, | Jadwin, | Rich, | Williams, Chas. G. |
| Curtin, | Jones, James K. | Robinson, Geo. D. | Willits, |
| Davis, George R. | Klotz, | Robinson, Jas. S. | The Speaker. |
| Deering, | Le Fevre, | Ryan, | |
| De Motte, | Lord, | Shallenberger, | |
| Dunnell, | Lynch, | Sherwin, | |

NOT VOTING—143.

| | | | |
|-------------------|-------------------|---------------------|--------------------|
| Aiken, | Dezendorf, | Lindsey, | Ross, |
| Aldrich, | Dowd, | Lowe, | Russell, |
| Barbour, | Dugro, | Mackey, | Scoville, |
| Barr, | Dwight, | Marsh, | Scranton, |
| Beach, | Ellis, | Martin, | Shackelford, |
| Belford, | Farwell, Chas. B. | Mason, | Simonton, |
| Belmont, | Fisher, | Matson, | Singleton, Jas. W. |
| Beltzhoover, | Flower, | McCook, | Skinner, |
| Bisbee, | Ford, | Miles, | Smith, Dietrich C. |
| Black, | Frost, | Money, | Smith, J. Hyatt |
| Bland, | Geddes, | Moore, | Sparks, |
| Bowman, | Godshalk, | Morey, | Spaulding, |
| Bragg, | Groat, | Morrison, | Speer, |
| Burrows, Jos. H. | Hall, | Morse, | Steele, |
| Caldwell, | Hammond, John | Mosgrove, | Stephens, |
| Camp, | Hardenbergh, | Moulton, | Taylor, |
| Cannon, | Haskell, | Muldrow, | Thompson, Wm. G. |
| Carlisle, | Hazelton, | Murch, | |
| Caswell, | Heilman, | Nolan, | |
| Chace, | Henderson, | Norcross, | |
| Clardy, | Herbert, | Orth, | |
| Clark, | Hewitt, G. W. | Pacheco, | |
| Cobb, | Hoge, | Page, | |
| Converse, | Hooker, | Paul, | |
| Cook, | Houk, | Payson, | |
| Cornell, | Hubbell, | Pettibone, | |
| Cox, Samuel S. | Hubbs, | Phister, | |
| Cox, William R. | Humphrey, | Pound, | |
| Covington, | Jones, Phineas | Prescott, | |
| Crapo, | Jorgensen, | Raney, | |
| Crowley, | Joyce, | Richardson, D. P. | |
| Culberson, | Kelley, | Richardson, Jno. S. | |
| Cutts, | King, | Roberts, | |
| Darrell, | Lacey, | Roberson, | |
| Davidson, | Ladd, | Robinson, Wm. E. | |
| Davis, Lowndes H. | Leedom, | | |

So the motion to recommit was not agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. STONE with Mr. HEWITT of Alabama.

Mr. MASON with Mr. MOREY.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. WAIT with Mr. CALDWELL.

Mr. FARWELL, of Illinois, with Mr. MULBROW.

Mr. RUSSELL with Mr. CLARK.

Mr. NORCROSS with Mr. WILLIAMS of Alabama.

Mr. VALENTINE with Mr. DAVIS, of Missouri.

Mr. PAYSON with Mr. CULBERSON.

Mr. RAY with Mr. SIMONTON.

Mr. PHILSTER with Mr. HAMMOND of New York.

The result of the vote was announced as above stated.

The question recurring on the passage of the joint resolution;

Mr. ATHERTON called for the yeas and nays.

The yeas and nays were ordered; there being—yeas 23, noes 66; more than one-fifth voting in the affirmative.

Mr. ATKINS. I rise to make an inquiry—I do not know that it is a parliamentary inquiry. Will the word "police" in this resolution, as technically construed, embrace any of the police here in Washington other than the Capitol police?

The SPEAKER. The language of the resolution is "Capitol police on the rolls July 1, 1882."

Mr. URNER. I will say, Mr. Speaker, that all the other employees about the Capitol have been provided for in one of the appropriation bills. [Cries of "Regular order!"]

The question was decided in the affirmative—yeas 93, nays 57, not voting 139; as follows:

YEAS—93.

| | | | |
|--------------------|--------------------|--------------------|--------------------|
| Aldrich, | Farwell, Sewell S. | Manning, | Smalls, |
| Bayne, | George, | McClure, | Smith, A. Herr |
| Bingham, | Guenther, | McCoid, | Smith, J. Hyatt |
| Blackburn, | Gunter, | McKinley, | Speer, |
| Bliss, | Hardy, | McLane, | Spooner, |
| Brewer, | Harmer, | Miller, | Stone, |
| Briggs, | Harris, Benj. W. | O'Neill, | Strait, |
| Browne, | Hepburn, | Parker, | Talbot, |
| Brumm, | Hill, | Peelle, | Thomas, |
| Buck, | Hoblitzell, | Peirce, | Townsend, Amos |
| Burrows, Julius C. | Hoge, | Phelps, | Tucker, |
| Butterworth, | Horr, | Reed, | Tyler, |
| Campbell, | Hubbell, | Rice, John B. | Updegraff, J. T. |
| Candler, | Jacobs, | Rice, William W. | Urner, |
| Carpenter, | Jadwin, | Rich, | Van Aernam, |
| Cassidy, | Jones, James K. | Ritchie, | Ward, |
| Chapman, | Kenna, | Robeson, | Washburn, |
| Cullen, | Ketcham, | Robinson, Geo. D. | Webber, |
| Curtin, | King, | Robinson, James S. | Williams, Chas. G. |
| Davis, George R. | Klotz, | Robinson, Wm. E. | Willits, |
| De Motte, | Leedom, | Ryan, | Young, |
| Dunnell, | Le Fevre, | Shallenberger, | |
| Ellis, | Lord, | Sherwin, | |
| Errett, | Lynch, | Shultz, | |

NAYS—57.

| | | | |
|-----------------|------------------|--------------------|-------------------|
| Anderson, | Dingley, | Kasson, | Thompson, P. B. |
| Armfield, | Dunn, | Knot, | Townsend, R. W. |
| Atherton, | Ermentrout, | Latham, | Turner, Henry G. |
| Atkins, | Evins, | Lewis, | Turner, Oscar. |
| Blount, | Forney, | McKenzie, | Updegraff, Thomas |
| Buchanan, | Garrison, | McMillin, | Upson, |
| Cabell, | Hammond, N. J. | Mills, | Vance, |
| Clements, | Haseltine, | Oates, | Warner, |
| Colerick, | Hatch, | Randall, | Wellborn, |
| Converse, | Herndon, | Reagan, | Whitthorne, |
| Cox, Samuel S. | Hewitt, Abram S. | Rice, Theron M. | Willis, |
| Cox, William R. | Holman, | Scales, | Wise, George D. |
| Cravens, | House, | Singleton, Otho R. | |
| Dawes, | Hutchins, | Springer, | |
| Dibrell, | Jones, George W. | Stockslager, | |

NOT VOTING—139.

| | | | |
|------------------|-------------------|------------|---------------------|
| Aiken, | Davis, Lowndes H. | Kelley, | Ray, |
| Barbour, | Deering, | Lacey, | Richardson, D. P. |
| Barr, | Deuster, | Ladd, | Richardson, Jno. S. |
| Beach, | Dezendorf, | Lindsey, | Robertson, |
| Belford, | Dowd, | Lowe, | Rosecrans, |
| Belmont, | Dugro, | Mackey, | Ross, |
| Beltzhoover, | Dwight, | Marsh, | Russell, |
| Berry, | Farwell, Chas. B. | Martin, | Scoville, |
| Bisbee, | Fisher, | Mason, | Scranton, |
| Black, | Flower, | Matson, | Shackelford, |
| Blanchard, | Ford, | McCook, | Simonton, |
| Bland, | Frost, | Miles, | Singleton, Jas. W. |
| Bowman, | Fulkerson, | Money, | Skinner, |
| Bragg, | Geddes, | Moore, | Smith, Dietrich C. |
| Buckner, | Gibson, | Morey, | Sparks, |
| Burrows, Jos. H. | Godshalk, | Morrison, | Spaulding, |
| Caldwell, | Groat, | Morse, | Steele, |
| Calkins, | Hall, | Mosgrove, | Stephens, |
| Camp, | Hammond, John | Moulton, | Taylor, |
| Cannon, | Hardenbergh, | Muldrow, | Thompson, Wm. G. |
| Carlisle, | Harris, Henry S. | Murch, | Valentine, |
| Caswell, | Haskell, | Mutchler, | Van Horn, |
| Chace, | Hazelton, | Neal, | Van Voorhis, |
| Clardy, | Heilman, | Nolan, | Wadsworth, |
| Clark, | Henderson, | Norcross, | Wait, |
| Cobb, | Herbert, | Orth, | Walker, |
| Cook, | Hewitt, G. W. | Pacheco, | Watson, |
| Cornell, | Hiscock, | Page, | West, |
| Covington, | Hooker, | Paul, | White, |
| Crapo, | Houk, | Payson, | Williams, Thomas |
| Crowley, | Hubbs, | Pettibone, | Wilson, |
| Culberson, | Humphrey, | Phister, | Wise, Morgan R. |
| Cutts, | Jones, Phineas | Pound, | Wood, Benjamin |
| Darrell, | Jorgensen, | Prescott, | Wood, Walter A. |
| Davidson, | Joyce, | Raney, | |

So the joint resolution was passed.

Mr. BREWER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ANNUAL REPORTS OF THE UNITED STATES GEOLOGICAL SURVEY.

Mr. SPRINGER. I am directed by the Committee on Printing to take from the Speaker's table the joint resolution (H. R. No. 92) to

print 25,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey.

The resolution was read, as follows:

Resolved, &c., That there be printed at the Government Printing Office 25,000 copies each of the second and third annual reports of the Director of the United States Geological Survey, with the necessary illustrations and charts; 10,000 copies of which shall be for the use of the House of Representatives, 5,000 for the use of the Senate, and 10,000 for the use of the United States Geological Survey; the illustrations and charts to be made by the Public Printer under the direction of the Joint Committee on Printing.

The SPEAKER. The amendments of the Senate will be read.
The Clerk read as follows:

In line 2, strike out "twenty-five" and insert "eleven;" in line 5, strike out "ten" and insert "five;" in lines 6 and 7, strike out "five thousand" and insert "two thousand five hundred;" in line 7, strike out "ten thousand" and insert "two thousand five hundred;" after "survey," in line 8, insert "and one thousand for sale by the Public Printer, at the cost of publication with 10 per cent. added thereto."

Amend the title so as to read, "Joint resolution to print 11,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey."

The amendments of the Senate were concurred in.

Mr. SPRINGER moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF SIGNAL-SERVICE REPORTS.

Mr. SPRINGER. I am directed by the Committee on Printing to report back Senate concurrent resolution that there be printed and bound for the use of the Signal-Office of the Department of War 2,500 copies of the annual report of the Chief Signal-Officer for 1881, with an amendment striking out "2,500" and inserting "10,000."

Mr. HOLMAN. Where does this come from?

Mr. SPRINGER. From the Committee on Printing.

Mr. HOLMAN. There seems to be no limit to the printing ordered here. My friend ought to consider whether there will not be some limit to the endurance of the people.

Mr. SPRINGER. The reason for the change is that the Senate passed two resolutions, one for 2,500 copies and the other for 7,500 copies; and this resolution, as amended, is intended to cover both.

I ask the Clerk to read the message of the President of the United States.

The Clerk read as follows:

OFFICE OF THE PRESIDENT OF THE UNITED STATES,
January 19, 1882.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, dated the 14th instant, and accompanying letter from the Chief Signal Officer of the Army, recommending the passage of a joint resolution, in accordance with the inclosed draft, authorizing the printing and binding of 10,000 additional copies of the latter's annual report for the year 1881.

CHESTER A. ARTHUR.

WAR DEPARTMENT,
Washington City, January 14, 1882.

I have the honor to transmit herewith, with the request that it be laid before Congress, a communication from the Chief Signal Officer, dated the 9th instant, recommending the passage of a joint resolution, draught of which is inclosed, authorizing the printing and binding of 10,000 additional copies of his annual report for the year 1881.

I am, sir, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT.

WAR DEPARTMENT,
OFFICE OF THE CHIEF SIGNAL OFFICER,
Washington City, January 9, 1882.

SIR: I have the honor to inclose herewith a copy of a joint resolution of Congress intended to authorize the printing and binding of additional copies of the report of the Chief Signal Officer of the Army, with the request that you transmit it to Congress with such favorable recommendation as you may deem proper.

I am, very respectfully, your obedient servant,

W. B. HAZEN,
Brig. and Bvt. Maj. Gen., Chief Signal Officer, U. S. A.
The Honorable SECRETARY OF WAR.

Joint resolution authorizing the printing and binding of additional copies of the report of the Chief Signal Officer of the Army.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he is hereby, authorized to print and bind, for the use of the Signal Office, 10,000 additional copies of the annual report of the Chief Signal Officer for the year 1881; and the Public Printer is authorized to contract for the illustrations with the person now furnishing the illustrations for the Congressional edition.

Mr. HOLMAN. The recommendation is a very mild one.

The SPEAKER. The Clerk will repeat the proposed amendment.

The Clerk read as follows:

Amend by striking out "2,500" and inserting "10,000" in lieu thereof.

The SPEAKER. The question is on agreeing to the amendment.

Mr. HOLMAN. I call for a division.

Mr. CANNON. I should like to hear some explanation of this.

Mr. SPRINGER. Before the vote is taken on the amendment I desire to make an explanation which will take but one moment. The Senate passed a resolution on this subject of printing the reports of the Signal Service Bureau; one for 2,500 copies and another for 7,500. Instead of passing both those resolutions the House committee has recommended the amendment of one of them so as to make the number correspond with the number provided in the two reso-

lutions which the Senate has passed. The Senate first passed one for the printing of 2,500 copies and found that was not enough to make the exchanges required by the bureau.

Mr. ROBINSON, of Massachusetts. What was the number printed last year?

Mr. SPRINGER. The same as is now provided for, 10,000 copies. General Hazen came before the committee and represented that 10,000 copies was the smallest number he could possibly get along with to meet the demand. They must be sent to all the Signal-Service stations of the United States, where they can be referred to in making up reports in reference to the weather, storms, &c.

Mr. CANNON. How large a book is this?

Mr. SPRINGER. I have an estimate here of the amount of printing, but I cannot tell just now the precise number of pages.

Mr. CANNON. How many stations are there in the United States?

Mr. SPRINGER. I cannot state the exact number. But I may say there are exchanges made with all the important libraries of Europe and all the public libraries of the United States where persons are engaged in the investigation of these subjects. The reports go to the scientific people, and are not distributed by members indiscriminately as other documents are. They are entirely for the use of the Signal Service, and they are only sent to persons engaged in scientific pursuits. It is a valuable book to those engaged in this particular branch of investigation. I think gentlemen will bear me out in the statement that no expenditure the Government has made is so beneficial to science as that for reporting the observations of the Signal Service.

Mr. CANNON. I want to ask my friend from Illinois a question. If you cut off members and Senators from making the distribution, which is very proper, I think, is not an edition of 10,000 copies for the stations, which number between 300 and 400 all told in the United States, a very large edition to print?

Mr. SPRINGER. I get my information from General Hazen. He stated he had over 10,000 names on his list of scientific persons and institutions of learning and libraries, together with his own corps, and he required this number. It is upon that statement our committee make its recommendation; and the Senate committee have made the same recommendation.

The SPEAKER. The question is on agreeing to the amendment reported by the committee. Upon that question the gentleman from Indiana [Mr. HOLMAN] has demanded a division.

The question being taken, there were—ayes 30, noes 11.

Mr. HOLMAN. I think we should have a quorum to pass this.

The SPEAKER. Does the gentleman make the point that no quorum has voted upon the amendment?

Mr. HOLMAN. Yes, sir; I make the point of no quorum.

The SPEAKER. The Chair will order tellers, and appoints the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Illinois, Mr. SPRINGER.

Mr. SPRINGER. As a quorum does not appear to be present I will withdraw the report and will call it up to-morrow.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. RYAN. I think there is a quorum present and suggest to the gentleman from Illinois [Mr. SPRINGER] that he proceed with his resolution.

Mr. SPRINGER. We might perhaps get a quorum, but I am willing to let the resolution remain as unfinished business.

Mr. HOLMAN. With the understanding we will have a little rest in this attempt to deplete the Treasury by unnecessary printing, I withdraw the point as to a quorum.

Mr. SPRINGER. The gentleman should consider that the more printing there is the more knowledge is disseminated.

Further count not being called for, the amendment was agreed to.

The resolution as amended was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

The question was taken, and it was decided in the affirmative.

ENROLLED BILLS SIGNED.

Pending the announcement of the vote on the motion to adjourn, Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts; and
A bill (H. R. No. 6687) for the manufacture of salt in the Indian Territory.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. CHAPMAN to print in the RECORD some remarks on House bill No. 5899. [See Appendix.]

AMERICAN FORESTRY CONVENTION.

The SPEAKER, by unanimous consent, laid before the House the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the proceedings of the American forestry convention, held at Cincinnati in April, 1877, be printed under the direction of the Commissioner of Agriculture, and that 5,000 additional copies be printed, of which 1,300 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 1,100 copies for the use of the Commissioner of Agriculture.

BANKRUPT LAW.

Mr. UPDEGRAFF, of Ohio, by unanimous consent, presented the petition of M. M. Walker & Co. and others, merchants, manufacturers, and business men of Dubuque, Iowa, praying for the passage of the Lowell bill, to establish a uniform system of bankruptcy; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD.

The petition is as follows:

To the honorable the members of the Senate
and House of Representatives in Congress assembled:

Whereas the commercial community of the country represented in their various boards of trade, chambers of commerce, commercial exchanges, &c., in all sections, by their representatives in convention assembled January 19 and 20, 1881, declared themselves in favor of the passage of the Lowell bill to establish a uniform system of bankruptcy throughout the United States; and

Whereas the following organizations, representing the greater portion of the capital of the country embarked in commercial pursuits, were represented by delegates in said convention, and indorsed said bill in preference to all others, namely: Board of Trade, Trenton, New Jersey; Chamber of Commerce, Pittsburgh, Pennsylvania; Board of Trade, Cincinnati, Ohio; Board of Trade, Providence, Rhode Island; Oil Exchange, Olean, New York; Philadelphia Cotton Exchange; New England Shoe and Leather Association, Boston, Massachusetts; Leaf Tobacco Board of Trade, New York; Western Iron Association, Pittsburgh, Pennsylvania; Convention of Merchants, Rochester, New York; Manufacturing Chemists' Association of United States; Mercantile Jobbers' Association, Philadelphia; Commercial Club of Boston; Merchants and Manufacturers' Association, Baltimore; Board of Trade, Baltimore, Maryland; National Boot and Shoe Jobbers' Association, United States; Dover Board of Trade, New Hampshire; Chamber of Commerce, Pittsburgh, Pennsylvania; National Board of Trade, United States; Merchants' Board of Trade, Denver, Colorado; New York Produce Exchange; Board of Trade, Burlington, Iowa; New York Board of Trade and Transportation; New York Merchants' Club, New York; New York Chamber of Commerce; Boston Board of Trade; Boston Merchants' Association; New Orleans Cotton Exchange; Little Rock Cotton and Produce Exchange; Charleston Chamber of Commerce; Atlanta Chamber of Commerce, Georgia; Worcester Board of Trade; Scranton Board of Trade, Pennsylvania; Minneapolis Board of Trade, Minneapolis, Minnesota; Philadelphia Maritime Exchange; Association of Manufacturers of Textile Fabrics, Philadelphia; Portland Board of Trade; New Haven Chamber of Commerce; Philadelphia Board of Trade; Shoe and Leather Board of Trade, Baltimore; Peoria (Illinois) Board of Trade; Therefore,

The undersigned, with the fullest faith in the intelligence, experience, and honest purposes of the business men composing said associations, earnestly petition your honorable bodies for the early passage of said bill and protest against any measure that will extend to the courts large discretionary powers; that will elevate the judge above the law; that will withdraw the management of the assets of a bankrupt from an assignee chosen by the creditors, and vest such power in a receiver appointed by the courts, entailing litigation and expense, and opening a door to corruption and delay in the distribution of insolvent estate.

CATHARINE HARRIS.

Mr. CHAPMAN, by unanimous consent, introduced a bill (H. R. No. 6890) for the relief of Mrs. Catharine Harris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

The result of the vote on the motion to adjourn was then announced; and accordingly (at three o'clock and forty minutes p. m.) the House adjourned.

PETITION, ETC.

The following petition and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. S. ROBINSON: Papers relating to the pension claim of E. D. Wheeler—to the Committee on Pensions.

By Mr. WARNER: The petition of T. M. White and A. B. Woodard, executors, &c., for relief—to the Committee on War Claims.

SENATE.

THURSDAY, August 3, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations:

To the Senate of the United States:

I transmit herewith, in response to the Senate resolution of the 15th instant, a report of the Secretary of State and accompanying papers relating to the Clayton-Bulwer treaty.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, July 29, 1882.

JULIA A. NUTT.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased.

The amendments of the House of Representatives were, in line 2, after the word "examine," to insert "and," and in the same line to strike out "and settle;" in line 9, after the word "thereof," to strike out all down to and including the word "same," in line 11; and in line 16, after the word "States," to insert "and shall report the facts to Congress, to be considered with other claims reported by the Quartermaster-General."

Mr. CAMERON, of Wisconsin. That bill was considered by the Senate Committee on Claims and reported favorably to the Senate, and it passed the Senate. I have examined the House amendments and I move that the Senate concur in them.

The amendments were concurred in.

THE FRANKLIN PAPERS.

Mr. HOAR. I omitted yesterday by accident to have read and printed in the RECORD a letter from the Secretary of State in regard to the Franklin papers. I ask leave that it may be printed in the RECORD now. It is not necessary to read it. It is very short; only a page and a half.

The PRESIDENT *pro tempore*. Leave is granted.

The letter is as follows:

DEPARTMENT OF STATE,
Washington, July 22, 1882.

Sir: I have the honor to invite your attention to a subject which was presented by this Department for the consideration of Congress during the early part of the present session, that is to say, the acquisition by the United States, by purchase, of the collection of original papers and of printed books relative to Benjamin Franklin which have been offered to this Department by their owner, Mr. Henry Stevens, of London, at the price of £7,000, with a view to their being deposited with the national archives.

The papers and correspondence concerning this subject, comprised in Senate Miscellaneous Document No. 21, a copy of which is transmitted herewith, were referred to the Committee on the Library of the Senate on the 30th of December of last year; and on the 1st of May last Mr. Senator HOAR, on the part of that committee, made a report in favor of the purchase. Attached to that report was an amendment providing for the necessary amount for the purchase to be added to the bill making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1883, which was referred to your committee by the President of the Senate. A copy of the said report (S. No. 504) will also accompany this letter.

As the period during which this extraordinary and most desirable collection may be acquired is limited, I venture to urge that the report of the Library Committee recommending the purchase be considered by you. The subject has been discussed by that committee, and if approved by the Committee on Appropriations I trust the proposed amendment will be inserted. The sentiment of the scholars of this country has been expressed in the form of memorials addressed to Congress by historical societies, and there is a general feeling of interest in behalf of this measure.

I have the honor to be, sir, your obedient servant.

FREDERICK T. FRELINGHUYSEN.

Hon. WILLIAM B. ALLISON,
Chairman of the Committee on Appropriations,
United States Senate.

PETITIONS AND MEMORIALS.

Mr. HARRIS presented the petition of T. M. White and A. B. Woodard, executors of Reuben Woodard, deceased, praying compensation for property furnished the United States Army; which was referred to the Committee on Claims.

Mr. LAPHAM presented a petition of ex-soldiers and citizens of Penn Yan, Yates County, New York, praying the passage of a bill giving a pension of \$40 a month to soldiers or sailors who lost an arm or a leg during the late war; which was referred to the Committee on Pensions.

PUBLIC BUILDING AT SAINT JOSEPH.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 929) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri, to report it favorably without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VIRGINIA MILITARY DISTRICT.

Mr. PLUMB. The Committee on Public Lands have had under consideration the bill (H. R. No. 6520) in relation to land patents in the Virginia military district of Ohio, and instruct me to report it without amendment. I ask for its immediate consideration.

Mr. COCKRELL. Let it be read for information.

The Acting Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALABAMA MINERAL LANDS.

Mr. PLUMB. The Committee on Public Lands have also had under consideration the bill (H. R. No. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands, and instruct me to report it without amendment and recommend its passage. I ask for its immediate consideration.

The Acting Secretary read the bill.

Mr. WINDOM. I do not like to make an objection to the bill, but my attention has been called to it by a newspaper publication which is before me, and I suppose this is the same bill to which it refers. I should rather like to read the bill before it is acted on.

Mr. PLUMB. A similar Senate bill has been before the Senate on a report from the Committee on Public Lands for a long time. It received the favorable consideration of the present Secretary of the Interior, of the present Commissioner of the General Land Office, and of the predecessor of the present Secretary of the Interior. It is in precise accord with the policy which was adopted in regard to similar lands in Missouri and Kansas in 1876, and according to the

opinion of all the official people of whom I have spoken it is necessary to prevent fraudulent entries and the inducements to frauds which are said to exist under the present condition of things.

Mr. WINDOM. I do not know that I understand it, but as it has been represented to me I feel that it ought to challenge the consideration of the Senate before it passes.

Mr. PLUMB. I have no doubt that some publication may have been made about it. I have been solicited in various ways in regard to it; and after investigating the matter very thoroughly I am satisfied that true public policy requires the passage of this bill to rid all that section of country of the controversies which exist in regard to this land, and which have been voiced I have no doubt in the publication of which the Senator from Minnesota speaks.

Mr. WINDOM. I know very little about it.

Mr. PLUMB. The Secretary of the Interior says, under date of the 10th day of July, 1882, "the bill meets my entire approval, and I hope it will become a law."

The PRESIDENT *pro tempore*. Does the Senator from Minnesota object to the consideration of the bill at this time?

Mr. WINDOM. I think it had better go over until to-morrow.

Mr. MORGAN. The bill has gone over twice. Every time it is called up objection is made to its consideration.

Mr. WINDOM. I do not care to have it go over, but I want to read the findings of the grand jury on this subject. I will not ask that the bill go over.

Mr. MORGAN. I will say to the Senator from Minnesota that the cases referred to in that statement have all been reserved in the Land Office, and are under consideration. There are over three hundred and fifty such cases that this bill does not affect in any way, either by confirming their entries or anything of the sort, leaving it entirely to the Land Office to consider all the cases. It is a very great hardship upon the people of Alabama, because it shuts out from settlement a large and valuable tract of country, which is surrounded by land-grant railways. The bill proposes to have the land sold at public sale, so that there can be no combination but may be fair competition in the sale; and the Government will probably realize a considerable amount of money from the sale.

The present Secretary of the Interior, his predecessor, Mr. Kirkwood, and the Commissioner of the General Land Office have looked into this question very narrowly and very closely, and they have made every provision that is at all necessary for the protection of the Government. I assure the Senator that I would not advocate a bill here which would have a tendency to prevent a full and fair investigation of any fraudulent entries whatever, if any have taken place. The whole question is reserved in the bill itself. This bill has been framed with the most exact care; it was really drawn up in the Department itself, as indicating not merely the public policy on the subject, but as providing for every possible contingency. Mr. Teller expresses himself in the strongest possible terms.

Mr. WINDOM. I shall not object to the present consideration of the bill, but I want to understand it fully before it is passed.

Mr. MORGAN. There is no doubt about its being right.

Mr. HAWLEY. I have received a full statement from a citizen of Alabama, and also a letter from a gentleman in a Northern State who, from his peculiar studies, if I should name him, the Senate would know is quite familiar with the question, both of them most earnestly protesting against the bill as an injustice, as opening to settlement by these plastered certificates a body of exceedingly valuable mineral lands. In short, I do not pretend to tell from memory now the argument, though I can get it.

The PRESIDENT *pro tempore*. The merits are not open to discussion.

Mr. HAWLEY. I shall not attempt to discuss the merits of the bill, but I feel bound in the interest of the public to object to its consideration to-day.

The PRESIDENT *pro tempore*. The bill goes over on objection.

Mr. PLUMB. I will withdraw the report and make it to-morrow, and in the mean time Senators can examine the matter.

Mr. HAWLEY. I will look over it by to-morrow.

Mr. MORGAN. Before the bill passes from the attention of the Senate, the Senate will excuse me for making one observation. The Secretary of the Interior knows perfectly well that there are certain men who are exploiting upon this land, trying to make a speculation out of the land of the United States. He has been in a long controversy about it, and he recommends this bill, not for the purpose of healing up any false entry or protecting any man in the world who may have been guilty of a fraud, because the bill leaves that entirely open, so that all these things will be investigated in the Department. He thinks the best thing to do with these coal lands, which have been heretofore reserved, is to dispose of them at public sale. These lands have been reserved for a good many years now, as many as seven, eight, or ten years, under the coal-land law, and not one foot of that land has ever been entered as coal land, and not one foot I suppose ever will be.

Mr. PLUMB. I will withdraw the report I have made and present it to-morrow, and in the mean time everybody interested can look up the report made by the Committee on Public Lands and all the documents in the case.

Mr. WINDOM. My only purpose is to understand it, and I want to have the bill printed.

Mr. COCKRELL. Let it be printed and recommitted to the committee.

Mr. PLUMB. I withdraw the report.

INDIAN BUREAU ACCOUNTS.

Mr. CAMERON, of Wisconsin. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury, to report it favorably and without amendment. A bill identical with this was reported favorably from the Committee on Claims by the present Secretary of the Interior on the 1st day of February last. If there is no objection I ask that the bill may be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CAMERON, of Wisconsin. I move that the bill (S. No. 172) to authorize the auditing of certain unpaid accounts of the Indian Bureau by the accounting officers of the Treasury, which is identical with the bill which has just passed the Senate, be indefinitely postponed.

The motion was agreed to.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

Mr. LAPHAM. I am instructed by the Committee on Foreign Relations, to whom was recommitted the bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe, to report it back with the amendments submitted by me yesterday, modified somewhat; and I ask for its present consideration. It will be seen by the reading of the bill that it is very carefully drawn to protect the interests of the Government and to prevent the consolidation of telegraphic companies, to prevent any watering of stock.

Mr. VAN WYCK. Has that bill been placed on our table so that we can read it?

The PRESIDENT *pro tempore*. It was reported yesterday and recommitted.

Mr. VAN WYCK. We were so much engaged yesterday that I had no opportunity of seeing it. I shall object to that bill until I can have an opportunity of examining it.

Mr. LAPHAM. I prefer that it shall not go to the Calendar. I will withdraw the report until to-morrow morning; and I give notice that I shall call it up to-morrow.

Mr. COCKRELL. I suggest to the Senator from New York that he have the bill printed with the amendments as modified, and recommitted to the committee.

Mr. SHERMAN. If that is done, it will be subject to a single objection whenever it is reported. If it is put on the Calendar it will be in order to have is taken up on motion.

Mr. COCKRELL. The Senator from Nebraska asked that the bill be printed. It has been already printed as reported yesterday.

Mr. VAN WYCK. I do not ask that it shall be printed again, but I have not had an opportunity to examine the bill. I have felt that in this bill there is no protection where protection is needed. It seems to me it is organizing another telegraph company to combine in the future with another telegraph company, and the people will receive no benefit at all from the combination, and the company will increase the rates just as land telegraph companies do.

Mr. WINDOM. If the Senator has felt that, he has felt it without having read the bill.

Mr. VAN WYCK. Very likely. I want to see it.

Mr. WINDOM. If the Senator will look he will find that this bill does provide against all those things, that it prohibits the watering of stock, prohibits combinations, authorizes the Secretary of State to fix the rates for the Government, and provides that Congress shall hereafter have authority to pass a general bill regulating rates, and it in every way conforms to what I know to be the wishes of the Senator.

Mr. VAN WYCK. My friend says the rates for the Government are fixed; are the rates for individuals fixed?

Mr. WINDOM. I say the bill expressly reserves the right of the Government to fix the rates by a general bill.

Mr. VAN WYCK. I want to say to my friend that although the right to fix rates affecting the public may be reserved it will amount to nothing. You reserved in 1864 that right over the national railroad lines to the Pacific, and you have never exercised it to this day, and never will.

Mr. WINDOM. The Senator would hardly expect to have everything provided for on this bill, in the last days of the session.

Mr. VAN WYCK. I prefer to have the rates fixed now in this bill, and when the rates are fixed I shall have no objection to the bill.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. MORGAN. I should like to say to the Senator from Nebraska before this bill goes out of reach that I think it is the most important bill in reference to the transoceanic telegraph business ever presented to the Senate, and it will bring down the rates of telegraphing to ten cents a word if we can pass the bill.

Mr. VAN WYCK. Will you put in the bill what the rates shall be? Will you fix the rates in the bill?

The PRESIDENT *pro tempore*. There is nothing before the Senate.

Mr. VAN WYCK. I merely want to explain my position on the matter. I find we have done nothing of that kind, and while we have been organizing telegraphs upon the land the rates have been continually increased; and now I ask gentlemen to designate a list of rates in this bill.

Mr. LAPHAM. I think if the Senator from Nebraska will hear the bill read he will be satisfied by the reading that there is no possible objection to it. It is a short bill.

Mr. VAN WYCK. Certainly.

The PRESIDENT *pro tempore*. The Senator from New York asks for the present consideration of the bill. It will be read for information.

The Acting Secretary read the bill.

Mr. VAN WYCK. I see nothing at all in that to meet the objection I made. The public are not protected there.

Mr. WINDOM. The amendments have not yet been read.

Mr. BAYARD. The amendments do protect them.

Mr. VAN WYCK. The public?

Mr. BAYARD. Perfectly.

Mr. VAN WYCK. I still insist on my objection, and I desire to be understood as objecting. I have no objection to the amendments being read, however.

Mr. HALE. Let the amendments be read.

The ACTING SECRETARY. The first amendment is in section 1, line 13, to strike out the words "agreement as to rate" and insert "combination to establish rates;" so as to read:

And provided further, That no amalgamation, combination to establish rates, union, or sale of cable interests established under this act shall be made, &c.

Mr. VAN WYCK. I do not see any protection in that. This is not probably the time to discuss it, however.

The PRESIDENT *pro tempore*. The consideration of the bill is objected to, and it goes over.

Mr. VAN WYCK. The Government is protected, but not the public.

Mr. LAPHAM. I move to take the bill up for consideration.

The PRESIDENT *pro tempore*. That is not in order if any Senator objects. It is morning-hour business, and a single objection carries it over.

Mr. LAPHAM. I shall move to take it up as soon as the morning hour is over.

Mr. HALE. If the Senator in charge of the bill will allow me, I will suggest an amendment that will meet the objection of the Senator from Nebraska.

Mr. WINDOM. The Senator from Nebraska has not heard the amendments of the committee read.

Mr. VAN WYCK. I supposed they were read.

Mr. WINDOM. One was read, and the Senator objected before the others were read.

Mr. HALE. I ask the Senator from Nebraska if this amendment meets his objection?

The rates charged upon said line for messages for individuals shall not exceed twenty cents for each word.

Will that satisfy the Senator?

Mr. VAN WYCK. Let that amendment be referred to the committee and see whether they are willing to incorporate it in the bill, and then let the bill come up with that amendment on it.

Mr. LAPHAM. I should like to have the amendments of the committee read, so that the Senator from Nebraska may see what they are.

The PRESIDENT *pro tempore*. The remaining amendments of the committee will be read.

The ACTING SECRETARY. The next amendment is, in section 1, line 15, to strike out the word "existing;" so as to read:

Shall be made to any European or other cable companies.

After the word "companies," in section 1, line 16, to insert:

Nor shall there be any fictitious increase or watering of stock; and any violation of the provision of this section shall work a forfeiture of all rights thereunder.

In section 2, line 9, after the word "whatever," to insert:

And in addition the United States Government shall have the right to the exclusive use of a wire at such time as they may require, not to exceed four hours out of every twenty-four, and at such rates as may be prescribed by the Secretary of State, but not to exceed twenty cents per word nor less than ten cents per word.

In section 2, line 18, strike out "the most favored," before "nation," and insert "any other;" so as to read:

Secondly. Citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of any other nation.

In section 4, at the end of the bill, add "including the right to fix rates by a general law;" so as to read:

That the right to alter, amend, or repeal this act at any time is hereby reserved to Congress, including the right to fix rates by a general law.

Mr. VAN WYCK. I ask the Senator from New York if he will include the amendment of the Senator from Maine, or rather if he will protect the public in the same way that he will protect the Government, by saying the rates shall not exceed twenty cents per word?

Mr. LAPHAM. I am not authorized by the committee to accept the amendment.

Mr. VAN WYCK. If the Senator will do that and protect the public, then I shall have no objection.

Mr. LAPHAM. I am entirely unadvised as to the rates over the present lines.

Mr. VAN WYCK. I object to the consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Nebraska objects to the present consideration of the bill, and it goes over.

Mr. HALE. The rate ought not to be over twenty cents a word, I think clearly.

Mr. BAYARD. I suggest to the Senator from Nebraska that the protection does exist when you expressly reserve the right to fix the rates by general law. I know very little of the cost of this business, but when you reserve the right to fix by general law any excess can be prevented.

Mr. LAPHAM. We do fix the rate as to the Government.

Mr. VAN WYCK. My answer to that is, as I said before, that is no protection to the public. In 1864 you protected the public by reserving the right to Congress to regulate the rates on the Pacific railroads. That never has been done and never will be done.

Mr. BAYARD. Does not my friend think that competition is the best regulation?

Mr. VAN WYCK. We have been told that would be the effect of competition in regard to our land telegraph lines, and yet every organization of a new company under the competition is absorbed by the old one, and the public suffer by the watering of the stock in the increased rate of charges. I say to my friend that will be so here. If you intend to protect the public as you claim you are willing to do, do it here and now by saying to the public they shall be protected in the same way that we protect the Government, and make the rate twenty cents a word.

Mr. HALE. Let me ask the Senator if we have not had the same experience in regard to competition not only on land telegraphs but on sea telegraphs? We chartered a cable company with the idea that competition would keep down the rates, and the last company chartered was operated for a time, but when they were consolidated within the last two months the rates were at once put up from twenty-five cents to fifty cents a word, so that competition does not accomplish the result. Competition runs for a while, but amalgamation is the end of competition. I agree fully with the Senator from Nebraska that here and now is the place in which to put the limit that shall be charged upon this line for public or private messages, and if we do not do it now we never shall do it.

Mr. VAN WYCK. Never.

The PRESIDENT *pro tempore*. The Senator from New York asks for the consideration of the bill. Does the Senator from Nebraska object?

Mr. VAN WYCK. I do.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over.

Mr. LAPHAM. Then I ask to have it placed on the Calendar, and I give notice that I shall call the bill up for action to-morrow morning.

Mr. SEWELL. I concur with the Senator from Maine on this question, but as it has passed by I will say nothing further now.

CONDEMNED ORDNANCE FOR MONUMENTAL PURPOSES.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom were referred certain resolutions and bills of the House of Representatives granting condemned cannon to sundry places, to report them back to the Senate favorably, some with amendments and some without amendments.

Mr. BECK. I hope they will be considered now. There is one for Kentucky, which I should like to have disposed of.

The PRESIDENT *pro tempore*. These several resolutions and bills reported by the Senator from Missouri will be acted on at once if there be no objection.

By unanimous consent, the bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, which was, in line 12, after the word "condemned," to insert "cast-iron."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

By unanimous consent, the bill (H. R. No. 6111) donating condemned cast-iron cannon and cannon-balls for monumental purposes was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

By unanimous consent, the bill (H. R. No. 6593) donating condemned cast-iron cannon and cannon-balls for monumental purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with

amendments, which were, in line 11, to insert "cast" after "condemned;" in line 23, to insert "cast-iron" after "condemned;" in line 27, to insert "cast-iron" after "condemned;" in line 30, to insert "cast-iron" after "condemned."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

By unanimous consent, the joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Tip" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon (and cannon-balls) or field-piece for monumental purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, which was, in line 7, after the word "cannon-balls," to strike out "or field-piece."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution to authorize the Secretary of War to transfer to 'Tip' Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls for monumental purposes."

USE OF TENTS.

Mr. COCKRELL. I am directed by the Committee on Military Affairs to report back favorably House joint resolution No. 205 and House joint resolution No. 263, which are resolutions granting the use of tents to soldiers' reunions. One of them is for Iowa and the other for Illinois. They have been amended to correspond with the rule of the Senate on the question. I ask for their present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882.

The amendments reported by the Committee on Military Affairs were, in line 4, after the word "depot," to strike out "or arsenal;" after the word "such," in line 6, to strike out "cannon;" in line 7, after the word "tents," to strike out "muskets, and so forth;" after the word "said," in line 8, to strike out "cannon," and in the same line, after the word "tents," to strike out "muskets, and so forth;" in line 11, to strike out "arsenal," and in line 14, after the word "said," to strike out "arms, ammunition, and camp equipage" and insert "tents;" and at the end of the resolution to add "of arms allowed by law;" so as to make the joint resolution read:

That the Secretary of War be, and is hereby, authorized to send from some convenient quartermaster's depot, to be used at soldiers' reunions to be held in the State of Iowa in the year 1882, such tents as can be conveniently spared; said tents to be returned after holding of said reunion in like good condition as when received: *Provided*, That all transportation of said articles to and from the place of the reunion to the depot shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Iowa, or other proper accounting officer, shall receipt for said tents in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota of arms allowed by law.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution granting the use of tents at soldiers' reunions to be held in the State of Iowa in the year 1882."

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 205) granting the use of articles, tents, &c., at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882.

The joint resolution was reported from the Committee on Military Affairs with amendments, in line 4, after the word "depot," to strike out "or arsenal;" in line 7, before the word "tents," to strike out "cannon," and after the word "tents" to strike out "muskets;" in line 11, to strike out "arsenal;" in line 14, after the word "said," to strike out "arms, ammunition, and camp equipage" and insert "tents;" and at the end of the bill to add "of arms allowed by law;" so as to make the joint resolution read:

That the Secretary of War be, and is hereby, authorized to send from some convenient quartermaster's depot, to be used at said soldiers' reunion to be held in the State of Illinois in the year 1882, such tents as can be conveniently spared, said tents to be returned after holding of said reunion meeting in like good condition as when received: *Provided*, That all transportation of said articles to and from the place of the reunion to the depot shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Illinois, or other proper accounting officer, shall receipt for said tents in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota of arms allowed by law.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

MAJOR W. R. KING.

Mr. CONGER. Mr. President—

Mr. COCKRELL. I desire to say to the Senate that there are four or five other bills granting condemned cannon to cemeteries and national associations. They have been reported from the Committee on Military Affairs with slight amendments, just the same as were made to these resolutions. If it is the pleasure of the Senate that they should be considered, I would make that suggestion. It will only take a few minutes.

The PRESIDENT *pro tempore*. The Senator from Michigan has the floor.

Mr. CONGER. I am instructed by the Committee on Commerce, to which was referred the bill (S. No. 2092) for the relief of Major W. R. King, to report it without amendment, and I ask for its passage at this time.

I have the report from the Engineer Department detailing all the facts of this robbery, and also the report of the House committee stating the facts as they appear. I have also the indictment of Ryan for this robbery and the recovery of \$1,270 by garnisheeing a bank in Nashville, reducing the amount stolen or robbed from this man by that amount. Major King is the engineer in charge of the Muscle Shoals and Tennessee River improvement. He had drawn his draft on the Treasury of the United States for this \$5,240.18, to pay the workmen at the Muscle Shoals, and had put it in the hands of his assistant to draw the money for him and go to the different parts of the work and pay the men. He had paid some of them, but just before reaching the main body of the men, three armed men on horseback overtook him, drew their pistols upon him, and robbed him of all the money except a little which he had in his vest-pocket, amounting to the sum named in the bill.

Major King, immediately on receiving information that his assistant had been robbed, made pursuit and tracked these armed men and pursued them to Nashville, Tennessee, where one of them was captured, and from him \$1,270 was obtained, which has been paid back to the Government.

Major King, of course, is responsible for the loss of this money, although it was lost by his assistant in passing along the bank of the canal, some eighteen miles from Major King's headquarters. The papers are here, the affidavits and the indictment of Hill by the United States court show all these facts, which may be read to the Senate. The committee of the House and the committee of the Senate are unanimous in the opinion that the balance of this money should be refunded to Major King, as it was lost without negligence on his part.

Mr. BECK. I think this bill ought to pass, and therefore I do not rise to object to it after the statement made, but I rise to say that I have endeavored for a long time to have the Calendar called. There has not been a case regularly called on the Calendar which has been reported since the 19th day of April. Five or six quite important cases to which there is no objection I think have been reported by myself, and I have urged in every way to get them acted on. I cannot do it without having a general scramble every day.

Now, I hope and trust we shall devote an hour or two to-day to the cases on the Calendar, beginning at the very first case. After this bill passes I hope nobody will ask for anything but the Calendar, so as to give all a chance. That is all I wish.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill reported by the Senator from Michigan?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 2092) for the relief of Major W. R. King. It proposes to pass to the official credit of Major W. R. King, disbursing officer for the Tennessee River improvement, the sum of \$3,970.18, that being the unrecovered balance of \$5,240.18 of public funds forcibly taken from A. G. Smith, receiver of materials on Muscle Shoals Canal, in the State of Alabama, by William Ryan and two other armed robbers, on the 11th of March, 1881, and for which sum King is accountable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a resolution providing that the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve o'clock m., Saturday, August 5, 1882.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 92) to print 11,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey; and it was thereupon signed by the President *pro tempore*.

ORDER OF BUSINESS.

Mr. BLAIR. Mr. President—

The PRESIDENT *pro tempore*. The hour of twelve has arrived. The question is, Will the Senate continue the morning hour until the morning business is finished?

Mr. MORRILL. I want to take up a bill, and then I will consent. The PRESIDENT *pro tempore*. The morning business is entitled to preference over anything else, and it is not through.

Mr. MORRILL. I give way for that, but I want to take up a bill immediately afterward.

Mr. ANTHONY. I rise to morning business.

The PRESIDENT *pro tempore*. Shall the morning hour be extended until the morning business is finished? The Chair hears no objection, and morning business will be received.

PRINTING OF AGRICULTURAL REPORT.

Mr. ANTHONY. The Committee on Printing, to which was referred a concurrent resolution of the House of Representatives for the printing of the annual report of the Commissioner of Agriculture, have instructed me to report it with amendments and recommend its passage. I ask for its present consideration.

There being no objection, the Senate proceeded to consider the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 300,000 copies of the annual report of the Commissioner of Agriculture for the year 1881; 214,000 copies for the use of members of the House of Representatives, 56,000 copies for the use of members of the Senate, and 30,000 copies for the use of the Department of Agriculture.

The first amendment of the Committee on Printing was, in line 3, to strike out "300,000" and insert "200,000."

Mr. ANTHONY. The resolution from the House provides for 300,000 copies; the Committee on Printing recommend that it be cut down to 200,000, and we cut down the distribution to Senators and to Representatives and to the Commissioner of Agriculture one-third from what the House proposes.

Mr. COCKRELL. How much was it last year?

Mr. ANTHONY. Three hundred thousand.

Mr. COCKRELL. I hope the amendment of the committee will not be concurred in. This is a valuable publication to the agricultural interests of the country, which is appreciated by them, and which is of importance to them, and I do not think we had any surplus last year. It is proposed to cut down the Agricultural Report 100,000 copies below what was printed last year. The House passed a resolution authorizing the printing of the same number authorized last year and the year before, and the year before that, I believe.

Mr. ANTHONY. I hope that Senators who vote against this reduction will hold their peace about the extravagance of the public printing. This resolution as it came from the House will cost \$219,000, which is about the whole cost of the printing that the Committee on Printing have recommended for the use of Congress during this session, thus doubling the amount. I think that some of those Senators who are complaining so much of the extravagance of the public printing now have an opportunity to air their economy and their virtue.

Mr. SAULSBURY. I should like to ask the chairman of the Committee on Printing what the difference in cost will be between 200,000 copies and 300,000? The type-setting is the same.

Mr. ANTHONY. In such long numbers the Senator is aware the cost of composition is a very small proportion compared with the whole cost. The expense of printing the usual number, 1,900, is \$13,697, and each additional thousand costs \$682. We have cut the House resolution down by about \$68,000.

Mr. COKE. I hope the amendment will not be made. Of all the publications of the Government the constituency that I represent appreciate the Agricultural Report more than any other; and if any reduction is to be made at all in the expenditures for public printing, my people are concerned that it shall not be made by cutting down the numbers of the Agricultural Report that are printed.

Mr. ANTHONY. Everybody is in favor of economy in the public printing, but people differ very much as to the objects to which the economy shall be applied. Yesterday nearly a majority of the Senate, or a very large minority, opposed the cutting down of the number of the report of the Geological Survey, and I confess that I think that is a work of equal merit with this, and indeed of greater merit.

Mr. HARRIS. I should like to ask the Senator from Rhode Island if he is not satisfied that there are more of the American people interested in the Agricultural Report than in any other public document that is printed under the orders of Congress?

Mr. ANTHONY. Yet, Mr. President, a great many of these documents find their way to the second-hand bookstores where they are sold for ten cents a copy.

Mr. COCKRELL. So you find of every other.

Mr. ANTHONY. That is true.

Mr. SAUNDERS. If the books do find their way there it is the fault of somebody. I could distribute ten times as many as I get, and profitably, too. If we are going to cut down on anything let it be something else than that, because 50 per cent. of all our people are farmers, and if we are going to cut down on anything let it be on something else besides that. These books are probably more read than any other work that comes from the Government Printing Office.

Mr. ANTHONY. Could not the Senator distribute Webster's Dictionary, and the best of all books, the Holy Bible? Would he recommend that they be printed at Government expense?

Mr. SAUNDERS. I would recommend the Bible for Rhode Island if you cut down this thing for my country. This ought not to be cut down.

Mr. ANTHONY. I think if the Senator prefers the Agricultural Report to the Bible I will not dispute his judgment in the matter.

Mr. SAUNDERS. Let Rhode Island have the Bible.

Mr. HAWLEY. I concurred with my distinguished colleague on the Printing Committee in making this report, and among the reasons were such facts as these: in regard to one of the late editions of this report, 300,000, the Printer found, when he thought he had 300,000 delivered, that owing to an accident of overturning and injuring certain copies, or some miscount, he was four or five thousand behind, and instead of going to work and printing that number more, he went to one of the second-hand book dealers here and gave him about ten cents a copy for a number of the identical edition, some of the earlier copies which had been delivered here. He went and bought them and filled out the number. That dealer will sell you a car-load of reports for ten cents apiece, or even for five cents apiece. They have been sold by the wagon-load from three to four cents apiece for old paper.

Mr. COCKRELL. I should like to ask the Senator from Connecticut why, then, the Government does not purchase all the publications needed from this second-hand dealer?

Mr. HAWLEY. You can get a great part of them in that way.

Mr. COCKRELL. Then there is no use in printing any. Let us buy from him. Mr. President, the statement that is made by the Senator from Connecticut is true in part; but I assert without fear of contradiction that you cannot point your finger to a single publication of this Government that you cannot buy at a second-hand bookstore. Take the geological reports, take the medical statistics of the Provost-Marshal-General's Office, take the Medical and Surgical History of the Rebellion, and you can find them all there. That objection is not legitimate to this class of publications, because it applies to all the publications of the Government.

Mr. HAWLEY. The Senator is to a large extent correct. Of course some copies of all books get there some time or other, but it is more marked in the case of some than others; and where there is such an extraordinary margin as in the case of this report, which costs sixty-eight cents, and which you can buy probably in a short time for ten cents, it shows that a surplus has been printed. If the discount was only 10, 15, or 20 per cent., it would show the ordinary rule of second-hand books.

Mr. SAULSBURY. It shows the fact that the members of Congress, instead of sending these books to their constituents, sometimes make such disposition of them as that they find their way to the old bookstores. I have been here eleven years and I have never yet parted with any book that has been apportioned to me excepting to the people in my State, unless that I believe I gave the superintendent of the document-room some copies of the message and accompanying documents, that I knew my people did not want, and that I did not feel at liberty to send to them. The fault is with members of Congress if they find their way there. The people want the Agricultural Report. While I myself do not believe it is a very valuable work, the great body of farmers do think so, and they want it. I know that I send out no book that is more appreciated by the people of my State. I believe we are doing a great amount of printing; and I am not particular about the number of this book that shall be printed; but I do not want the impression to go out which would be made by the remarks of the Senator from Connecticut—that there has been a surplus of this document. That is not the case. The farmers, instead of taking 300,000 copies, would take a million copies of the book, and would be glad to have them if they could get them.

Mr. ANTHONY. Is not the argument good, then, for printing a million copies?

Mr. SAULSBURY. I do not ask that.

Mr. ANTHONY. Three hundred thousand copies do not begin to supply the demand, and 3,000,000 copies would not supply the demand. If we are to supply the demand and to treat every man like every other man, then we should print an edition large enough to supply all the farmers in the country. I take it we have not come to that yet. However, Mr. President, we do not expect to carry this amendment. We never have carried it. I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Printing, reducing the number of copies from 300,000 to 200,000. The Senator from Rhode Island asks for the yeas and nays.

The yeas and nays were ordered.

Mr. FERRY. I desire to correct in a measure what was stated by the Senator from Missouri. I agree with him in regard to the Agricultural Report. Many Senators and Members who do not represent districts or States largely agricultural have a surplus of these reports, and, as is customary with Senators, they frequently exchange, and there being a surplus after all such exchanges, it finds its way into the second-hand bookstores; but I think the Senator is incorrect, at least my searching has shown him to be incorrect, so far as the Surgical History of the War is concerned. It cannot be procured here at second-hand stores.

Mr. COCKRELL. Only a few years ago you could not find any ordinary second-hand bookstore in Washington that did not have them, and you could buy them anywhere.

Mr. FERRY. I ask the Senator whether he can see them now and purchase them now. I have sent to different bookstores to purchase them, but could not do it because the pressure for them has been very great. I have exhausted my quota, and I have sought to find others to replace them. I have sought to exchange with different Senators and have been unable. As regards certain publications of Congress they cannot be procured; but it may be the case in regard to Agricultural Reports. My State is largely agricultural, and I cannot get too many of those reports. I am ready to-day to exchange reports or publications which I have in surplus for Agricultural Reports, and I shall be very glad if any Senator has a surplus for him to indicate it, that I may make the exchange; so that I do not believe the amount originally reported in this resolution is too large to supply the demand.

Mr. BECK. I agree with the Senator from Michigan; it is about the only document Congress prints that my people want, and I cannot get enough copies of it.

Mr. DAVIS, of West Virginia. Do I understand that the amendment if adopted would lessen the number one-third?

Mr. ANTHONY. Yes, sir.

Mr. DAVIS, of West Virginia. I think the Agricultural Report ought to be generally distributed. It is probably the one more sought for than any other.

Mr. ANTHONY. Then why does not the Senator from Michigan move to increase the number? Three hundred thousand will be but a drop in the bucket to the whole agricultural interest of the country.

Mr. FERRY. I reply to the Senator from Rhode Island that there is a medium. I am not so extravagant as to ask for an excessive number, but I think the amount proposed in the original resolution is not excessive, that it is moderate. Now the Senator wants to resort to a minimum, which will be below the demand. I think the agricultural interests of the country ought to be supplied to the extent of the ordinary legitimate demand. I am voting for that, and I presume other Senators who represent agricultural States will vote to fill the demand for those publications, which are certainly valuable to farmers if they are not to members of Congress.

Mr. GORMAN. The Committee on Printing reduced the number of copies of the Agricultural Report proposed to be printed from 300,000 to 200,000. There has been very great abuse in the publication of this report. The cost of the illustrations in the last Agricultural Report was \$98,000, and the illustrations in the present volume will in all probability cost about \$60,000. If the number is to be increased 68,000 above that recommended by the committee, I shall move to recommit the resolution to the Committee on Printing, or to amend it so as to strike out the illustrations. They are of no earthly use to the farmers of this country. The committee, however, did not deem it proper to strike out the illustrations in this report, but rather preferred to reduce the number of copies to be printed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Printing, on which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. HARRIS. My colleague [Mr. JACKSON] is paired with the Senator from Kansas [Mr. PLUMB] upon all political questions. If my colleague were here he would vote, I believe, exactly as the Senator from Kansas has voted, and I desire that the vote of the Senator from Kansas shall remain.

Mr. PLUMB. I want to say to the Senator from Tennessee that I understood that pair to extend to political questions, but I will withdraw my vote if desired.

Mr. HARRIS. So I stated. No, I desire the Senator to let his vote stand in this instance, because he voted as my colleague would vote if here.

Mr. VANCE. I am paired with the Senator from Pennsylvania [Mr. MITCHELL] on political questions, but as this does not seem to be one, I vote "nay."

The result was announced—yeas 16, nays 42; as follows:

YEAS—16.

| | | | |
|-----------------|------------------|----------|----------|
| Aldrich, | Cameron of Wis., | Hale, | Platt, |
| Allison, | Dawes, | Hawley, | Rollins, |
| Anthony, | Frye, | Hoar, | Sawyer, |
| Cameron of Pa., | Gorman, | Morrill, | Sherman. |

NAYS—42.

| | | | |
|--------------------|-------------------|------------------|-----------|
| Beck, | Ferry, | Logan, | Saunders, |
| Blair, | George, | McDill, | Sewell, |
| Brown, | Groome, | McMillan, | Slater, |
| Call, | Grover, | Maxey, | Vance, |
| Chilcott, | Hampton, | Miller of Cal., | Vest, |
| Cockrell, | Harris, | Miller of N. Y., | Voorhees, |
| Coke, | Harrison, | Morgan, | Walker, |
| Conger, | Ingalls, | Plumb, | Williams, |
| Davis of Illinois, | Jonas, | Pugh, | Windom. |
| Davis of W. Va., | Jones of Florida, | Ransom, | |
| Farley, | Lapham, | Saulsbury, | |

ABSENT—18.

| | | | |
|----------|-------------------|------------------|------------|
| Bayard, | Garland, | Jones of Nevada, | Mitchell, |
| Butler, | Hill of Colorado, | Kellogg, | Pendleton, |
| Candeen, | Hill of Georgia, | Lamar, | Van Wyck. |
| Edmunds, | Jackson, | McPherson, | |
| Fair, | Johnston, | Mahone, | |

So the amendment was rejected.

The PRESIDENT *pro tempore*. The other amendments are dependent upon the one just rejected.

Mr. INGALLS. Let them be non-concurred in in gross.

The PRESIDENT *pro tempore*. The question is on the other amendments to the resolution.

Mr. ANTHONY. The last amendment should not be rejected.

The PRESIDENT *pro tempore*. The amendments except the last will be regarded as rejected. The last amendment will be reported.

The ACTING SECRETARY. At the end of the resolution the committee propose to add:

And \$146,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this resolution.

Mr. ANTHONY. That appropriation was made applicable to the reduced number the committee reported. The appropriation should be \$219,161.54, the Senate having refused to make the reduction.

Mr. INGALLS. In the other resolutions that have been passed for the printing of extra copies of public documents has an appropriation been made for the expense that is to be incurred?

Mr. ANTHONY. It has in the case of this document.

Mr. INGALLS. I refer to those resolutions previously passed at this session.

Mr. ANTHONY. No.

Mr. INGALLS. Why is it necessary to load up this resolution with amendments that are intended obviously to render it odious?

Mr. ANTHONY. There is no such intention as to render it odious.

Mr. INGALLS. Then why is the discrimination made? Why do you pass other resolutions for printing other public documents, leaving the appropriation to occur in a regular appropriation bill, and when this comes up put on an immense appropriation for the purpose of intimidating somebody to prevent him from voting for it?

Mr. ANTHONY. Well, Mr. President, I should not undertake to intimidate the Senator from Kansas.

Mr. INGALLS. No, sir; I am not in the number.

Mr. ANTHONY. But it has been customary to put in the appropriation for this publication, because this involves about half of the entire cost of the documents that are printed for the use of the Senate, and if it is not put in there will be a deficiency.

Mr. INGALLS. That is no reason, because it is one-half. The fact of its being one-half is no more reason than it would be if it were one-tenth or one-twentieth. There is evidently a desire—I will not say a design—that in some way this shall be made so odious that the Senate will refrain from voting for it in consequence of the enormous amount of the appropriation.

Mr. ANTHONY. Well, Mr. President, if the Senate is so frightened at the amount necessary to carry out what it has just voted shall be done, be it so; but if the Senate refuses to make the appropriation the probability is that the publication will not be made, because the appropriation for the support of the Printing Office is not sufficient to publish this document.

Mr. HOAR. I should like to ask the Senator from Rhode Island if it is not the custom of years past to put in the amount?

Mr. ANTHONY. Yes, it has been done. I do not know whether it has been uniformly done.

Mr. INGALLS. I doubt very much whether it is the custom.

Mr. HOAR. Another question. Is not this a resolution which will pass after the current appropriation bill for the year? Of course it is.

Mr. INGALLS. That is true about every one of the resolutions reported for the past two weeks. They have all been passed since the general appropriation bill was disposed of.

Mr. SAULSBURY. I should like to ask the Senator from Rhode Island, the chairman of the committee, whether he considers the illustrations in the Agricultural Report of any special value to the farmers of the country? I understand from his colleague on the committee, the Senator from Maryland, that the illustrations will cost at least \$60,000, and I should like to ask the chairman of the committee whether these illustrations will be of any particular value whatever to the farming interest of the country?

Mr. ANTHONY. That is the opinion of the Commissioner. The text refers to the illustrations, and I think it would be very absurd to print the book without the illustrations. If we are going to print it as we have decided to do—and I certainly submit very obediently to the will of the Senate—I only wish to provide the means for carrying out the will of the Senate.

Mr. SAULSBURY. My object was to ascertain whether by omitting the illustrations we might not save a part of the appropriation.

Mr. ANTHONY. Undoubtedly we might, and by omitting half the book we should save part of the appropriation.

Mr. SAULSBURY. I do not think the pictures of bugs and ants and such things are of any practical value to the farmers.

Mr. ANTHONY. I will say in regard to the illustrations that there has been in past years an extravagance in the illustrations of this publication, and the present Commissioner has been in long consultation with the Public Printer, and with the heads of the bureaus in his Department, and with the Committee on Printing, and has fixed upon about \$60,000, which is a great reduction from the former cost, as the price at which the illustrations can be made. I think it would detract very much from the value of the book to leave out the illustrations.

Mr. MAXEY. If the Senator from Rhode Island will permit me a moment, I beg to suggest that the principal illustrations in the report for 1880 are as to the hog cholera and pleuro-pneumonia, two most important diseases to be eradicated if it can be done, the design being to eradicate those diseases by some method of treatment. That is very important.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Printing. The Chair would ask whether money can be appropriated in a concurrent resolution?

Mr. ANTHONY. It should be changed to the form of the bill.

The PRESIDENT *pro tempore*. Had not this better be recommitted to have the change made?

Mr. ANTHONY. No; the Secretary can make the alteration.

The PRESIDENT *pro tempore*. It will be put in the shape of a joint resolution in case the amendment is concurred in. The amendment is to add:

And \$219,164.54, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out this resolution.

The amendment was agreed to.

The resolution as amended was concurred in, but ordered to be returned to the House of Representatives as a joint resolution to provide for the printing of the annual report of the Commissioner of Agriculture for the year 1881, passed by the Senate with an amendment adding the clause proposing an appropriation.

TERRITORIAL JUSTICES OF THE PEACE.

Mr. SAUNDERS. The Committee on Territories, to whom was referred the bill (H. R. No. 3506) amending sections 1926 and 1927 of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana, have instructed me to report it back and ask for its passage at this time. It is a short bill and can be passed at once.

Mr. MORRILL. I give notice that if it gives rise to debate I shall object.

The bill was read.

Mr. INGALLS. Let the sections be read that are proposed to be amended.

Mr. SAUNDERS. This changes the limit of the justice's jurisdiction from \$100 to \$300.

Mr. INGALLS. That is of very questionable propriety.

Mr. SAUNDERS. I leave that to the Senate to decide.

Mr. CAMERON, of Wisconsin. I do not think there is any question about it.

The Acting Secretary read sections 1926 and 1927 of the Revised Statutes, as follows:

SEC. 1926. Justices of the peace in the Territories of New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds \$100.

SEC. 1927. Justices of the peace in the Territories of Colorado and Arizona shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds \$300.

Mr. SAUNDERS. In the Territories to which the bill applies the limit of the amount to which justices of the peace shall have jurisdiction is \$100. It is designed to extend it to \$300. I will say that the bill came from the House, and I am authorized by the Committee on Territories unanimously to report it. I also learn that the Delegates of these Territories want it on the ground that courts are not held in some parts of their Territories more than once a year, and their people have no opportunity of collecting debts by course of law unless it is done in this way oftener than once a year, and then if a case goes over it takes two years. So the Delegates have all asked that we should act on the bill of the House favorably. I leave it to the Senate whether it shall be done or not.

Mr. INGALLS. I have had some experience in regard to the practice of the law in Territories before justices of the peace, and I do not think the proposed amendment is beneficent or wise, and I will, therefore, ask that the bill may go over to a subsequent day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

MEASUREMENT OF TONNAGE.

Mr. MILLER, of New York. I am instructed by the Committee on Commerce to report back without amendment and favorably the bill (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States, and ask for its present consideration. I think it will lead to no debate. I have a letter from the Secretary of the Treasury fully explaining it, which can be read.

Mr. BECK. If that is the bill I think it is, it ought to be passed, and I hope it will be acted on.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MILLER, of New York. I have here a letter from Secretary Folger thoroughly indorsing and recommending this bill, but I will not ask to have it read unless some Senator desires it.

Mr. BECK. I ask for the reading of it, because I looked at it last night, and I have talked with some of the best informed men in the House, and all agreed that it was a perfectly proper bill, and would give great relief to American shipping if passed.

Mr. MILLER, of New York. Undoubtedly so.

Mr. FRYE. I read this bill yesterday, and I want to thank the

Committee on Commerce. It is the first gun fired in favor of the revival of American commerce, and it is very welcome music to my ears.

Mr. MILLER, of New York. At the suggestion of the chairman of the committee I ask that this letter of the Secretary of the Treasury shall go into the RECORD. I will not detain the Senate by reading it.

The PRESIDENT *pro tempore*. The Chair hears no objection to that suggestion.

The letter is as follows:

TREASURY DEPARTMENT, April 25, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, inclosing the bill (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States, and submitting the same for my consideration.

I would say in reply that most of the maritime nations of Europe in the admeasurement of vessels provide for certain deductions from the gross tonnage of a vessel; the residue after these deductions are made is called the net or register tonnage; but all maritime nations do not agree in the extent of the deductions to be made.

For example, under the laws of Great Britain the following deductions are allowed: first, in all vessels there is deducted the capacity of the space for berthing the crew, unless that capacity exceeds one-twentieth of the remaining tonnage of the ship, then one-twentieth only of the crew space is to be deducted; secondly, in vessels propelled by steam or other machinery the space occupied by the propelling power, namely, the engines or other motor, the boilers, and, in screw-vessels, in addition thereto, the shaft alley or trunk.

A second and more practical rule appears from the inspection of British registers to be allowed by British laws, and to be invariably followed. It is as follows: the tonnage of the actual measured spaces occupied by or required to be inclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle-wheels of one-half, in the case of ships propelled by screws of three-fourths of the tonnage of such space, is to be deducted from the gross tonnage.

This last rule is practically identical with the so-called "Danube rule," adopted by the international commission at Constantinople in the year 1873. France, Spain, Sweden, Denmark, and Holland observe rules similar to those of Great Britain in their deductions from gross tonnage. According to the British rules no deduction is made for the spaces in a steam-vessel occupied as permanent coal-bunkers.

The rules adopted for deductions by the German Government, Norway, Italy, and Austria-Hungary differ in some respects from those authorized by the British rules. They are as follows: in all vessels the crew-space is deducted as by the British rule, and, in addition thereto, in vessels propelled by steam or other power, the actual tonnage of the spaces used for propelling power, namely, the engine-room, boilers, shaft alley or trunk, and, in addition thereto, the tonnage of the spaces occupied as permanent coal-bunkers. It is reported by the surveyor of customs at New York that the largest deductions from the gross tonnage are allowed by the British rules.

The rules of admeasurement adopted by most European powers are based on what is technically known as the "Moorsom system," which was adopted by the act of Congress of May 6, 1864, and reproduced in section 4153, Revised Statutes, but without making an allowance for any deductions similar to those allowed by the maritime nations of Europe.

In consequence of this omission, it is the practice at various ports of the United States, under article 137 of the customs regulations of 1874, to add to the net tonnage register of vessels of foreign nations, as expressed in their documents, the amount of the deductions made under their respective laws and not authorized by the admeasurement law of the United States.

It is customary, also, under treaty conventions, to accept the tonnage measurement of foreign vessels as expressed in their registers, in everything except the amount of the deductions, without a readmeasurement in this country. The deductions for tonnage, as expressed in the bill, seem, in the opinion of this Department, to allow in as clear and express terms as possible the deductions which may reasonably be allowed, if any deductions are to be made; and they may properly be inserted before the last paragraph of section 4153, Revised Statutes, beginning with the words "the register of the vessel shall express the number of decks."

I would suggest, however, the addition to the last paragraph of section I of the bill, in line 30, the following words: "But the outstanding registers or enrollments of vessels of the United States shall not be rendered void by the addition of such new statement of her tonnage, unless voluntarily surrendered, but the same may be added to the outstanding document, or by an appendix thereto, with a certificate of a collector of customs that the original estimate of tonnage is amended."

The second section of the bill proposes to repeal section 4154, Revised Statutes. The section in question carries into the Revised Statutes from the general collection act of March 2, 1799, the old system of measurement in force before the Moorsom system was adopted, and is incompatible with the provisions embodied in section 4153, Revised Statutes. Two entirely different systems of measuring vessels are not required, and should not stand together in the same statute-book.

The substitute for the present section 4154, Revised Statutes, proposes by authority of law to guarantee the acceptance of the tonnage measurements of foreign vessels on the exhibition of their certificates of registry, without a readmeasurement at a port in this country. The registers of the vessels of many foreign nations are thus accepted under the present practice at ports of entry by virtue of treaty conventions. The proposed section simply puts in the form of a statute that which, as regards many foreign vessels, is in force by treaty, but tenders the acceptance of the register to all nations that will extend a similar favor to this country. At the same time the amended section does not exempt foreign vessels from readmeasurement should it be expedient or for the interests of the revenue to require it. The second section may properly be adopted as it stands.

Unexpected details in regard to the form of making the changes in the registers of vessels may arise which may make it advisable for this Department to issue special regulations on the subject. The third section is therefore proper as far as it goes. But I think a provision for the admeasurement fees should be added in the following terms, after the words, in the third line, third page, "provisions of this act," namely: "And he shall establish and promulgate a proper scale of fees to be paid for the readmeasurement of the spaces to be deducted from the gross tonnage of a vessel on the basis of the last sentence of section 4186 of the Revised Statutes, beginning with the words 'but the charge for the measurements'."

I have thus far considered particulars in the form of the bill. As a matter of policy, some points touching its operation should be called to your attention.

First. A change in the law will entail a partial readmeasurement of all vessels of the United States; that is, vessels registered, enrolled, or licensed. All parts of the vessel to be deducted from the tonnage will need to be readmeasured. This will carry with it the expense of such measurement, which will in any event be but a small portion of the cost of the measurement of the entire vessel. The maximum cost of the admeasurement of a vessel depends upon the number of transverse sections into which she is divided under sections 4153 and 4186, Revised Statutes. The greatest number of parts that can thus be made in a vessel is sixteen, and fees are exacted at the rate of \$1.50 per section.

Secondly. All the registers, enrollments, and licenses will need to be modified, entailing a collector's fee in every case for a certificate of twenty cents.

On the other hand, all registered vessels of the United States, in foreign countries as well as at home, would have the advantage of the reduced tonnage tax, (thirty cents per ton per year,) to the deductions made for the deducted spaces, and all classes of vessels in the United States that pay wharfage, in part, in proportion to tonnage measurement, would reap a profit corresponding to these deductions. In screw-steamers the space occupied by the propelling power varies between 13 and 20 per cent. of the gross tonnage, and in paddle-wheel steamers the variation is between 20 and 30 per cent.

Steam-vessels would, of course, profit more than sail-vessels by the contemplated deductions.

No enrolled and licensed vessels except those employed on the northern lakes would derive any advantage from the proposed deductions except in wharfage, and perhaps in pilot charges. But the wharfage charge alone on the western rivers is supposed to be considerable, and steamboat owners are generally desirous of a low estimate on the tonnage of their vessels for that reason.

While the shipping of the country gains by these deductions, the loss to the revenue from the tonnage tax of thirty cents per ton (collected once a year) would not probably exceed 20 per cent. of the amount collected from both foreign and domestic vessels. The total amount of this tax collected from all vessels up to the close of the last fiscal year was over a million and a half of dollars. The total amount collected from vessels of the United States only, for the same period, was but a little in excess of a quarter of a million.

I think the loss of the revenue likely to arise from an abatement in the tonnage tax, even if it were as much as 20 per cent. of the gross amount collected, should not be objected to the passage of the bill. But it must be remembered that under treaty stipulations any deduction from our own tonnage tax will need to be granted in the same way or rate to the vessels of most foreign nations.

The sole question of importance is whether the expense of partial readmeasurements will be a burden to the shipping interested likely to be more than compensated in the lapse of time by gains from the deductions.

It is my opinion that the profit from the deductions will outweigh the inconvenience of the expense, and that a change in the system of admeasurement may with advantage be made as contemplated. But I submit the question to the judgment of the committee.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. H. F. PAGE,
Chairman of Committee on Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WIDOW OF GEORGE P. MARSH.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations, to which was referred the joint resolution (S. R. No. 99) allowing the widow of George P. Marsh, late minister to Italy, one-half year's salary, to report it without amendment, and I ask for its present consideration. I think there will be no objection to it when it is read.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

Mr. WINDOM. I do not know whether what I am about to ask is strictly morning business. I wish to ask consent of the Senate to pass the telegraphic bill reported a while ago. The Committee on Foreign Relations will accept the limitation of twenty cents per word, and as the charges are now fifty cents it will be a very great service to the Government if we can pass the bill.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BLAIR. I object, and call for the regular order.

The PRESIDENT *pro tempore*. Morning business is in order.

INSPECTION OF FOREIGN PRIVATE STEAM-VESSELS.

Mr. McMILLAN. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam-vessels, to report it with amendments, and recommend that the bill as amended be passed. I ask for its present consideration.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend and enlarge section 4400 of the Revised Statutes by adding thereto the words:

And all foreign private steam-vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections 4470, 4471, 4472, 4473, 4479, 4482, 4486, 4488, and 4489 of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in line 8, after "sections," to insert: "4417, 4418, 4421, 4422, 4423, 4424."

Mr. INGALLS. That seems to affect a great many sections of the statutes, and I hope we shall have the benefit of an explanation before we are called upon to vote on it.

Mr. McMILLAN. I will state to the Senator that this bill passed the House and came to the Senate, and we have added important amendments. The bill was introduced by a member from New York, and it refers to foreign steam-vessels, brings them under our inspection laws, makes them subject to the same provisions that our own vessels are, so far as they are prescribed in these sections.

Mr. INGALLS. How does it change existing law?

Mr. McMILLAN. Foreign steam-vessels are not subject to these provisions at all now.

Mr. INGALLS. Does this propose to subject them to these provisions?

Mr. McMILLAN. Yes, sir.

Mr. INGALLS. In what particulars?

Mr. McMILLAN. In regard to the articles of freight they shall carry, that are specified in these sections, combustible matter, &c. It applies the inspection laws of our country to foreign steam-vessels when they enter our ports.

Mr. INGALLS. Putting them on the same footing with domestic vessels?

Mr. McMILLAN. Yes, sir; the same provisions that our own vessels are subjected to.

Mr. INGALLS. And makes no other changes in the law?

Mr. McMILLAN. It provides for the appointment of inspectors by the Secretary of the Treasury to perform the duties of inspection of these foreign vessels. The Secretary of the Treasury has communicated to the Senate Committee on Commerce a letter in which the sections referred to here are mentioned in substance, and if the Senate desires it that letter can be read, which will give full information on this subject.

Mr. FRYE. As I understand to-day, Great Britain, France, and in fact every foreign country compels every ship from any other country to comply strictly with its own laws.

Mr. McMILLAN. Their inspection laws.

Mr. FRYE. And our country is the exception. We have stringent laws contained in this chapter about our passenger steamships, exceedingly stringent in every particular, and the same laws not applying to foreign vessels there is a very serious discrimination against ourselves and in favor of others. Take, for instance, the matter of life-boats and life-rafts. Our laws require \$25,000 worth more on a 4,000-ton American steamer than for an English steamer carrying our passengers. It seems to me that this is the second gun, for which I want to thank the Committee on Commerce.

Mr. McMILLAN. The reasons for this bill were presented in another place very forcibly, and have presented themselves to the Senate Committee on Commerce. We have made these amendments all in accordance with the suggestions of the Secretary of the Treasury, and they are in the direction of perfecting the bill as it came from the House.

Mr. INGALLS. It is a great misfortune that these very important measures are postponed until a period so late in the session that they must either be passed on a very cursory examination or at the suggestion of the committees that report them. I have no doubt from the statement of the Senator from Minnesota and the Senator from Maine that the general purport of this bill is wise and just, but it affects a great number of sections of the Revised Statutes; it relates to an exceedingly important subject, and we are compelled to take the statement, brief and cursory, of the Senator from Minnesota, or else it must go over to another session.

Mr. McMILLAN. The letter of the Secretary can be read.

Mr. FRYE. It takes well-devised laws for the security of passengers under our statutes, and applies the same statutes to foreign steamers carrying our passengers.

Mr. INGALLS. I say I have no doubt that the statement of the Senator from Maine is correct, but of course none of us have had the opportunity of verifying it. I spoke of it as a vice that general legislation, that these important measures are brought in here reported from a committee and consideration asked without debate or argument.

Mr. SHERMAN. I have been watching for some time for an opportunity to introduce an important amendment on a bill of this kind, but I think it is too late now to do it. I supposed all along that we should have some bill from the Committee on Commerce applying the inspection laws of the United States to foreign vessels. I also wish at a proper time to introduce a proposition to exempt vessels built in the United States and engaged in the foreign trade from all taxation to which foreign vessels are not subject. That is an important proposition.

Mr. McMILLAN. That will properly come up perhaps on the bill to amend the navigation laws. There is such a bill pending in the House of Representatives, as I understand.

Mr. SHERMAN. I only desire to say that I have prepared myself when the matter is presented to show that the present laws are very unjust against vessels of the United States now engaged in the foreign trade. The great obstruction, it seems to me, to the security of our foreign commerce in American vessels is the extent of taxation to which our vessels are subject to which foreign vessels are not subject.

Mr. MILLER, of California. The Senator means local taxation.

Mr. SHERMAN. I mean local taxation; and I am prepared to show that in the regulation of commerce it is the undoubted right of the Government of the United States to exempt vessels engaged in the foreign traffic on the high seas with foreign countries from local taxation; and if that were done it would give to the American vessels a fair chance to compete with foreign vessels, and, in my judgment, within five years would give us probably one-third or one-half of the carrying trade of the ocean.

Mr. MILLER, of California. I have given the subject considerable attention myself, and agree with the Senator from Ohio. It is my wish that such an amendment should be put upon this bill.

Mr. HOAR. I hope not on this bill.

Mr. McMILLAN. This relates entirely to the inspection of foreign vessels.

Mr. SAULSBURY. I remember that some years ago we had a provision requiring steamers carrying passengers to furnish certain patented appliances to aid in the saving of human life; and I would ask the Senator from Minnesota whether those provisions are to be extended to foreign ships coming to this country to compel them to comply with the laws we have in that regard?

Mr. McMILLAN. This will compel them to comply with all such laws as are applicable, under the general provisions embraced in the sections referred to, to our own vessels.

Mr. SAULSBURY. I doubt very much whether we ought to attempt to force upon foreign ships coming to this country the adoption of all our modes of preventing accident, &c.

Mr. McMILLAN. Foreign countries do that to our vessels. We are compelled to submit to their inspection laws.

Mr. SAULSBURY. As to our inspection laws, it is right to extend them to foreign vessels in our waters; but some years ago there was a great controversy in the Senate about compelling steamers carrying passengers to have some patent invention for the purpose of preventing the loss of human life. I doubt very much whether we ought to attempt to force on foreign ships provisions of this kind. Of course it is impossible from a general reference to the statute, without examination, to see how it applies.

Mr. FRYE. There are none of those patents in those sections. They provide for life-preservers, but no particular life-preserver; for fire-extinguishers, but no particular fire-extinguisher. They are not compelled to adopt ours.

The PRESIDENT *pro tempore*. The question is on the first amendment of the Committee on Commerce, which has been read.

The amendment was agreed to.

The next amendment was, in line 16, after "4482," to strike out "4486;" in line 17, after "4488," to strike out "and;" in line 18, after "4489," to insert "4496, 4497, 4499, and 4500;" so as to read:

And all foreign private steam-vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid.

The amendment was agreed to.

The next amendment was, after section 1, to add:

Provided, Where the term "local inspector" is used in the foregoing sections it shall be construed to mean the special inspectors hereinafter provided for.

The amendment was agreed to.

The next amendment was, to add as a new section:

SEC. 2. That for the purpose of carrying into effect the provisions of this act the Secretary of the Treasury shall appoint officers, to be designated as special inspectors of foreign steam-vessels, at a salary of \$2,000 per annum each, and there shall be appointed of such officers at the port of New York, six; at the port of Boston, two; at the port of Baltimore, two; at the port of Philadelphia two; at the port of New Orleans, two; and at the port of San Francisco, two.

The amendment was agreed to.

The next amendment was, to add as a new section:

SEC. 3. The special inspectors of foreign steam-vessels shall perform the duties of their office and make reports thereof to the Supervising Inspector-General of Steam-Vessels, under such regulations as shall be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

Mr. BECK. I should like to ask one or two questions. First, is this a unanimous report from the Committee on Commerce?

Mr. McMILLAN. Yes, sir.

Mr. BECK. How many new offices will it create?

Mr. McMILLAN. Just the special inspectors enumerated there.

Mr. MILLER, of New York. Fourteen.

Mr. McMILLAN. Six in New York. The ports are mentioned in the amendment.

Mr. BECK. I know nothing about it, but it is quite an important bill to be rushed through without anybody seeing it.

The next amendment of the Committee on Commerce was, to add as a new section:

SEC. 4. That each special inspector of foreign steam-vessels shall execute a proper bond, to be approved by the Secretary of the Treasury, in such form and upon such conditions as the Secretary may prescribe, for the faithful performance of the duties of his office.

The amendment was agreed to.

Mr. SHERMAN. Although this is a new subject introduced at the last hours of the session—and I am very sorry it is so—it is a bill that has been very fully considered by the Department of the Government having the subject in charge. Congress has never paid much attention to it, but I know that the bill is a very important one, and it applies simply the inspection laws of the United States to foreign vessels. It will involve an expense of from \$60,000 to \$100,000 a year.

The next amendment of the Committee on Commerce was, to add as a new section:

SEC. 5. That the Secretary of the Treasury shall procure for the several inspectors heretofore referred to such instruments, stationery, printing, and other things necessary, including clerical help, where he shall deem the same necessary for the use of their respective offices, as may be required therefor.

The amendment was agreed to.

The next amendment was, to add as a new section:

SEC. 6. That the salaries of the special inspectors of foreign steam-vessels and clerks provided for, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this act, shall be paid for by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. BECK. Will an objection take the bill over until morning?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BECK. I have consulted with two members of the Committee on Commerce since I last addressed the Chair, and neither of them knows anything about it.

The PRESIDENT *pro tempore*. The bill has been considered by unanimous consent of the Senate, and is partially through. The Chair doubts whether one objection would now take it over.

Mr. BECK. I shall not make it.

Mr. McMILLAN. I desire to say, in response to the remarks of the Senator from Kentucky, that there were five members of the committee present on a regular committee day, and a regular notice was issued to every member of the committee, and every member present considered this bill and assented to it upon the report of the Secretary of the Treasury, which is very full. I shall ask to have the letter of the Supervising Inspector printed in the RECORD to accompany this bill.

Mr. SAULSBURY. It is very apparent that this is an important bill.

Mr. McMILLAN. Of course it is an important bill.

Mr. SAULSBURY. It refers to various provisions of the Revised Statutes which none of us have had an opportunity to examine. I have no doubt the committee has given to it a very thorough investigation and is perfectly satisfied that the bill is right; but we are called upon to vote on this important measure without knowing exactly how it may affect the general provisions of the commercial law of the country. I suggest to the Senator from Minnesota that he have these papers published in the RECORD to-morrow and let the bill go over until to-morrow so that we may be able to examine it to some extent and not vote blindly on the propositions it contains.

Mr. McMILLAN. If it is desired that this bill shall go over I have no objection, certainly. I am obeying the instruction of the committee in asking for its present consideration, it being urged that it is necessary to pass the bill at this time if the amendments are to be concurred in at all at this session. The member of the House from New York City who is strongly in favor of this bill, and who introduced it there, [Mr. COX,] has urged it as a very important matter, both as regards the saving of life and the interests of the country generally.

Mr. BECK. If the letter of the Secretary and the other papers referred to are to be published in the RECORD, and the bill goes over to the House with amendments, that will give them some chance, and I shall not seek to delay a bill said to be important by any objection.

Mr. McMILLAN. I ask that the letter of the Supervising Inspector-General of Steamboats to the Secretary of the Treasury and the letter of the Secretary accompanying the bill may be printed in the RECORD.

The PRESIDENT *pro tempore*. That order will be made.

The letters are as follows:

TREASURY DEPARTMENT, June 5, 1882.

SIR: Your communication of the 25th ultimo, inclosing a copy of bill H. R. No. 4684, an act to amend section 4400 Revised Statutes of the United States, was duly received and referred to the Supervising Inspector-General of Steam-Vessels.

I have the honor to transmit herewith his report, containing information and suggestions touching the merits of said bill.

Very respectfully,

CHAS. J. FOLGER, Secretary.

Hon. S. J. R. McMILLAN, United States Senate,
Chairman Committee on Commerce, Washington, D. C.

TREASURY DEPARTMENT,
OFFICE SUPERVISING INSPECTOR-GENERAL OF STEAMBOATS,
Washington, D. C., June 2, 1882.

SIR: I have the honor to acknowledge the receipt of a communication dated May 25 from Hon. S. J. R. McMILLAN, chairman Committee on Commerce, United States Senate, addressed to yourself, asking your consideration of "H. R. 4684, an act to amend section 4400, title 52, Revised Statutes of the United States, concerning the regulation of steam-vessels," with a request that you would favor the committee with such information and suggestions as you may deem proper touching the merits of said act and the propriety of its passage. Said letter and bill having been referred to this office, I have the honor to report thereon as follows:

The bill proposes amending section 4400, Revised Statutes, by making foreign private steam-vessels amenable to sections 4470, 4471, 4472, 4473, 4479, 4482, 4486, 4488, and 4489 of title 52, Revised Statutes, and also making such steamers liable to visitation and inspection in any ports of the United States respecting any of the provisions of the sections aforesaid. Section 4470, the first of the sections referred to, contains general provisions against fire on passenger steamers. Section 4471 contains additional security against fire on the same class of steamers when laden with cotton, hay, or hemp. Section 4472 prohibits the carriage of dangerous articles besides specifying the manner in which cotton and hemp must be baled. Section 4473 provides a penalty for failure to bale cotton and hemp as required in the previous section. Section 4479 relates to fire-extinguishers. Section 4482 requires life-preservers or floats for each one of the passengers and crew of steamers.

The sections of the bill so far referred to should no doubt become law; but it is the opinion of this office that these provisions could not be enforced unless sections 4499 and 4500, Revised Statutes, should also be included, as these latter sections provide the only penalties, (with the exception of that provision for failure to properly bale cotton and hemp, contained in section 4473.) For a violation of the sections of law referred to, section 4486 provides penalties for a violation of sections 4484 and 4485, neither of which latter sections is named in the bill. Either this omission of these two sections is an inadvertence which should be corrected,

or the section 4486, named in the bill, should be omitted. Section 4488 makes provisions for boats, floats, rafts, and drags. Section 4489 provides penalties for violation of the preceding section. The bill, so far as it goes, would be beneficial, but it fails to meet the greatest evils complained of relating to the lack of inspection of foreign private steamers.

First. Because it makes no provision for the inspection of the hulls and boilers of such steamers. (Sections 4417 and 4418, Revised Statutes.)

Second. No provision is made for a certificate of inspection informing passengers that the steamer has been properly inspected. (Sections 4421, 4422, 4423, and 4424, Revised Statutes.)

Third. No provision is made for the appointment and payment of the salaries of the necessary officers to make the required inspections.

According to the report of the Bureau of Statistics for 1881, there arrived during the year at the port of New York 1440 foreign steamers; at Boston, 334 foreign steamers; at Baltimore, 232 foreign steamers; at Philadelphia, 168 foreign steamers; and at New Orleans, 122 foreign steamers.

Probably dividing the above number of vessels by 6 (as many of the arrivals are repeated visits of the same steamers) would approximately give the number of the different steamers visiting the above ports annually, which would reduce the actual number to be inspected as follows: the port of New York, 240; Boston, 55; Baltimore, 38; Philadelphia, 28; New Orleans, 20.

There were fourteen other ports at which there were from one to twenty-eight foreign steamer arrivals, but in such ports the work of the steamboat inspectors is not so heavy as to prevent their inspecting such steamers without interfering with their legitimate duties. But in the principal ports named, special inspectors should be provided for as follows: New York, 6; Boston, 2; Baltimore, 2; Philadelphia, 2; New Orleans, 2.

Authority should be given the Secretary of the Treasury to appoint these special inspectors and to pay their salaries, — per annum, and necessary traveling and other expenses, from funds to be appropriated from moneys in the Treasury not otherwise appropriated, as it would seem obviously improper that such special officers should be paid from the appropriation for the salaries and expenses of steamboat inspection from funds collected by a tax on American steamboat owners and the licensed officers of such vessels.

Very respectfully,

JAMES A. DUMONT,
Supervising Inspector-General.

Hon. CHARLES J. FOLGER,
Secretary of Treasury, Washington, D. C.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BRIDGE OVER THE SAINT CROIX RIVER, MAINE.

Mr. McMILLAN. I am instructed by the Committee on Commerce to report back with amendments the bill (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River between the city of Calais, Maine, and Saint Stephen's, New Brunswick, and recommend its passage as amended. In the absence of the Senator from Maine, [Mr. HALE,] I give notice that I shall call up this bill to-morrow morning.

COMPANY B, FOURTEENTH INFANTRY.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report favorably the bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad, with two amendments, a proviso to the first section and a striking out of the second section, and as that identical bill has been referred to that committee and reported favorably by them with this amendment, I ask that we concur with the House of Representatives in the passage of this bill with an amendment which the committee has already recommended.

Mr. BLAIR. I object if it leads to discussion.

Mr. HAWLEY. I do not think it can.

Mr. BLAIR. I do not object if we are merely to take a vote, but I object to the consideration of any morning business.

Mr. HAWLEY. I do not think the bill will take any time.

Mr. BLAIR. If the Senator does not mean to take time with it, I shall not object if it does not lead to discussion.

The PRESIDENT *pro tempore*. The bill will be read for information.

The bill was read.

Mr. BECK. I shall object. This case, like a dozen others reported now, is given precedence over hundreds of cases that have been on the Calendar for three months.

Mr. HAWLEY. This case is on the Calendar with a unanimous report of the Committee on Military Affairs, and has been for some time. The same bill comes from the House passed, unanimously approved by us; and this little amendment sending it back to the House will pass the bill and pay a debt due these thirteen years; and the money has been in the Treasury thirteen years. It is nothing but authorizing the Comptroller to pay the money. The account has been adjusted a long time, twice examined thoroughly by General Meigs, approved by Judge-Advocate-General Holt, approved by Judge-Advocate-General Dunn and by Secretary of War McCrary.

Mr. BECK. I suppose I shall have to do as I always do, try to get at the Calendar and then have to give way. What I want is to get at the Calendar. I have been compelled to be out of the Senate for a month most of the mornings on the Appropriations Committee, and other Senators get other bills through out of order. I am complained of every day for not getting up bills which I cannot have heard. But I will not object to this bill now, though I shall have to object hereafter.

Mr. HAWLEY. The whole case is as clear as a bell.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill. It proposes to direct the Secretary of War to cause to be ascertained the actual value of the private property belonging to the officers and men of Company B, Fourteenth Infantry, as well as the company property belonging to that company, and the camp and garrison equipage and stores belonging to the United States, that were destroyed by fire on the Nashville and Chattanooga Railroad on the 14th of August, 1869, and certify such values when so ascertained to the proper accounting officers of the Treasury, who shall thereupon proceed to state an account in favor of the persons to whom any money may be so ascertained to be due, and the Treasurer is to pay the same, not exceeding \$5,723.29.

The first amendment reported from the Committee on Military Affairs was, at the end of section 1, to add the following proviso:

Provided, That the accounting officers of the Treasury shall charge the amount so paid to said officers and soldiers to the said railroad company, and retain the same out of any money due or that may hereafter be due from the United States to said railroad company.

The amendment was agreed to.

The next amendment was, to strike out section 2 of the bill in the following words:

SEC. 2. That the Secretary of War be, and he hereby is, authorized and directed to institute proceedings, either in the courts or otherwise, as he may deem best, to recover for the United States the value of the property so destroyed from the person, company, or corporation found liable therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

Mr. MORRILL. I now move that House bill No. 6715 be taken up, and if taken up I will only occupy a brief time in making a short explanation.

Mr. HARRIS. I ask for the regular order.

The PRESIDENT *pro tempore*. Morning business will be received. Reports of committees are still in order.

Mr. SHERMAN. Then I give notice that I will object to the passage of any bill whatever, whether it relate to one thing or another, until we take up the bill moved by the Senator from Vermont.

The PRESIDENT *pro tempore*. As soon as the morning business is over the Senator from Vermont can make his motion.

Mr. SHERMAN. I object beforehand to the passage of any bill now until the bill referred to by the Senator from Vermont is considered.

The PRESIDENT *pro tempore*. Is there further morning business?

REPORTS OF COMMITTEES.

Mr. FERRY, from the Committee on Finance, to whom was referred the bill (S. No. 1801) for the relief of Patrick Casey, reported it with an amendment.

Mr. INGALLS. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital, to report it favorably and with the recommendation that it pass, and notwithstanding the admonition of the Senator from Ohio, I will ask for the present consideration of the bill, to which I am sure he can have no objection. It is a mere formal matter.

Mr. SHERMAN. I have not the slightest objection to the passage of that bill, but I object to its consideration now. Let it go over until to-morrow.

Mr. INGALLS. If that course is to be pursued there may be some music hereafter.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. Is there further morning business?

BILLS INTRODUCED.

Mr. MILLER, of New York, asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2175) to authorize the construction of a bridge over the Rio Grande River at Laredo, Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 104) for the relief of Mrs. Jane Venable; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

T. B. KELLERER.

Mr. CALL submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That \$198 be paid out of the contingent fund of the Senate to T. B. Kellerer, as compensation for performing the duties of messenger of the Senate from December 1 to July 1, and for the difference between his pay as laborer and messenger's pay.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Is there further morning business? If not, the morning hour is closed.

Mr. MORRILL. I move now the postponement of all prior orders.

Mr. BAYARD. I wish to make a motion for a conference committee.

Mr. MORRILL. If this bill is taken up I will give way.

Mr. INGALLS. Let the title of the bill be reported, that we may know what it is about.

Mr. BAYARD. I have twice given notice of my intention to ask for the appointment of a committee of conference on the message from the House in relation to the Japanese indemnity bill, and I now make the motion that that conference be appointed by the Chair.

The PRESIDENT *pro tempore*. What is the motion?

Mr. BAYARD. My motion was that a committee of conference be appointed on the part of the Senate in response to the message of the House on the Japanese indemnity bill.

The PRESIDENT *pro tempore*. The first question is, Will the Senate proceed to the consideration of the Japanese indemnity bill? Is there objection? The Chair hears none, and the motion is agreed to.

JAPANESE INDEMNITY FUND.

The Senate proceeded to consider the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 1052) in relation to the Japanese indemnity fund.

The PRESIDENT *pro tempore*. The Senator from Delaware moves that the Senate further insist on its amendments and agree to the further conference asked by the House of Representatives on the disagreeing votes of the two Houses.

Mr. BAYARD. The report of the Senate conferees was submitted to the Senate and adopted a few days ago. Since then the House has sent to us a message that they had received the report of their committee and had appointed the same conferees, still insisting on their disagreeing votes. My proposition now is that the Senate insist on its amendments and agree to the further conference, and that the conferees on the part of the Senate be appointed by the Chair.

Mr. WINDOM. I wish to make a suggestion to the Senate which I think may lead to a conclusion on this troublesome question, or at least will enable the Senate to give some expression of its judgment upon one point.

Mr. VAN WYCK. Is discussion in order at this time?

Mr. SHERMAN. What is the question before the Senate?

The PRESIDENT *pro tempore*. The question is upon the appointment of a committee of conference on the disagreeing votes of the two Houses.

Mr. WINDOM. I shall take the time of the Senate but one moment. I am satisfied that there can be no agreement, at least with the present conferees, and it will be of no benefit to appoint them again unless we may have some expression of the Senate on the question as to the payment of interest. I wish to submit this proposition: that the vote on the pending motion be taken by yeas and nays, with the understanding that Senators voting "yea" thereby express their assent to the proposition to increase the amount named in the Senate amendment by the addition of 5 per cent. interest upon the amount paid by Japan from the time of such payment until the passage of this bill, and that the Senate insist upon its other amendments. This does not amount to an instruction, but it is simply an expression of the assent of the Senate to the proposition. I ask that the yeas and nays may be taken upon the motion of the Senator from Delaware.

Mr. SHERMAN. It is not in order, in the first place, to submit such a motion.

The PRESIDENT *pro tempore*. It is a mere suggestion.

Mr. WINDOM. What is not in order?

Mr. SHERMAN. It is not in order for us to entertain a proposition to substitute some other amendment.

Mr. WINDOM. I do not substitute any amendment. I simply ask that the yeas and nays be taken, and that those voting "yea" may be understood as giving assent to the proposition I have stated.

Mr. SHERMAN. I cannot understand that at all.

Mr. WINDOM. We will try it.

Mr. COCKRELL. The motion of the Senator from Minnesota is not in order.

Mr. WINDOM. I have made no motion. I suppose the motion of the Senator from Delaware is in order.

Mr. COCKRELL. The motion of the Senator from Delaware is simply for the appointment of a committee of conference; it is no agreement to anything at all.

Mr. WINDOM. And on that motion I ask that no Senators vote "yea" except those who agree to the proposition I have stated.

Mr. DAWES. I suggest to the Senator from Minnesota that he can reach his object in a parliamentary way by moving to recede with an amendment.

Mr. WINDOM. That cannot be done under the rule. I make no motion, but I simply ask that Senators who vote "yea" may be understood as giving assent to the proposition I have made.

Mr. VAN WYCK. That certainly is a very strange proposition.

Mr. WINDOM. The Senator need not vote "yea" if he does not wish to do so. I do not expect him to vote "yea."

Mr. VAN WYCK. I object to any understanding in voting that way.

Mr. WINDOM. If any Senator who is going to vote "yea" objects to the proposition, then it will not be an expression of the Senate. If every Senator who proposes to vote "yea" is willing to so express himself, then it will indicate the judgment of the Senate.

Mr. COCKRELL. The proposition of the Senator from Minnesota is perfectly ridiculous. The question is, will the Senate appoint a conference committee? and the Senator wants every man who is in favor of the simple proposition, the courteous proposition, for the appointment of a conference committee, thereby to pledge himself in favor of paying 5 per cent. upon the fund. I am in favor of a conference committee, and I would consider it discourteous to the House if I should not vote for it, but I am not in favor of paying 5 per cent. interest upon the fund; and the Senator has no right to ask any such proposition at the hands of the Senate. It is simply absurd.

Mr. WINDOM. I think the Senator from Missouri is ridiculous himself.

The PRESIDENT *pro tempore*. The proposition of the Senator from Minnesota is out of order. The only question is on agreeing to the appointment of a committee of conference.

Mr. WINDOM. Have I not a right to ask that that may be done?

The PRESIDENT *pro tempore*. No; it is not a motion.

Mr. SAULSBURY. The Senate the other day adopted the report of the committee of conference, and insisted on its amendments. The Senator from Minnesota asks us to reconsider that before we take any further action.

Mr. WINDOM. I desire to ask whether my proposition for unanimous consent is out of order.

The PRESIDENT *pro tempore*. It is not a motion.

Mr. WINDOM. I can ask unanimous consent for anything. It is not a violation of the rules.

The PRESIDENT *pro tempore*. If there is unanimous consent to it, of course it can be agreed to.

Mr. VAN WYCK. There is not unanimous consent. I have already objected.

Mr. MORGAN. I wish to say a few words on this matter.

Mr. VAN WYCK. I object, unless debate is in order.

The PRESIDENT *pro tempore*. The Senator from Alabama is in order.

Mr. VAN WYCK. Very well. It will then be understood that both sides can be heard. I want that understood.

Mr. MORGAN. I have no objection to sitting here and listening to the Senator from Nebraska as long as he wants to talk. I always listen to him with a great deal of interest.

Mr. VAN WYCK. I am obliged to you, sir.

Mr. MORGAN. With more pleasure, perhaps, than any other man in the Senate, excepting the Senator himself. The remark I desired to make is this: this bill has been in the hands of a conference committee for a long time, I think for an unnecessarily long time, and I have been disposed to think for an unjustly long time. The bill either has merit or it has not. It either deserves the fair consideration of the Senate, or it ought to be kicked out, and the money covered into the Treasury.

The Committee on Foreign Relations in acting upon this bill have followed, as has been frequently stated here, ten or eleven preceding committees. Some of the gravest Senators in this body, some of the ablest men in this body, some of the best-informed men in this body, have laid down by their votes, deliberately given, upon bills which have heretofore been considered by the Senate what might well have been considered instructions to this committee as to their opinions, to say the least of it. No report has ever been made adversely to the bill in either body of Congress.

The PRESIDENT *pro tempore*. Will the Senator suspend for one minute? The Chair did submit the question to the Senate as to whether the Senate would now proceed to the consideration of the question of the appointment of a conference committee asked for by the Senator from Delaware, [Mr. BAYARD,] but the Senator from Ohio [Mr. SHERMAN] and the Senator from Rhode Island [Mr. ALDRICH] state that they did not hear any such motion. Therefore, the Chair will submit it again.

Mr. BAYARD. It was most distinctly asked for, and it was most distinctly ordered.

Mr. WINDOM. What was ordered?

The PRESIDENT *pro tempore*. That the Senate should proceed to the consideration of the appointment of the conference committee, but the Senator from Ohio and the Senator from Rhode Island did not hear it.

Mr. HARRIS. It is no reason, certainly, because a Senator chances to be inattentive, that we are never to proceed to anything by unanimous consent.

The PRESIDENT *pro tempore*. No, but the Senators did not hear the motion put. Therefore the Chair will put the question again.

Mr. HARRIS. If a Senator was not in his seat, and being in his seat now, desires to have the question again put—

Mr. HOAR. Has the Reporter any note of the matter?

Mr. ALDRICH. I was about to ask that question. I did not hear it.

The PRESIDENT *pro tempore*. The motion was put and carried, so the Reporter states.

Mr. SLATER. It was very distinctly put.

Mr. HOAR. This morning?

The PRESIDENT *pro tempore*. Certainly.

Mr. SHERMAN. I was watching carefully, and I did not hear it. I gave notice that I would object to it. I saw the Senator from Del-

aware rise in his place and say that he desired the appointment of a committee of conference.

The PRESIDENT *pro tempore*. Immediately after the Senator from Delaware rose the Chair put the question.

Mr. SHERMAN. I did not hear it.

Mr. ALDRICH. I sat here watching for it all the time. I should like to know when it was done.

The PRESIDENT *pro tempore*. The Senator from Alabama will proceed.

Mr. MORGAN. The Committee on Foreign Relations have given this subject very careful and elaborate attention, and I may say that they have undertaken to place this case on a ground that is honorable and just to the Government of the United States as well as to the Government of Japan. It was the very first consideration and the highest consideration on the part of the Committee on Foreign Relations that we should arrive at a conclusion upon this subject which would not cast the slightest stain or the slightest reproach upon our own Government or our own diplomatic agents. The committee thought that they had, upon a full and complete investigation of the facts, put it on a ground that would authorize them to report a bill refunding this money to Japan which should be entirely in conformity with the honor of the Government of the United States at the present moment, and also entirely in conformity with the honor of its diplomatic agents, and its Secretary of State, and its President at the time of this transaction.

The report has been standing here now for months. No single fact presented in it has ever been challenged. That report contains the truth of history. Much has been said in debate in the nature of statement which is not in accordance with the report, but no Senator has ventured to challenge the statement of a single fact in the report.

The committee came to a conclusion not in conformity with my views, but in conformity with the views of a majority of that body, that the fund which was in the hands of the Government of the United States, and in the possession or keeping of its Secretary of State, had an ear-mark upon it, which the Government itself had set apart, and which it had accumulated here, buying her own bonds in the market, sometimes at a very considerable premium. The committee regarded that fund as one which ought to be left just where the Government of the United States put it, a fund intact to be returned to Japan in the form and condition in which this Government itself had dealt with it, and had preserved it. It has never been in the Treasury of the United States. No motion has ever been made to convert it into the Treasury; no complaint has been made on the part of Congress, or of either House, as to the conduct of any of the several administrations which have dealt with the fund. It has been left in that plight and condition by the command of Congress after its attention has been drawn to the subject from year to year, and in various official reports and messages.

Among the first views that I ever had of what I might call the sanctity of this fund, of its being a fund set apart, ear-marked, I derived from the honorable Senator from Delaware, [Mr. BAYARD,] and I was very glad to have such eminent authority to support a view to which I did not at first yield my full assent. But understanding that the leading minds of this body and of the American Government regarded this fund as one ear-marked and set apart by the act of our Government, I felt that it would be some reproach to a preceding administration for a committee to bring in a bill with respect to this fund which should place it upon a different footing from that in which it had been handled by the State Department.

More than that, every President of this Government sustained the action of the State Department on this question, and while your committee were anxious that no stain or reproach or criticism should be passed upon any Department of this Government, they felt that it was incumbent upon them, in order to have this subject fully in view and to preserve the Government against any such imputation, that they should treat the fund, in dealing with it under this proposed law, precisely as the Government had done.

Mr. President, I do not intend to enter into a discussion of this bill. I am merely trying to vindicate the conduct of the Committee on Foreign Relations. I have believed all the time that it was quite possible that the two Houses could concur upon a rate of 5 per cent. interest upon the money which was to be returned to Japan, leaving the money that is to be paid out to the crews of the Wyoming and the Ta-Kiang without interest. While I have felt that was a very serious injustice and a very severe discrimination against our own gallant seamen and sailors, so far as I am concerned personally I have been disposed to yield it. I wish very much that that feature of this bill could pass for the sake of the comfort of a grand old man who now lies upon his bed in San Francisco, the subject of frequent surgical operations of a very painful character, and whose bed-side is watched over by his wife, an old lady who is so blind that she can scarcely distinguish his features, and whose house is filled up with the orphan children of a noble son who perished in the service of the United States within eighteen months past, that house being mortgaged for the bread upon which the family feed.

After Admiral McDougal has illustrated the naval history of this country in the splendid manner in which he has, and which draws the deepest impulses of reverence and gratitude from the heart of an ex-rebel, if you please, I had thought perhaps that those in whose

cause and under whose flag he fought at that time might be willing to render to him a little of the relief he deserves and is entitled to, not merely in consideration of his gallant services, but also because of the fact that the three governments with whom we were associated in this matter turned over that \$140,000 twenty years ago for the purpose of its being distributed among the crew of the Wyoming and the Ta-Kiang; and so every committee of this body has always said which has touched the question at all.

More than that, there is one fact which has not heretofore been stated in this debate of which I am credibly informed. It is, that the Government of Great Britain took all the money which she received out of this three million of indemnity and divided it among the crews of her ships. She is wiser than we are, I suppose, about matters of that kind. She is more considerate of the men who spread her commerce abroad through the world and defend her flag in all the seas. It may be on that account that that little island has such a queenly control, such imperial control, over all the continents and islands of the earth, so much so that there is scarcely an island or a continent in the world which has not been marked and scarred by the shot and shell from the guns of her brave soldiery and seamen. She may be wiser than we are about this, and I think she is. A man who belongs to the British people, and who is under the direction and guardianship of the British Government, is never neglected and never deserted.

If the Senate and House wish to agree that McDougal and his gallant comrades who are yet upon the earth, and the widows and orphans of those who are dead, shall receive no interest upon this fund upon which we have been speculating, if those whose flag he bore so nobly upon those far distant seas and upon whose history he has placed such renown, are willing that he should suffer in that way, I shall bow in acquiescence to that demand; but the injustice of it I will denounce as long as I live, for it is an act of injustice.

I am persuaded that if the gentlemen who go upon this conference committee do not go as the enemies of this bill, they can agree with the House. If gentlemen feel that they are the enemies of this bill when they go upon that committee, I appeal to them under the rules which obtain with parliamentary bodies that they ought not to accept the trust. Let the bill in some of its forms have friends upon the conference committee, either in the form presented by the honorable Senator from Vermont [Mr. MORRILL] in the amendments which we adopted here or in the forms suggested by the amendment of the honorable Senator from Connecticut [Mr. HAWLEY] which was lost by a single vote, or in the form reported by the committee originally. In whatever form, if the bill is to have friends upon the conference committee I am sure that the conferees on the part of the Senate can agree with the House.

I have sufficient knowledge and information of the sentiments and opinions of gentlemen who have been upon that committee all this time to feel a perfect assurance in my own conscience that if friends to this measure are put upon the conference the bill will be agreed to by the two Houses, and this subject will be disposed of which has so long vexed us, and vexed only us, for it has not vexed Japan. It has vexed the conscience of the United States from the time that Mr. Seward put upon record the solemn declaration that this money was received without just equivalent. It has vexed the conscience of an honest people as to what disposition we should make of the fund.

It is time that that question was settled, and for my part I have yielded all the opinions I had upon it with reference to the interest that I felt was due to Japan, and also to the Ta-Kiang and the Wyoming. When the final vote came upon the passage of the bill, I yielded all my views upon that question in order that the matter might be settled, and voted for the bill as it was amended on the motion of the Senator from Vermont. But that bill as it passed I think the honorable Senator would not now vote for.

Mr. MORRILL. Yes, I would; and I have always stood by it in conference committee as it passed the Senate.

Mr. MORGAN. Then the Senator would have us throw away the premium upon these bonds and sink it in the sea. Here are bonds amounting now to \$1,800,000, which are worth in money, as was stated by the Senator from Ohio, [Mr. SHERMAN,] about 20 per cent. premium. They are not worth anything like that, but they are worth a considerable amount of money, probably not less than \$150,000. The bill as the Senate passed it, and I wish the country to know the fact, throws away \$150,000 of money, sinks it as if in the sea.

Mr. COCKRELL. How?

Mr. MORGAN. Because there is no provision for the sale of the bonds. They are to be canceled.

Mr. MORRILL. It sinks it in the sea of the Treasury of the United States.

Mr. MORGAN. Not by any means. The provision is that the bonds as they are to-day with the premium upon them shall be canceled.

Mr. COCKRELL. Does not that extinguish the indebtedness of the United States?

Mr. MORGAN. It does, but at too heavy a cost. We have a right to call these bonds. The bonds cost the Government of the United States at the time they are redeemable and are redeemed only their face, and to-day they are worth \$150,000 or \$200,000 premium, as the Senator from Ohio said, and if we cancel them to-day we throw

away that premium upon the bonds. There is not a little page in the Senate who cannot make the account. There is no man, there is not a negro who waits upon the corridors of this body who cannot state the sum and see that the bill of the honorable Senator from Vermont actually throws away the premium on these bonds, \$150,000 or \$200,000. The House laughed at us when the bill went there.

The Senator said something about the necromancy of figures. If we have bonds in the State Department to-day, whether they are subject to call or not, and we can dispose of those bonds by selling them in the market exactly as we bought them in the market, (for we did not issue these bonds, but we bought them in the market,) for \$150,000 premium, and then call them at their proper time when they are due on their face at par, I should like to hear some Senator dispute the proposition that we throw away all the premium upon the bonds by canceling them.

Mr. COCKRELL. What is the rate of interest on them?

Mr. MORGAN. The rate of interest varies. I will send the honorable Senator a table from which he can see the character of all the bonds.

Mr. MORRILL. May I ask the Senator from Alabama if we should not lose this very large premium if we gave it away? Could we regain it?

Mr. MORGAN. A man loses nothing who gives away something that he owes. We should lose nothing if Japan had a just and equitable demand upon us for the money. We would know exactly where it was, and therefore it would not be lost. It would be placed there, according to my view of the subject, in accordance with duty and the obligations of honor.

I have now said, without attempting to argue the merits of this question, all that I desired to say to show that the Senate ought to have a full and free conference with the House upon this bill. It is in such a shape and condition that there should be a conference, and it should be a full and a candid conference. If the House can be brought to the proposition of the Senator from Vermont, amending the bill in the particular I have mentioned, to throw away the premium on the bonds and thereby make a clear loss to the Government of a very unnecessary character, I for one should vote for the bill, as I voted for it upon its passage. So I would vote for a bill fixing a rate of 5 per cent. interest. I desire that the question shall be disposed of. Both Houses at this session, and at all previous sessions when they have ever voted, have declared the proposition that the money ought to be returned to Japan.

The question in controversy between us is only whether we shall pay the interest upon it or not. The demand of honor made against this Government, not by Japan but by its own ministers, is one that we have all accorded in; there is no division of sentiment between us on that proposition.

I therefore hope the Senate will insist upon its amendments and that a conference committee will be appointed, and that the two Houses may come to an agreement upon a subject which is so delicate in its nature and so calculated to excite the sensibilities of this country.

Mr. ALDRICH. If we are ready to vote on the question I shall not make the motion I was about to make, to lay the subject on the table.

Mr. HOAR. I think the Senate is unanimously in favor of a new conference.

Mr. MORRILL. I take it there is no objection to a conference committee being appointed, but there is objection against any conference such as is suggested by the Senator from Minnesota [Mr. WINDOM] in relation to this question. Whenever the question is legitimately before us for discussion on the merits I want to be heard; but I do not think this is the proper time to discuss the merits of the question. If it should ever appear here with a proposition to pay any interest, then I shall ask to be heard at length on the subject; for since the matter was before the Senate formerly I have bestowed a very considerable time in an investigation of the facts, and I am prepared to discuss it with more knowledge on the subject than I had when it was discussed before. I have no objection to the appointment of a conference committee and shall vote in favor of it.

Mr. MORGAN. I trust the Senator from Minnesota will withdraw any suggestion that he made about this matter and simply let the conference committee be appointed.

Mr. WINDOM. I believe my suggestion was objected to, and it could not have any force unless it was agreed by unanimous consent. Therefore it is not before the Senate. But the thing I complain of is that we cannot get an expression of the Senate. The Senate very well knows that the 5 per cent. proposition was defeated by but one majority. We also know that the Senate by a vote of 46 to 6 about a year ago declared in favor of the proposition. I may be mistaken but I have not a particle of doubt to-day that the sentiment of a majority of the Senate is in favor of the 5 per cent. proposition. I have no more doubt that a conference committee will be appointed which will agree to absolutely nothing, notwithstanding that is the judgment of the Senate.

Mr. MORRILL. Let me say to my friend from Minnesota that at the time there was only one difference in the vote, there were at least four members of the Senate who were accidentally absent who would have voted the other way.

Mr. WINDOM. I know that some members of the Senate who voted against it have changed their minds, and believe to-day that the 5 per cent. ought to be given.

Mr. ROLLINS. I am satisfied from what I know of the vote that the friends of the bill suffered more by persons being absent and by pairs than the other side. Since then we have had a statement upon the floor of the Senate from the Senator from Michigan, [Mr. CONGER,] whose vote defeated the 5 per cent. proposition, in which he said that he was in favor of paying 5 per cent. interest. If his vote had been cast in committee for the 5 per cent. proposition it would have been carried. In view of some other facts which have come to my knowledge, I am satisfied that a majority of the Senate is in favor of that proposition. All that the friends of the bill ask, as I understand, is that there shall be without delay, without any purpose to prolong discussion, or anything of the kind, a fair expression of the Senate.

Mr. WINDOM. I ask the opponents of the bill whether they are willing to in any way take a vote testing the judgment of the Senate on the 5 per cent. proposition?

Mr. MORRILL. Not until after full discussion, and I do not want the discussion to-day.

Mr. WINDOM. From which I infer that they are not willing to take a test vote.

Mr. BAYARD. As this was my motion I propose to restate it. It is that the Senate insist upon its amendments to the bill and ask for a committee of conference in response to the message from the House. I do not apprehend that there can be an objection made. When the conferees on the part of the Senate have returned and submitted their action to this body the question will be whether the Senate will accept the report or whether they will recede from or adhere to their amendments. That question will come I suppose at the proper time; but the motion I make, I merely wish it understood, is precisely as the organ of the committee, and because it is my duty to do it.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The Senator from Delaware moves that the Senate further insist on its amendments to the bill and agree to the further conference asked for by the House of Representatives.

Mr. HOAR. Let the motion include the authority of the Chair to appoint the conferees.

Mr. BAYARD. Certainly. I intended to include that.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware.

The motion was agreed to; and Mr. BAYARD, Mr. WINDOM, and Mr. SHERMAN were appointed as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills: A bill (S. No. 96) for the relief of Joseph Conrad, of Missouri; and A bill (S. No. 1440) relating to the registration of trade-marks.

The message also announced that the House had accepted the report of the committee of conference on the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, further insisted upon its disagreement to the amendment of the Senate No. 47 insisted upon by the Senate, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. G. M. ROBESON of New Jersey, and Mr. S. S. COX of New York, the conferees on the part of the House.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large, relating to contracts under the War Department;

A bill (H. R. No. 6743) to establish diplomatic relations with Persia; and

A bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, collection of duties on imports.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 2151) to provide for the publication of the Tenth Census;

A joint resolution (S. R. No. 6) authorizing Lieutenant-Commander Charles Dwight Sigsbee, United States Navy, to accept a decoration from the Emperor of Germany, and also authorizing Joseph R. Hawley to accept decorations from the Governments of the Netherlands, of Spain, and Japan; and

A joint resolution (S. R. No. 102) authorizing the Secretary of War to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to it by citizens of Norristown, Pennsylvania.

ORDER OF BUSINESS.

Mr. MORRILL. I now move the postponement of the present and all prior orders for the purpose of taking up House bill No. 6715.

Mr. WILLIAMS. What bill is that?

Mr. MORRILL. After the bill is taken up I will yield to the Senator from Kentucky.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin.) The question is on the motion of the Senator from Vermont to postpone the present and all prior orders for the purpose, as he states, of moving to take up the bill named by him.

Mr. COCKRELL. Let the bill be reported by its title for information.

The ACTING SECRETARY. A bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

Mr. MORRILL. It is the knit-goods bill.

Mr. BECK. What has become of the tariff bill? I supposed we were going on with that.

Mr. MORRILL. That will come up after this measure.

Mr. BECK. I shall object to the consideration of this bill until the tariff bill is fairly considered, or I shall insist on the amendments to the tariff bill being placed on this bill or this bill being placed as an amendment on the tariff bill, whichever the Senator likes. He promised to stand by the bill to reduce taxation, and not to go into any single isolated matter. We have been waiting to give him a fair chance to consider the tax bill. The Senator can move the knit-goods bill on the tariff bill as an amendment.

Mr. MORRILL. This is a very important bill, which concerns three hundred and fifty-four industrial establishments in this country. I do not think it will take much time. I shall ask to have the bill passed as it came to us from the House, and shall make a very brief statement myself and then listen to any arguments which may be presented upon the other side.

Mr. BECK. Every little thing that there is a special interest to somebody in is pressed ahead of the general reduction of the taxation of the country. I propose to object to any single item on knit goods or anything else being picked out. Let us go on with the sugar tax and Bessemer steel, and salt, and the other things we have in the tax bill, and let this come in, as it properly can, as an amendment to that bill. I hope this proposition will be voted down and the tax bill voted up. That is all I have to say.

Mr. ALLISON. I hope the Senator from Vermont will agree to take up the tax bill if the Senator from Kentucky is so anxious to get it up.

Mr. BECK. I am not anxious to do anything, but I protest against any little outside thing being taken up to the exclusion of the tariff bill.

Mr. WILLIAMS. I am not opposed to taking up and discussing any of these bills, but I have had upon the Calendar passed over without prejudice and subject to call for two or three months a bill of far more importance to the country, to a much larger number of people and of much greater pecuniary interest than the tariff bill, to remedy and to protect our people against annual losses of far greater sums than the proposed reduction of taxation could possibly amount to. The House passed recently a bill that I want to take up in the place of the one introduced by myself which is upon the Calendar and which has been put there by the unanimous report of the Committee on Agriculture of the Senate. The House committee had a bill exactly a copy of the one introduced by me. The committee of the House recommended that by unanimous consent. It was passed by the House by an almost unanimous vote, and it is here now upon our Calendar. I do not believe there is a Senator upon the floor who will vote against the bill.

Mr. COKE. What is the number of the House bill?

Mr. WILLIAMS. No. 896. It is an old bill; it is a bill to protect the domestic animals of the country against contagious diseases. There has been before this Congress from the day we met in December to the present moment no bill of such vital importance to one of the greatest industries of the country as this bill. We have in the United States 40,000,000 cattle, worth upon an average \$30 a head, which is \$1,200,000,000. These cattle double themselves in a little over two years and a half. The herdsmen and farmers of the whole country are threatened with a most insidious, contagious, and incurable disease, called the lung-plague or pleuro-pneumonia.

Here is a bill prepared by the committees of the two Houses of Congress to avoid all the objections upon the score of economy or stickling upon the score of interfering with State rights. I do hope that my friend from Vermont will allow me to call up the bill. I know it will pass in five minutes, I believe it will receive every vote in the Senate; it ought to do it. It is demanded by the whole country, by every farmer in it, by every man who is interested in cattle, by every man who eats beef or drinks milk, eats butter, or wears shoes, or who drinks milk punch, as is suggested by my friend from South Carolina, [Mr. BUTLER.]

Mr. President, I have been waiting for months to obtain the passage of this bill. It was crowded out at the last Congress. It was

then under the charge of my modest friend from Virginia, [Mr. JOHNSTON.] It is here now at the heels of the session, and I ask the Senate by a unanimous vote to take it up and consider it and pass it right away. It will not take five minutes. It is a very short bill.

Mr. MORRILL. I have already said to the Senator from Kentucky that if the knit-goods bill is taken up I will give way, provided the bill he has in charge does not lead to debate.

Mr. WILLIAMS. The Senator's bill will provoke a great deal of discussion, while this bill could be passed in half the time we have already consumed as to which bill shall be first considered.

Mr. PLATT. But the Senator from Vermont says he will give way to the Senator from Kentucky as soon as the bill he has moved is taken up.

Mr. WILLIAMS. Let me pass mine right away and I will vote to take up the tax bill.

Mr. MORRILL. It is not the tax bill.

Mr. WILLIAMS. I greatly prefer taking this bill up at once, because I know it will not consume five minutes, and I know there is going to be discussion on the Senator's bill.

Mr. BAYARD. I had the impression that the Senator from Vermont proposed to take up the bill for the reduction of taxes.

Mr. MORRILL. I do propose to take it up immediately after this bill is disposed of.

Mr. BAYARD. Does the Senator now select the knit-goods bill and ask that to be proceeded with in preference to the tax bill?

Mr. MORRILL. For the moment. I do not think it will take much time. I merely want a vote of the Senate upon it one way or the other.

Mr. WILLIAMS. It will take two weeks. We shall never get through with it at this session.

Mr. BAYARD. I had no idea that the Senator had postponed the general question of a tax reduction for a question of amending the tax upon a single article and in a single interest.

Mr. MORRILL. I intend immediately to bring up the tax bill, and shall make a proposition which I hope will be accepted on all sides of the Senate.

Mr. WILLIAMS. Senate bill No. 593 is upon the Calendar; it has been passed over without prejudice, and is subject to call. I want to postpone that bill indefinitely and have passed in its stead House bill No. 896, which is exactly a copy of the Senate bill. I make that motion.

The PRESIDING OFFICER. The Chair will state to the Senator from Kentucky that his motion is not in order at the present time. The Senator from Vermont has moved to postpone the present order, stating that his object is, if that motion shall be agreed to, to move to take up the bill named by him.

Mr. WILLIAMS. If the Chair will recognize me immediately after the pending order is postponed, I shall be perfectly willing to agree to that motion.

The PRESIDING OFFICER. The Chair will feel bound to recognize the Senator from Vermont, he having made the motion and stated that he would move to take up the bill named by him.

Mr. WILLIAMS. If I can be recognized immediately after a vote upon his proposition, I am perfectly willing to consent to that.

The PRESIDING OFFICER. The Chair cannot make any bargain with the Senator. The question is on postponing the pending order.

Mr. BECK. Let us see what it is. Which bill is it that is proposed to be taken up? Let the title of the bill be read.

Mr. HOAR. Is there anything in order except the postponement of the present order? Every Senator agrees to that, I assume. The next question will be on the particular bill to be taken up.

Mr. MORGAN. What is the present order?

The PRESIDING OFFICER. The present order is the Calendar. The motion is to postpone the Calendar.

Mr. BECK. I prefer the Calendar to the knit-goods bill. If the issue is made between the Calendar and the knit-goods bill, which is a bill to increase taxation, and the Senator from Vermont abandons the bill to reduce taxation, then I shall vote for the Calendar against a bill to increase taxation in the interest of a few men.

Mr. ALLISON. I do not understand the Senator from Vermont to abandon the bill to reduce taxation.

Mr. BECK. He has done it now.

Mr. ALLISON. I understand he is in perfect accord with the Senator from Kentucky, but proposes to proceed with this little bill first.

Mr. BECK. A little bill!

Mr. ALLISON. It will only take a few moments, I understand.

Mr. BAYARD. It is the postponement of a bill to reduce taxation in order to move one to increase it.

Mr. BECK. That is it, with a resolution from the House to adjourn on Saturday, which I presume the Senator from Iowa will accede to.

Mr. ALDRICH. I protest against any assumption of Senators that the tax bill has been abandoned by anybody.

Mr. BECK. The tax bill is not sought to be taken up, and a bill to increase taxation is sought to be taken up in lieu of it.

Mr. ALDRICH. The tax bill is sought to be taken up, and I believe by the unanimous voice of this side of the Chamber. I hope the Senator from Vermont will call it up, and take Senators at their word and pass it.

Mr. BECK. That is, the knit-goods bill?

Mr. ALDRICH. The tax bill. I hope the Senator from Vermont will take Senators at their word and undertake to pass the tax bill to-day.

Mr. BUTLER. I wish to ask the Senator from Iowa if the Committee on Appropriations (I suppose I have a right to ask the question) have taken any action upon the resolution of the House to adjourn on Saturday?

Mr. ALLISON. I do not understand that the Committee on Appropriations have any jurisdiction of that question.

Mr. INGALLS. The resolution has not been referred. It lies on the table.

Mr. ALLISON. It lies on the table. The Committee on Appropriations have no control over it.

Mr. BUTLER. I take it for granted, of course, that the Senate will be influenced very much by the action of the Committee on Appropriations.

Mr. ALLISON. I should think from the statements of Senators on both sides of the Chamber that we ought not to take up that resolution until we can see what progress we can make with the tax bill. I hope that question will be decided before the question of adjournment is decided.

Mr. BUTLER. It seems to me very important to decide the question of adjournment before the tax bill is proceeded with. If we are to adjourn on Saturday, then it might influence a good many of us in our votes on the other proposition.

Mr. ALLISON. I will say to the Senator in all seriousness that I do not think we shall be able to adjourn on Saturday.

Mr. HAWLEY. Mr. President, I desire to say a word or two upon this matter, and to say frankly to Senators on the other side, that the knit-goods bill appeals to me precisely as the news of a flood in the Mississippi Valley appeals to those Senators, or a fire in Chicago, or the yellow fever.

There are manufacturing establishments all over New England; there are manufacturing establishments in my county, which were tolerably flourishing, not extravagantly so, owned by Republicans and Democrats; it is a matter entirely without the distinction of party. By a decision of the Supreme Court that struck them like a flash of lightning they found themselves on hand with goods piled up, orders revoked by telegraph (the Medlicott Mills, as an illustration, in a town near my home, to the extent of \$100,000 by a single dispatch) and goods ordered from abroad by cable to take the place of their own.

They had been going on since 1864 and 1867 in perfectly good faith under a uniform interpretation of the statute by the Secretary of the Treasury that no man ever had a doubt about. That interpretation was justified by a decision in the district court in New York in 1877. Sixteen million dollars capital were invested in the manufacture and three hundred and fifty-four establishments had grown up, when, like thunder in a clear sky, came this technical decision piling up their goods and leaving them to dread collapse and even possible bankruptcy if this strange construction of the statute shall not be corrected.

It is not a question of protection or free trade; it is a question of common mercy; that is what it is; common decency and justice. There is nothing of theoretical doctrine in it. I make no claim by reason of the protective theory. I claim an error of revision and a decision thereon that nobody foresaw. I beg you to consider this bill, and if we cannot show you in one hour or one half hour that what I state is true we will give up the case.

Just as good men as you or any of us, all acting in good faith, who had put their money in this manufacture, were struck by lightning, and are waiting to see whether Congress will stop to make of it a matter of theory and controversy. It is a question of humanity.

I do not care what is taken up this moment, but I ask Senators, if it be the internal-revenue bill, to remember us and give us our day, our hour in court. Give us common humanity, just such as we have given you in a thousand cases. The pockets of my people are wide open when your floods, your epidemics, and your fires come, and do not now raise technicalities upon us when some of our best men are in sore distress, on the eve of serious financial embarrassment from causes arising here in Washington, and for which they are in no respect to blame.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont to postpone the present order, which is the Calendar.

The motion was agreed to.

Mr. MORRILL. Now I move to take up the tax bill, and if it shall be taken up I will make a statement after it is up.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, [Mr. MORRILL.]

The motion was agreed to.

The PRESIDING OFFICER. The bill (H. R. No. 5538) to reduce internal-revenue taxation is before the Senate.

Mr. MORRILL. I agreed to give way to the Senator from Kentucky, [Mr. WILLIAMS,] provided the bill he wishes to have considered would not lead to debate.

Mr. HOAR. The Senator from Vermont agreed to give way if the knit-goods bill was taken up.

Mr. ALDRICH. I object to the consideration of the bill of the Senator from Kentucky.

Mr. ALLISON. There will be plenty of time to consider that bill. Mr. WILLIAMS. Does the Senator from Vermont yield?

Mr. VAN WYCK. The Senator from Kentucky has been acting on the supposition that his bill would come up, and that there would be no opposition to it after the tax bill was taken up. I ask Senators to allow that to be done now.

Mr. WILLIAMS. The bill I ask to have considered is House bill No. 896.

The PRESIDING OFFICER. The Senator from Kentucky asks that the tax bill, so called, be informally laid aside in order that the Senate may proceed to the consideration of the bill named by him.

Mr. ALDRICH. I object.

Mr. INGALLS. Has the tax bill been laid before the Senate?

Mr. WILLIAMS. It has been laid before the Senate, but the understanding was, and I voted for the motion with that understanding, that House bill No. 896 would be taken up now.

The PRESIDING OFFICER. The Senator from Rhode Island objects.

Mr. VAN WYCK. I trust the Senator from Rhode Island will not object. If this objection is insisted upon it will cause other objections to come in. To save time on the tax bill, and possibly to get to the knit-goods bill, if the Senator from Vermont desires it, I beg the Senator from Rhode Island not to persist in his objection, when there is possibly no objection to the bill itself which the Senator from Kentucky wishes to have considered. There are other questions beside those which the Senator from Rhode Island is championing here.

Mr. ALDRICH. I know no reason why this bill should not be considered after the tax bill is disposed of.

Mr. WILLIAMS. The Senator from Vermont agreed that if I would help him to take up the tax bill he would yield to me.

Mr. VAN WYCK. There is no objection to the bill which the Senator from Kentucky has in charge, while there are a great many objectionable features in the other bill. I trust that the bill will be taken up.

Mr. ALDRICH. In order to save time I withdraw the objection.

Mr. HOAR. I suggest to the Senator from Rhode Island to withdraw his objection for fifteen minutes.

Mr. ALDRICH. Very well.

The PRESIDING OFFICER. If there is no objection the tax bill will be laid aside informally and the bill which the Senator from Kentucky has indicated will be considered.

CATTLE DISEASES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 896) for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals; which was read.

Mr. BROWN. I have not the bill before me, and I may not have understood correctly the reading of the first section. If I understood it, however, there is no exception in case a railroad company should ship diseased stock that it may be excused, having no knowledge of the fact that it was diseased.

Mr. WILLIAMS. Yes, that is provided for.

Mr. BROWN. I did not understand it as applying to railroads.

Mr. WILLIAMS. It applies to railroads.

Mr. BROWN. I ask the Secretary to read the first section of the bill again.

The Acting Secretary read as follows:

That no railroad company within the United States whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation, or transport, from one State or Territory to another, or from any State into the District of Columbia, any live cattle affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any live cattle, knowing them to be affected with any contagious or infectious disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, any live cattle, knowing them to be affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia.

Mr. BROWN. I move to amend by inserting—

Mr. WILLIAMS. If the bill is amended it is lost, because it will have to go back to the House.

Mr. INGALLS. It ought to be lost if a railroad corporation or anybody else is to be punished for an act which was not criminally performed and which was not wrongful.

Mr. BROWN. I cannot propose to vote for an act which imposes a penalty of \$5,000 on a railroad company for carrying diseased stock when it may have no means of knowing that it was diseased.

Mr. WILLIAMS. The first section provides:

Nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, any live cattle knowing them to be affected with any contagious or infectious disease.

"Knowing" is the word which covers the point raised by the Senator from Georgia.

Mr. BROWN. The section applies to any person delivering them to the railroad company, but there is no provision made in regard to the railroad company itself.

Mr. WILLIAMS. It covers both.

Mr. BROWN. I do not understand that it does.

Mr. INGALLS. If the Senator from Kentucky will examine line 7 in section 1 he will find that the criticism made by the Senator from Georgia is correct; that no matter what might be the circumstances under which a railroad corporation should receive this stock, no matter what precaution they might exercise, if they received it and it turns out afterward that the stock is affected with the disease that is attempted to be guarded against in this bill they are liable to the punishment prescribed.

Mr. WILLIAMS. I think that the conjunction connecting the two portions of the first section cover it. The words "knowing them to be affected" apply to the whole section.

Mr. INGALLS. It is not a question of grammar; it is a question of fact.

Mr. BROWN. I move to amend by inserting after the word "pleuro-pneumonia," in line 11 of section 1, the words:

Knowing them to be affected with any such disease.

Mr. WILLIAMS. I hope that amendment will not be agreed to. I do not care a cent about it, except that the bill will have to go back to the House if it be amended. The latter part of the section which I have read applies to the whole section. I do not object to the amendment, except that it will embarrass the bill and require it to go back to the House.

Mr. INGALLS. It would embarrass a great many innocent persons to have the bill passed in the way it stands now.

Mr. WILLIAMS. By reading the latter part of the section Senators will see that the whole thing is covered. I call attention to lines 18 and 19:

Any live cattle, knowing them to be affected with any contagious or infectious disease, &c.

Mr. INGALLS. No; the Senator will observe that the semicolon at the end of the word "pleuro-pneumonia," in line 11, closes one paragraph of the bill. That defines the penalties which are to be affixed on the railroad corporation for violating its terms.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Georgia, [Mr. BROWN.]

The amendment was agreed to.

Mr. HAWLEY. The Senator from Kentucky will pardon me for making an inquiry with regard to section 6, which provides:

That it shall be the duty of the Commissioner of Agriculture, through said chief of bureau, to prepare such rules and regulations as they may deem necessary for the speedy and effectual suppression and extirpation of said diseases, and to certify such rules and regulations to the executive authority of each State and Territory, and invite said authorities to co-operate in the execution and enforcement of this act.

It invites them to co-operate; but suppose the governor and the State board of my State, being satisfied with the excellent rules they already have, decline to co-operate, will then these Federal officers come into the farms of my constituents and go to condemning and quarantining cattle?

Mr. WILLIAMS. Of course they cannot. That is exactly the reason why they are required to "invite" them. The language would have been very different if it had been intended to give them that power.

Mr. SEWELL. I ask the Senator from Kentucky how this measure is to be carried out as against boards of health and other designated State officers who have charge of the subject in the different States?

Mr. WILLIAMS. It does not affect them at all, I will say to the Senator; it merely co-operates with them and gives them the benefit of all the information they obtain.

Mr. SEWELL. If the matter is attended to now in the different States, what is the necessity for an appropriation of \$50,000?

Mr. WILLIAMS. Because it is not attended to in the different States. I will state to the Senator a single instance which came to my notice last week. The newspapers report that the veterinary surgeon of the State of Maryland reported to the governor that there was no disease in that State. Dr. Law, Dr. Forbes, and Mr. Saunders, the treasurer of the cattle commission, last week went over to Maryland, and within twelve miles of the city of Baltimore they found a herd of nineteen cattle diseased. They purchased one and killed it, and it was found that it was in the last stage of the disease. They brought the lungs to the city of Washington, and I saw them with my own eyes. They learned that fourteen from that herd had been shipped to Baltimore. They went there and found them in the cattle-yard in Baltimore. I have that from the commissioners here, and that occurred only last week.

Mr. SEWELL. The State of New Jersey three years ago, on information of this character, appointed a commission for the purpose of stamping out pleuro-pneumonia in that State. I was instrumental in the passage of a bill by which the State expended \$2,500 and over for that purpose, although I believe there was no more pleuro-pneumonia there than there is now, and we have some of it all the time.

Mr. WILLIAMS. I will say to the Senator that if he will read

the report of the commission he will find that the herds of his State are rotten to-day. There is more of the lung plague in New Jersey to-day than in any other State of the Union.

Mr. SEWELL. I do not want anything done to embarrass the State authorities there.

Mr. WILLIAMS. The cities are full of diseased cattle; Alexandria is full of it. Pleuro-pneumonia is existing at this moment in the State of New York, especially in Long Island, and in portions of Maryland, the District of Columbia, and portions of Virginia and Delaware. I have the report of the commissioners, and if Senators had read it I am satisfied there would not be an objecting voice to the passage of this bill.

Mr. SEWELL. I do not think any means can be adopted to stop the disease altogether. There will be pleuro-pneumonia just the same as there will be chicken-pox in children. The question is whether it amounts to so much as these people say it does.

Mr. WILLIAMS. I will state to the Senator and the Senate that there are two objects in the bill. We do know that the lung plague is the most fatal, the most virulent, and the most contagious of the diseases that afflict the bovine race; that it has exterminated the cattle race in the south of Africa; that it has exterminated the cattle in Australia; that it has nearly exterminated them in Eastern Russia, throughout the steppes of Russia. That is the reason why there is such a demand for American cattle in England. They in the old times got their supplies from those countries.

The lung plague is in Long Island; we know it is in the city of New York and in various other cities. We know it is in New Jersey; we know it is in a portion of Virginia; we know it is in Maryland, in Delaware, and in the District of Columbia, and in nearly all the dairies of this city from which we get the milk we drink every day. We know another thing: that the British privy council have issued an order prohibiting the introduction of American cattle into the interior of England because we have that disease here. We are shipping 150,000 cattle, worth about \$15,000,000, to Liverpool and London. We might ship a million cattle just as easy as 150,000, which would bring us \$100,000,000; but in consequence of the disease existing in New York and the principal ports of shipment the British Government has prohibited the landing of our cattle, and requires them to be slaughtered upon arrival at the quays of London and Liverpool.

We know that cattle of the same quality taken from Canada to Liverpool sell for \$30 or \$40 a head more than ours do, because our cattle are not permitted to enter the interior of the country. The butchers and graziers are not permitted to buy them and take them back and sell them, but they are taken with the bruises, fevers, and sores incident from transportation from Chicago or Saint Louis to Liverpool. When they get them resuscitated and cured of those bruises they bring them upon the market. Men engaged in the business have told me that the loss to American shippers is \$40 a head in consequence of the suspicion upon our cattle having the disease.

The people of Great Britain are anxious for all the meat they can get, but they desire to protect their own domestic herds against foreign infection. If you can satisfy the British Government that we have no pleuro-pneumonia; that the cattle from Kansas, from Saint Louis, from Chicago, from Louisville, and Cincinnati have been brought from countries where there is no disease, by a route which has secured them from infection, that restriction in the British market will be taken off our cattle.

The object of this bill is to do that. It is to have a commission of competent men whose statements will be of value. Besides that we want to protect the great Northwest from this pestilence. The reason why it has not spread to the West and Northwest in bygone years has been that the current of the cattle traffic has been from west to east, and not from east to west. But the price of beef has gone up, and the cheapness of forage out West has given a market there for the calves that are reared in the dairies of the East, and that is beginning now to be an important traffic, and the pestilential cow-sheds where these calves are born are nearly all infected with this disease. It is to protect the farmers and the graziers of the West that we want this board. Every gentleman in the Northwest, let me say, is as much interested in this matter as I am, although all of them have not given the subject as much attention perhaps as I have.

Mr. President, no more important bill than this has been before Congress this session. I do hope the bill will pass without any further objection.

Mr. INGALLS. Mr. President, I move to strike out section 3 of the bill. I have no objection to making the necessary provisions for the extirpation of this disease and for the protection of the cattle interests in the United States, and I understood from the representations made by the Senator from Kentucky that the purpose of this bill was to reach that result; but I see by a very cursory examination that the bill bristles with provisions that are exceedingly obnoxious and that will lead to very dangerous consequences in the future.

The section to which I have called the attention of the Senate by my motion to eliminate provides for the organization of a bureau of animal industry inside the Department of Agriculture, which is to proceed to make examination as to the value and the general statistics of the cattle-trade in the country, with the appointment of new

officers and the imposition of new duties that can all be performed by the present machinery of that department or some other in this Government.

I am opposed to these continual encroachments by the legislative department for the purpose of creating continually new offices and paying additional salaries without any corresponding advantage that is to be gained. The Senator from Kentucky must be aware by a mere inspection of this section that it has no connection whatever with the subject with which this bill professes to deal.

Mr. WILLIAMS. That is the very object. That section provides machinery to execute the law, and without the section it is no law at all.

Mr. INGALLS. Let us have it read:

SEC. 3. That the Commissioner of Agriculture shall organize in his department a bureau of animal industry, and shall appoint a chief—

Of course that is the first thing—

who shall be a competent veterinary surgeon—

What conceivable reason is there for appointing a chief who shall be a horse-doctor to examine the statistics of the animal industry in this country?—

and whose duty it shall be to investigate and report upon the number, value, and condition of the domestic animals of the United States, their protection and use—

That is to say, you appoint a horse-doctor to report upon the number, use, and condition of domestic animals in the United States. Why, Mr. President, a simple statement of that proposition renders it so preposterous that I am quite confident the Senator from Kentucky will withdraw from it his great support.

Mr. WILLIAMS. Never, sir.

Mr. INGALLS. Further—

and also inquire into and report the causes of contagious and communicable diseases among them—

A horse-doctor is usually expected to cure diseases; he is employed for the purpose of treating diseases, and not to examine and inquire into and report upon the causes of those diseases—

and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

The object of this bill is to prevent the exportation of animals afflicted with pleuro-pneumonia and, if possible, to extirpate that disease, a very creditable object; but in accomplishing that, why do we erect a bureau of animal industry for the purpose of collecting information that is to be valuable to the agricultural and commercial interests of this country? Further than that—

The Commissioner of Agriculture is also authorized to employ two commissioners—

Not content with the chief, who is to be an accomplished horse-doctor, he is to employ two additional commissioners, of agriculture I suppose—

one of whom shall be a practical stock-raiser, and one an experienced business man—

What kind of "an experienced business man" is not defined, whether he is to be a man in the dry-goods business, or a man in the apothecary business, or a man in any other form of commercial enterprise in this country, but—

an experienced business man familiar with questions—

Mr. WILLIAMS. I know the Senator does not want to mislead the Senate on that subject. Let him read the next line, which says that this business man shall be specially "familiar with questions pertaining to commercial transactions in live stock."

Mr. INGALLS. Exactly; but that is merely one qualifying phrase—

whose duty it shall be to advise with regard to the best methods of treating, transporting, and caring for animals, and of providing against the spread of said diseases.

Two commissioners, one of whom is a practical stock-raiser and the other an experienced business man, are to examine into the question of preventing the spread of communicable diseases among live stock! Now we come to the more interesting topic of compensation:

The compensation of said commissioners shall be at the rate of not more than \$10 per diem, with all necessary traveling expenses, while engaged in the performance of their duty under this act.

Mr. PLATT. Per diem all the time.

Mr. INGALLS. Of course, per diem all the time and traveling expenses all the time, for they will never cease to be employed.

The salary of the chief of bureau shall be \$3,000 per annum.

And this is not enough. We are not only to have this chief of bureau and the two additional ornamental commissioners but—

The Commissioner of Agriculture shall appoint a clerk for said bureau, with a salary of \$1,800 per annum; and any services rendered by the National Board of Health—

Which, I think, is stricken out—

under the provisions of this act shall be paid for as provided in the act creating and organizing such board.

If in a bill that is designed and intended to control the spread of pleuro-pneumonia and protect the cattle of this country against the danger that may arise from the carrying of these cattle in cars or upon boats, the Senate want to provide for the creation of such a board as this, then they differ very much with me. I am entirely

willing to co-operate with the Senator from Kentucky in any legitimate effort he may make to prevent the spread of this disease and to as far as possible extirpate it; but I am not willing to endow the Commissioner of Agriculture with these extraordinary and unheard-of powers with the vast additional expense to be entailed upon this country. I trust the Senator from Kentucky, as the bill has already been once amended, will agree to have this section eliminated, because it does not belong in the bill and has no connection whatever with its provisions.

Mr. WILLIAMS. It is the very gist of the whole bill, and I want to say to the Senator that when he attempts to assure me that he is willing to co-operate with me I think he does not know himself, and he does not express the feelings of his own heart and the reflection of his own head. I believe solemnly that if the Lord's Prayer were under consideration by the Senate the Senator from Kansas would move an amendment.

Mr. ALDRICH. Will the Senator from Kentucky allow me to appeal to him? It is very evident this bill cannot pass to-day, if it is ever passed.

Mr. WILLIAMS. Let us take the vote right now.

Mr. ALDRICH. If a vote can be taken I have no objection.

Mr. PLATT. I understand the Senator from Kansas to suggest that the provision relating to the National Board of Health had been stricken out. I do not so understand it. What the National Board of Health knows about doctoring cattle I am at a loss to understand.

Mr. WILLIAMS. That very matter was stricken out in order to meet the objections of the Senator from Kansas made by him at the last session.

Mr. PLATT. But it is in the bill.

Mr. INGALLS. Let me understand this. We will confine ourselves to the bill and not to the Lord's Prayer. Are the lines in the bill from line 25 to 27 of section 3 still retained?

Mr. PLATT. There has been no amendment striking them out, and they are in the bill.

Mr. INGALLS. I understood the Senator from Kentucky to say that that provision of the bill had been stricken out.

Mr. WILLIAMS. In the original bill as drawn it was struck out, and I think as read by the Secretary. Is there anything in the bill about the Board of Health? I think there is one provision which says this commission shall have authority to take the advice of the Board of Health in respect to some matters. I ask the Secretary to read that part of the bill.

The PRESIDING OFFICER. Those lines are in the bill.

The Acting Secretary read as follows:

And the Commissioner of Agriculture shall appoint a clerk for said bureau, with a salary of \$1,800 per annum; and any services rendered by the National Board of Health under the provisions of this act shall be paid for as provided in the act creating and organizing such board.

Mr. WILLIAMS. The House supposed it might be necessary to consult some doctors of the National Board of Health.

Mr. INGALLS. That adds a new and interesting feature to this bill. I should like to have it stated by the Senator from Kentucky what functions the National Board of Health, which was created, I believe, for the purpose of preventing the spread of epidemic diseases among the human race, is to perform in connection with the extirpation of pleuro-pneumonia among cattle.

Mr. WILLIAMS. I am just informed by a gentleman who is conversant with it over there that the House struck out all that.

Mr. INGALLS. Why is it here? I understood the Senator from Kentucky to call up the House bill.

Mr. WILLIAMS. Let me answer, sir. You ask me questions and then go on. I understand that it is a clerical mistake here.

Mr. INGALLS. Then the bill is not in a condition to be considered if it is full of clerical errors, and we have no information about how it passed the House.

Mr. WILLIAMS. We can strike that clause out.

Mr. INGALLS. I hope the engrossed bill may be brought here, that we may know how it passed the House.

Mr. ALDRICH. As there seems to be some mistake about the bill, I move that its further consideration be postponed until to-morrow.

Mr. MORRILL. Just call up the other bill.

Mr. ALDRICH. It had better be postponed.

Mr. WILLIAMS. We can have a vote in a minute.

Mr. ALDRICH. If we can have a vote, I shall not interpose.

Mr. WILLIAMS. We can have a vote in a minute.

Mr. ALDRICH. I do not see how we can have a vote on a bill that we do not know how it stands.

Mr. INGALLS. So much the better, perhaps.

Mr. WILLIAMS. In line 24, section 3, I move to strike out from the word "and" down to and including the word "board," in line 27 of section 3, because I am informed it was intended to be stricken out.

The PRESIDING OFFICER. The Secretary has the engrossed bill as received from the House.

Mr. WILLIAMS. I move to strike out the words:

And any services rendered by the National Board of Health under the provisions of this act shall be paid for as provided in the act creating and organizing such board.

Mr. INGALLS. My motion includes that, because I moved to strike out the entire section.

Mr. WILLIAMS. I move to strike out from the word "and," in line 24, to the word "board," in line 27 of section 3.

The PRESIDING OFFICER. The amendment of the Senator from Kentucky would be in order first, as he has the right to perfect the section. The question is on the amendment of the Senator from Kentucky.

Mr. INGALLS. But I moved to strike out the entire section, which includes that.

The PRESIDING OFFICER. The Chair is of opinion that the motion of the Senator from Kentucky is first in order. He desires to perfect the section before the question shall be taken on striking out the entire section. The question is on the amendment of the Senator from Kentucky.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Kansas to strike out the entire section.

Mr. VAN WYCK. I had an opportunity to examine this bill or hear it read to-day. I agree with the Senator from Kansas, and other Senators who have spoken on this matter, that this is a bill which ought not to pass. It seems to me it is a bill more to create a bureau and fasten a sort of commission on this Government than anything else, and this commission will live a long while after the pleuro-pneumonia has passed. I think we had better bear the pleuro-pneumonia a few years than this commission.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas to strike out section 3 of the bill.

Mr. COCKRELL. I hope the motion will not prevail.

Mr. COKE. I hope the motion will prevail. I think this section a most obnoxious feature of a very obnoxious bill. In fact the bill entails a needless expense upon the Government, and if it is passed will hamper the commerce in live stock in a way which will be extremely onerous. It is impossible to put a bill like this in operation without a great deal of machinery, and whenever that machinery is started it will be found an incubus on interstate commerce in cattle throughout this country, especially in the West and South.

I do not believe, Mr. President, in assuming that the people of these United States in their commercial relations with each other are not able to take care of themselves. There are some things which the Government ought to assume the people will do for themselves, and one of those things is that they know how to care for their own interests in raising and carrying on commerce in live stock. They have done it up to this time. Why should they not continue to do it?

In my own State there is a disease called Texas fever among the cattle, called so up North because cattle driven from Texas at a certain season communicate the disease to Northern cattle. This thing has become understood. The people of Texas know that they must not drive their cattle at a time when this disease can be communicated. The people in Arkansas, Missouri, Kansas, and other States know that these cattle must not be driven there except at particular times. The people in Texas and the surrounding States have gotten to understand the disease and the remedy, and there is no trouble about it. They regulate it for themselves. If it had been regulated by law there would have been an expensive and cumbersome machinery that would have produced a great deal of friction and a great deal of trouble, while now everything goes along smoothly.

Another thing, Mr. President. After enacting this sweeping law covering the whole country, forbidding commerce in cattle except on certain conditions, demanding that there shall be a penalty on those who violate it, the ninth section remits the subject to the district courts of the United States to be prosecuted whenever a violation occurs. Sir, this will add immensely to the jurisdiction of the Federal courts. I am opposed to a further aggrandizement of the jurisdiction of these courts. I have no prejudice against the courts of the United States, but in the States there are courts which ought to exercise all the jurisdiction arising out of the every-day transactions of the people. The States can take care of this cattle-disease question themselves, and their own courts can apply the remedy. When you go into the Federal courts citizens are dragged two, three, four, and five hundred miles from home to answer trivial charges. The course of the Federal judiciary in my State has been one of oppression upon the people least able to bear it. I oppose this bill, then, because of section 9, which multiplies indefinitely the jurisdiction of the Federal courts throughout the United States and makes it possible that every citizen who deals in cattle, who buys or sells or ships a cow or a calf, shall be arraigned in some district court of the United States and carried there for trial on account of it.

Another reason why I object to this bill is that it vests in the Secretary of the Treasury a very extended discretion. I will read:

SEC. 5. That to prevent the exportation from any port of the United States to any port in a foreign country of live cattle affected with any infectious or contagious disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

We are delegating, if this bill is passed, the power to the Secretary of the Treasury to make laws which shall absolutely control the entire commerce of this country in cattle. It does not require him to publish them even. It confers upon him a most dangerous power, one that no man in this country should possess. Sir, we all know it

to be a fact that the Secretary of the Treasury cannot give attention to all the details of his office, and this delegation of authority is simply the delegation of an authority to a subordinate, to a clerk perhaps, to make rules and regulations for the government of the vast commerce of this country in live stock. That is what it amounts to. I oppose the delegation of power to commissions; I oppose the delegation of any power that can be exercised by Congress; I oppose the delegation of this power to the Secretary of the Treasury, because it is a power through which he can invade the rights of every man, of every citizen in this country, by regulations that may be oppressive and to the obstruction of the commerce upon which many of our people rely, and upon which their prosperity greatly depends.

I think this bill is an extremely objectionable one. I believe in letting our people alone. I believe that we have too much government. I believe that the people are the best judges of their own interests. I believe that they will prevent the shipping of diseased cattle from one point to another, that they will take care of the health of the live stock in this country better than the Government and a squad of horse-doctors appointed in a bureau here can do. I believe that, and, believing it, shall vote against the bill. If this bill shall pass, the expense of executing the law, the swarm of Federal officials prying into the private business of the people, vexing them with persecutions and harassing them with inspections and troubling them with the delays of red tape in their common daily avocations will greatly overbalance any good it will do.

Let the people alone, and trust them to attend well to their own business and take care of their own interests, and it will be well done; but subject them to the espionage and surveillance of a lot of rapacious officials, who execute the decrees of the Secretary of the Treasury without appeal or redress, as this bill proposes, while the object of the bill will not be attained the people will be infinitely annoyed. This bureau business is overdone. Our farmers and stock-raisers have escaped the clutches of this Briareus thus far, and have not been harassed from Washington except by the tax-gatherer, who is about as much as they can stand, without having superadded an inspector who will examine into every cow trade they may make, followed up by a United States district attorney, perhaps, to drag them hundreds of miles from home to answer a criminal accusation.

Mr. WILLIAMS. I felt sure that the Senator from Texas would vote against this bill. He says the good sense and judgment of the people will certainly prevent them from trafficking in infected animals. I want to say to the Senator that to my personal knowledge I have seen cattle brought from his State to the North and killed, tens and tens of thousands of them, that were diseased.

Mr. COKE. That was several years ago.

Mr. WILLIAMS. They are exposed to the same danger to-day. There is no power here given to the Secretary of the Treasury to pass a law, but to make regulations to carry a law into effect. A regulation is merely an arrangement, a provision to carry out a law, and not a law itself. How is the Secretary to do anything unless he has the power to make regulations? You may say to him, "Look and see that these cattle are not going to England affected with disease, and that healthy cattle be not brought in contact with diseased cattle."

How are you going to do it? How are you going to make arrangements with railroads? Can you prescribe them by law? He can send out one of his agents and make an arrangement with a railroad and say, "Now, sir, if you bring from Cincinnati or Chicago cattle to be passed over certain cars and stopping in certain stock-yards, then I will give them a clean bill of health going to Europe." We all know there is no disease on the prairies of the West, but we do know that right along the Atlantic seaboard there is abundance of it, and we all feel who own a herd of cattle that our herds are in danger daily from an infection that may exterminate them, as we know that some of the best herds of cattle, the finest herds in the world, worth thousands of dollars apiece, have been destroyed by this dread scourge, the cattle disease.

I am amazed at the Senator from Texas pretending that there is power granted here to the Secretary of the Treasury to make laws. There is no such power granted in this bill. There is not one single constitutional objection to this bill. The greatest State-rights stickler cannot put his finger on a single provision. All that is in it is to make it acceptable. The bill asks only \$50,000, and I say to Senators that they cannot afford to go back to their farmer constituents and say that for the cattle interest, amounting to \$1,200,000,000, they were not willing to give \$50,000 to aid it.

Mr. COKE. I call the Senator's attention to the language of section 5, referring to the Secretary of the Treasury:

And he is hereby authorized to take such steps and adopt such measures, not inconsistent with the provisions of this act, as he may deem necessary.

Mr. WILLIAMS. Of course. How is he to execute the law unless he is to adopt such measures?

Mr. COKE. It does not even provide that he must respect any other act than this act.

Mr. WILLIAMS. He is bound by all the laws, whether provided for here or not. We do not propose to provide here that he shall respect all other laws. That would be nonsense, and the Senator from Texas is too good a lawyer to contend for such a position as that. It is absolutely ridiculous.

In all candor, Mr. President, I say if there was a constitutional question here, if there was a question involving the interests of the

banks, if there was a question involving the interests of railroads or of bondholders, they would have splendid advocacy on this floor; but it seems to me the farmers have but few friends. Ah, Mr. President, I think we have too many of these great lawyers and great financiers, so called, on the floors of Congress. I wish we had more practical, sensible people and less lawyers. We ought to have some lawyers, but not all. When any of your law questions come up or a discussion of the rules, they all make speeches; but when you ask for a small appropriation to protect an interest valued at \$1,200,000,000, \$50,000 cannot be granted.

Mr. ALDRICH. I rise to a question of order. I withdrew my objection to the consideration of this bill with the understanding that it should be concluded in fifteen minutes.

Mr. WILLIAMS. I think we can get a vote in a moment. I do not want to talk more.

Mr. ALDRICH. As all the friends of the bill with the exception of the Senator from Kentucky have deserted it and he is left alone in his advocacy—

Mr. WILLIAMS. I am not left alone. I am quite able to meet you all on this subject.

Mr. ALDRICH. If we can have a vote at once, I shall not interpose an objection; otherwise I must.

Mr. HOAR. I rise—

Mr. INGALLS. I have some additional observations I desire to submit. Of course if the Senator rises to a point of order I shall wait for its decision.

Mr. HOAR. No, sir. I rose to address the Senate in favor of the bill. I wish to say that I can complete my remarks within two hours, but if there is to be an immediate vote, if nobody else wishes to speak, I will waive them and not speak at all.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas to strike out section 3.

Mr. ALDRICH. I interpose an objection to the consideration of this bill, supposing there will be further discussion.

Mr. MORRILL. I supposed this bill was before us informally, with the understanding distinctly with the Senator from Kentucky that it was to give rise to no debate, and when it was taken up it was taken up on the condition that it should not occupy more than fifteen minutes.

Mr. HARRIS. I understand this bill was taken up by unanimous consent. If that be true, it is now before the Senate and is the regular order, and it can be disposed of only by a regular motion carried by a majority of the Senate.

Mr. ALDRICH. It was taken up by unanimous consent with the understanding that if the discussion was to last over fifteen minutes objection might be interposed.

Mr. HOAR. Another bill was laid aside informally for it.

Mr. HARRIS. I am aware of no such understanding as is suggested. The Chair perhaps will know, if the present occupant of the chair was the occupant when the bill was taken up. If the bill was taken up and proceeded with and acted upon by unanimous consent a single objection cannot displace it or dispose of it.

Mr. HOAR. I do not wish to interfere with this bill, because my sympathies are with my friend from Kentucky entirely, but I desire to ask the Senator from Tennessee when a measure is taken up and then laid aside informally that another matter may be considered, does he understand that this displaces the matter so laid aside informally?

Mr. HARRIS. So far as to-day is concerned, unquestionably, unless a majority of the Senate shall order otherwise. It would be the duty of the Chair on to-morrow morning, after the routine business of the morning hour was through with, to lay the unfinished business, that measure that was regularly taken up, before the Senate.

Mr. HOAR. I differ with the Senator from Tennessee *in toto*. When I have given my assent to such an arrangement I always understand that the measure so taken up temporarily is at the mercy of the right of any Senator to demand the regular order. That has been the understanding of the Senate ever since I have been here.

Mr. ALDRICH. I ask the ruling of the Chair.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is not well taken.

Mr. ALDRICH. Then I move to lay the bill on the table.

Mr. WILLIAMS. I hope that will not be done. We can take a vote on the bill just as soon as we can to lay it on the table.

The PRESIDING OFFICER. The Senator from Rhode Island moves to lay the bill on the table.

The question being put, there were on a division—ayes 12, noes 21; no quorum voting.

Mr. ALDRICH. I call for the yeas and nays.

Mr. MORRILL. I hope the motion will be withdrawn and that the Senator from Rhode Island will move to postpone the bill until to-morrow.

Mr. ALDRICH. I withdraw the motion to lay on the table and move to postpone the further consideration of the bill until to-morrow.

The PRESIDING OFFICER. The motion to lay on the table is withdrawn, and the Senator from Rhode Island moves to postpone the further consideration of this bill until to-morrow.

Mr. SHERMAN. That is debatable, is it not?

The PRESIDING OFFICER. Certainly.

Mr. WILLIAMS. I am satisfied to make it the special order for to-morrow at two o'clock.

Mr. ALDRICH. I modify my motion according to the wishes of the Senator from Kentucky.

The PRESIDING OFFICER. What is the motion now?

Mr. ALDRICH. To postpone the further consideration of the bill until two o'clock to-morrow.

Mr. WILLIAMS. On the suggestion of my friends I agree to the postponement.

Mr. SHERMAN. If we cannot rely on common understandings made in the Senate of the United States on taking up a bill we lose a great safeguard in conducting business. By the vote of the Senate and by unanimous consent the tax bill was taken up—taken up to be considered; and the Senator from Kentucky appealed to the Senator from Vermont to give way for the passage of a bill that he said would excite no objection. There was opposition here to that, and finally he said it would take but a few minutes, and the Senator from Rhode Island then said that if it did not take more than fifteen minutes he would agree that it should be taken up informally. In that situation it was subject to objection at the end of fifteen minutes.

Mr. WILLIAMS. If the Senator from Ohio would state the facts correctly, which I know he intends to do—

Mr. SHERMAN. State them yourself.

Mr. WILLIAMS. The Senator from Vermont and myself had a conversation early this morning on the subject, and I told him I would vote to take up his bill, but I wanted to get my cattle bill in, and I would antagonize it against his bill. He then agreed if I would help him take up his bill that after it was taken up he would informally pass it over for the purpose of considering mine.

Mr. MORRILL. On condition that it would lead to no debate.

Mr. WILLIAMS. Then when his bill came up I went over to him and said, "I have helped you in taking it up; now let it go over informally and let me take up my bill and have a vote on it." He agreed to it. I really did not expect there would be a single opposing vote.

Mr. SHERMAN. Let me go on. Every Senator on this side of the House understood that by general consent the bill was to be allowed to be taken up for a few moments to be tried. At that time the Senate did not know what was in the bill, and it was taken up on the statement made by the Senator from Kentucky that it would not exceed five minutes. The Senator from Rhode Island then said if it would not take more than fifteen minutes he was willing it should be taken up informally, and that was the understanding on this side of the Senate, and I think it was the understanding on all sides of the Senate, that it was to be taken up informally, subject to a call for the regular order at any time after fifteen minutes.

That is all I desire to say. At this period of the session, when understandings are made not by formal vote but by conversation among Senators in open Senate, we ought to stand by them; otherwise it will lead to controversies and difficulties on every bill that comes up. I hope the Senate will stand by the common understanding at the time this bill was taken up. I have no objection to the bill of the Senator from Kentucky, and perhaps shall vote for it, although I am not yet prepared to vote, but I think he will gain time and gain friends for his bill if he will let it go over and call it up to-morrow.

Mr. WILLIAMS. I did not understand that there was any agreement about the thing at all among the whole Senate. It was done between the Senator from Vermont and myself. We had a talk about it.

Mr. ALDRICH. I made objection, and I was not bound by any agreement between the two Senators.

Mr. WILLIAMS. I had no conversation with the Senator from Rhode Island on the subject and no agreement with him, and did not know him in the transaction.

Mr. ALDRICH. But I made objection and withdrew it conditionally, on the condition that the bill should not occupy over fifteen minutes.

Mr. WILLIAMS. I did not hear that. With whom did you make it?

Mr. ALDRICH. The Chair and the Senate.

Mr. WILLIAMS. That might be the Senator's opinion and view about it; but it is the first I ever heard of it.

The PRESIDING OFFICER. The Senator from Rhode Island moves to postpone the further consideration of this bill until two o'clock to-morrow.

Mr. ALDRICH called for the yeas and nays, and they were ordered.

Mr. WILLIAMS. That means the defeat of the bill. I understand that perfectly; and I hope the Senate will not postpone it.

The Principal Legislative Clerk proceeded to call the roll.

Mr. LAPHAM, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.] If he were here, I should vote "yea."

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] I do not know how he would vote. I should vote "nay."

Mr. VANCE, (when his name was called.) I am paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

The roll-call having been concluded, the result was announced—yeas 27, nays 22; as follows:

YEAS—27.

| | | | |
|-----------------|-----------|------------------|-----------|
| Aldrich, | Conger, | Logan, | Rollins, |
| Allison, | Ferry, | McMillan, | Sawyer, |
| Anthony, | Frye, | Maxey, | Sewell, |
| Bayard, | Harrison, | Miller of Cal., | Sherman, |
| Blair, | Hawley, | Miller of N. Y., | Van Wyck, |
| Cameron of Pa., | Hoar, | Morrill, | Windom. |
| Coke, | Ingalls, | Platt, | |

NAYS—22.

| | | | |
|-----------|----------|------------|-----------|
| Beck, | Gorman, | Morgan, | Vest, |
| Butler, | Grover, | Pendleton, | Voorhees, |
| Call, | Hampton, | Pugh, | Walker, |
| Camden, | Harris, | Saulsbury, | Williams. |
| Cockrell, | Jonas, | Saunders, | |
| George, | McDill, | Slater, | |

ABSENT—27.

| | | | |
|--------------------|-------------------|-------------------|------------|
| Brown, | Fair, | Jackson, | McPherson, |
| Cameron of Wis., | Farley, | Johnston, | Mahone, |
| Chilcott, | Garland, | Jones of Florida, | Mitchell, |
| Davis of Illinois, | Groome, | Jones of Nevada, | Plumb, |
| Davis of W. Va., | Hale, | Kellogg, | Ransom, |
| Dawes, | Hill of Colorado, | Lamar, | Vance. |
| Edmunds, | Hill of Georgia, | Lapham, | |

So the motion to postpone was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 5380) supplementary to an act approved December 17, 1872, entitled "An act to authorize the construction of bridges across the Ohio River and to prescribe the dimensions of the same;

A bill (H. R. No. 5740) for the relief of the heirs of Major D. C. Smith;

A joint resolution (H. R. No. 171) to provide for the printing of certain public documents for the use of the two Houses of Congress; and

A joint resolution (H. R. No. 288) to continue the provisions of a joint resolution to provide temporarily for expenditures of the Government.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I ask consent to make a report from a committee of conference on the legislative appropriation bill, and I ask for its immediate consideration.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 339, 331, 332, 333, 334, 335, 336, and 337, and agree to the same with an amendment, as follows:

In lieu of the entire section insert the following:

"SEC. 6. That so much of the funds appropriated by this act for the contingent expenses of the Surgeon-General's and the Adjutant-General's Offices respectively as are or may be necessary to provide stationery, blank books, furniture, and other articles for the use of the clerks and others engaged in those offices on work relating to the settlement of applications for pensions may be used, all or in part, under the orders of the Secretary of War, in either of said offices, as in his judgment the best interests of the service may require. The fourth story and attic of the south wing of the State, War, and Navy building, except such portion as is now within the library of the State Department, are assigned to the War Department for such uses of the Department as in the judgment of the Secretary of War they may be best fitted for; and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money not otherwise appropriated, to be expended under the direction of the Secretary of State, to enable the Department to remove from said fourth story and attic the records, documents, and papers now stored there and to rearrange them in other rooms in said Department. That the partition-wall separating the corridors of the first, second, third, and fourth stories of the east wing from the said stories of the south wing of the State, War, and Navy building shall be removed, so as to afford easy access from one wing to the other on the aforementioned floors of said building: *Provided*, That a joint select committee of three members of the House of Representatives and three Senators, to be appointed respectively by the Speaker of the House and the President of the Senate upon the passage of this act, shall, on or before the completion of the north wing of the State, War, and Navy building, make examination of said building and set apart such portions thereof for the use and occupancy of the State, War, and Navy Departments respectively as in their judgment the best interests of the public service and the needs of said Departments respectively may require, and upon filing an agreed statement of such partition by said joint select committee in triplicate with the respective Secretaries of such Departments the building shall be occupied as therein provided as soon thereafter as practicable."

And the Senate agree to the same.

W. B. ALLISON,
H. L. DAWES,
H. G. DAVIS,

Managers on the part of the Senate.

J. G. CANNON,
FRANK HISCOCK,
JNO. D. C. ATKINS,

Managers on the part of the House.

Mr. ALLISON. The legislative, executive, and judicial appropriation bill was agreed to several days ago with the exception of the sixth section, which provided, first, for the transfer of the records of the Surgeon-General's Office to the office of the Adjutant-General in case the Secretary of War should, after examination, find it wise to do so. It also provided as it came from the House that the fourth

story and the attic of the south wing of the State, War, and Navy building should be used by the War Department for records of the Department and for clerks in connection with those records. The Senate amended the last provision by leaving the question to the President.

The present provision strikes out all of section 6, and inserts what has been read from the Secretary's desk, which in brief means that the fourth story and the attic of the south wing of the State, War, and Navy building shall be placed in the custody of the Secretary of War, to be used by him according to his own judgment without specifying to what use these two stories shall be applied. It also provides that the contingent fund appropriated in this bill separately for the Adjutant-General's Office and the Surgeon-General's Office may be consolidated in whole or in part and used for either of those offices in the discretion of the Secretary of War, and then finally proposes a joint select committee of the two Houses, to consist of three members of the Senate and three of the House, who shall at a future time, when the north wing of the building is completed, make examination and direct how the whole building shall be used.

That is in substance the provision as agreed upon. I will say that the Senate committee of conference made personal examination of the fourth story of the south wing and the attic, and we became satisfied that these two stories were utterly and absolutely useless for any purposes of clerical force, and in our judgment they are equally useless for any records that require constant examination, but we were willing (and therefore yielded the point to that extent) that the Secretary of War might take these stories and make such use of them as in his judgment would be wise after examination. They are useless because they are not lighted or ventilated and are not habitable. The State Department library, beginning with the third story, runs right to the roof, taking out the best portion of the center of the building.

The PRESIDING OFFICER. The question is on the report of the committee of conference.

Mr. ANTHONY. Did I understand the Senator from Iowa to say that the partition wall in every story of that building is to be opened between the War and Navy Departments and the State Department?

Mr. ALLISON. The first, second, third, and fourth floors.

Mr. ANTHONY. That takes about the whole of it.

Mr. ALLISON. It does not take the lower floor. The committee saw no objection to that.

Mr. ANTHONY. Did not the State Department object?

Mr. ALLISON. We heard no objection from the Secretary of State.

Mr. ANTHONY. I know it was proposed in the time of Mr. Fish and he was very much opposed to it, and I thought for very good reasons.

Mr. ALLISON. I think it may possibly give the State Department some inconvenience, but it will be a great convenience to those who have business with these Departments to pass from one to the other.

Mr. LOGAN. I think it is a very proper thing to do.

Mr. DAVIS, of West Virginia. I will add to what my colleague on the committee has said that it was evidently necessary that there should be a passage between the different Departments. As things now exist I understand you have to go down stairs, go out doors, and then go up again, if you want to go from the War or Navy Department to the State Department. It was believed by the committee that it was proper to make a communication inside of the building somewhere, so that a person can go from one of these Departments to the other.

Now, one word about the use of the building. As my colleague on the committee has well said, it was believed by the committee that there might be some rooms that could be utilized for some purpose, not perhaps for clerks, but for whatever the Secretary of War believed was necessary. It was evident that there was more room than the State Department wanted to use, and the War Department had but little, and it was supposed by your committee that it would be a convenience and perhaps a saving to adopt the measure as reported by the conference.

Mr. DAWES. The meaning of this report is to give to the War Department those two upper stories to use as the Secretary of War pleases, and to give him interchangeably the contingent fund of the Surgeon-General's Office and the Adjutant-General's Office, that he may, if he chooses, consolidate those two bureaus and transfer the clerks and records of one to the other, if he chooses. The difference between this report in substance and in effect and the bill as it came from the House is that the responsibility for making this transfer, if it is made, rests upon the Secretary of War now. Before it was taken off his shoulders by the legislative department. That in substance is the effect of this measure. I desire to say a word or two about the rooms which are by this agreement assigned to the Secretary of War for the purpose of putting clerks into them to do this work.

Personally I would rather be sent to the house of correction, if it is any such place here in this District as they have in Massachusetts. There is a fourth story with two or three large rooms without any windows in them at all. There is on the opposite side of the corridor a large room with one window in it, and the window-sill is a foot above my head. There is alongside of it another room, three times as long as it is wide, with three such windows in it. Then comes the

library dome up through, and on the other side are corresponding rooms. The attic which is assigned to him is during the summer season at fever heat, as I am told, as a general thing. Yesterday morning I found it so intensely hot that I could not hold my hand upon the iron roof which comes down on one side within three or four feet of the floor and on the other just above my head, with glass above to light it and with every facility of lenses to kindle whatever may be combustible inside.

These are the rooms which are assigned if the Secretary of War shall deem it wise to consolidate these bureaus. These are the rooms assigned to the clerks and their files who are to facilitate and hasten the completion of the pension work of the Pension Bureau. It is due to the achievement of this grand result of the fourth committee of conference that the Senate should be apprised of what it is. I signed the report and I am exceedingly proud of it.

The PRESIDING OFFICER. The question is on the report of the committee of conference.

The report was concurred in.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Senate resumes the consideration of the regular order.

Mr. SLATER. I ask to call up—

Mr. MORRILL. I cannot give way to any other business.

Mr. SLATER. I wish to call up a privileged report.

Mr. DAWES. I desire to make a conference report.

The PRESIDING OFFICER. That is a privileged question.

Mr. SLATER. I rise to a privileged question.

Mr. DAWES. The conference report of the Senator from Oregon is not privileged at this moment. If it is, I withdraw mine.

Mr. SLATER. Certainly it is privileged.

Mr. DAWES. I do not care to put my report in the way of the report of the Senator from Oregon.

Mr. SLATER. I ask to call up the conference report on the disagreeing votes of the two Houses on Senate bill No. 126, to reimburse the Creek orphan fund, made yesterday.

Mr. HOAR. That report has been made so that the privilege is exhausted. The question was put on taking it up yesterday, and the Senate said no.

Mr. SLATER. Oh, no; the Senator is mistaken about that. There was an arrangement whereby it was to be printed, and I was to call it up to-day.

The PRESIDING OFFICER. The Chair is of the opinion that the presentation of a conference report is a privileged question; but whether the Senate will consider it or not is for the Senate to decide. The Senator from Oregon now moves that the Senate proceed to the consideration of the conference report named by him.

Mr. SHERMAN. I hope, as that is a comparatively small matter, we shall go on with the tax bill and see whether we cannot conclude it.

Mr. SLATER. This is not a small matter. The Senate spent a great deal of time and both Houses have spent a great deal of time on it, and it is but fair that it should be disposed of. I think it was fairly understood yesterday that it should be called up to-day. I so understood myself, and I think that was the general understanding.

Mr. SHERMAN. I know it will lead to debate, and I hope the Senate will not take it up.

Mr. SLATER. I insist on my motion to proceed to the consideration of it.

The PRESIDING OFFICER. The motion will not be in order unless the regular order, being the tax bill, be postponed.

Mr. SLATER. I understand that this is a privileged report made formally yesterday for the purpose of being printed that it might be called up to-day.

The PRESIDING OFFICER. The Chair is of the opinion, as he has already stated, that the presentation of it is privileged; but whether the Senate will proceed to consider it or not is not a privileged question.

Mr. SLATER. I hope the Senator will not insist on going through the formality of laying aside another bill.

Mr. MORRILL. I must insist on the regular order because the greater part of the day has already been spent in the various subjects that have been up for discussion. I am satisfied this will take the remainder of the day. Therefore, I must insist on the regular order, the consideration of the tax bill.

Mr. COKE. The report was laid aside yesterday at the request of the Senator from Iowa who had charge of the sundry-civil bill, and I supposed there was a tacit understanding that the report of the Senator from Oregon was to be taken up this morning. I think it was so mentioned at the time.

Mr. SLATER. It certainly was mentioned. It was agreed that, in order to have the Senate understand the report, it should be printed.

Mr. SHERMAN. A motion will have to be made to postpone the pending order.

The PRESIDING OFFICER. The Secretary will read Rule 49.

The Acting Secretary read as follows:

49. The presentation of reports of committees of conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and, when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

Mr. SLATER. No such motion was put yesterday, and it was suggested that the report be printed and called up to-day.

The PRESIDING OFFICER. It was received, but the question of proceeding to its consideration was not taken. The Chair thinks the Senator from Oregon has a right to have that question determined now.

Mr. MORRILL. Certainly; and I hope the Senate will vote against the consideration of that subject now.

The PRESIDING OFFICER. The rule requires that the question shall be put and decided without debate. The question is on proceeding to the consideration of the conference report presented by the Senator from Oregon.

Mr. ALDRICH and Mr. SHERMAN called for the yeas and nays, and they were ordered.

Mr. ALDRICH. I have called for the yeas and nays so that gentlemen on the other side may disclose their position on the tax bill.

Mr. MORRILL. Of course this is a hostile vote.

Mr. DAVIS, of West Virginia. That is not a fair remark. Conference reports have precedence in all legislative bodies.

The Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. LAPHAM, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.] If he were here, I should vote "nay."

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.]

The roll-call was concluded.

Mr. PLUMB, (after having voted in the affirmative.) I voted, forgetting that I was paired with the Senator from Tennessee, [Mr. JACKSON.] I withdraw my vote.

The result was announced—yeas 25, nays 26; as follows:

| YEAS—25. | | | |
|--------------------|-------------------|-----------------|-----------|
| Bayard. | Farley. | Ingalls. | Vest. |
| Beck. | George. | Jonas. | Voorhees. |
| Brown. | Gorman. | Maxey. | Walker. |
| Butler. | Groome. | Pendleton. | Williams. |
| Call. | Grover. | Pugh. | |
| Coke. | Hampton. | Saulsbury. | |
| Davis of W. Va. | Harris. | Slater. | |
| NAYS—26. | | | |
| Aldrich. | Ferry. | McDill. | Saunders. |
| Allison. | Frye. | McMillan. | Sawyer. |
| Anthony. | Hale. | Miller of Cal. | Sherman. |
| Blair. | Harrison. | Miller of N. Y. | Van Wyck. |
| Cameron of Pa. | Hawley. | Morrill. | Windom. |
| Conger. | Hoar. | Platt. | |
| Dawes. | Logan. | Rollins. | |
| ABSENT—25. | | | |
| Camden. | Garland. | Kellogg. | Plumb. |
| Cameron of Wis. | Hill of Colorado. | Lamar. | Ransom. |
| Chilcott. | Hill of Georgia. | Lapham. | Sewell. |
| Cockrell. | Jackson. | McPherson. | Vance. |
| Davis of Illinois. | Johnston. | Mahone. | |
| Edmonds. | Jones of Florida. | Mitchell. | |
| Fair. | Jones of Nevada. | Morgan. | |

So the Senate refused to proceed to the consideration of the conference report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had passed the bill (S. No. 2171) to remove the political disabilities of Frank C. Armstrong, of Maryland.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1226) to amend section 4214 of the Revised Statutes, relating to yachts;

A bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works;

A bill (H. R. No. 4926) for the relief of Charles Kortzenborn; and

A bill (H. R. No. 5653) for the relief of Kirk W. Noyes.

INTERNAL REVENUE AND TARIFF DUTIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. MORRILL. Mr. President, if I can get the ear of the Senate I wish to make a proposition.

It is now quite clear that unless both sides of the Chamber can reach some conclusion unanimously, or nearly so, no general reduction of taxes can take place at this session. I therefore regard it as of very prime importance that we should reach some conclusion by which a considerable reduction in the revenue may take place, and I propose for the consideration of the Senate that we shall take the bill as it came to us from the House, with the amendments as to the time of its going into operation, abandon the subject of the tariff, and include the reduction of the duties on snuff and tobacco from 16 cents to 12, and also include the proposition made by the Senator from Virginia [Mr. MAHONE] for a rebate of the tax on tobacco that shall remain in the hands of manufacturers and dealers when the reduction takes effect.

If there can be an agreement to take the bill in that form, if it is

any more acceptable than it would be as it now stands, I hope that there may not be a further attempt to amend it except in the direction which I have indicated. It is also very clear that there is not time to go through with the discussion upon thirty-five or forty and perhaps more amendments to the tariff; and if those motions shall be made I shall regard them as an evidence of a determination to consume the time of the Senate without making these reductions as proposed. If Senators are determined to offer these amendments and to discuss them, of course the whole remaining time of the session will be consumed in such discussion and by such amendments.

I therefore make the proposition in good faith that we shall retire from the amendments in relation to the tariff, take the bill as it came to us from the House, with the changes made in the Senate as to the time of its going into operation, and also include a reduction of the taxes on snuff and tobacco, and include also the refunding proposition.

Mr. BAYARD. Mr. President, the Senator from Vermont surely forgets that he has had certain advantages in connection with this subject which he and his party associates denied to Senators on this side of the Chamber. We have not received the aid, Senators, of the reasons, the arguments, the persuasions, and influences that your party caucus has afforded you. This matter is not new to you, but your present proposition is most new to us. You bring it in in the very last hours of the session, heralded by a resolution to adjourn *sine die*, when information cannot be obtained, when facts cannot be here stated and arrayed for or against your reasons. Why have you waited for eight long months? Why was not this done before? There has been no argument so freely and constantly urged, and, in my judgment, so justly urged as against picking the tariff and internal-revenue systems to pieces, dealing with them piecemeal. I agreed with you when you said that; I echoed your exhortations against such a policy, and I do so now. The very complexity of the business of this vast country, the intimate and dependent relations of all branches of trade and manufacture to each other make it impossible, in my judgment, to deal with this subject intelligently and justly without considering the system as a whole; and you have had, I will not say how long before this session, but you have had the whole of this session since last December and you wait until this hot month of August, within twenty-four or thirty-six hours of the time fixed by your House resolution for adjournment, and then for the first time submit to us the action of your party caucus! and ask us to accept it without debate or even an opportunity for decent consideration!

What reasons have compelled you to that I know not, because I was never a member and am not likely to be of that secret and select assembly of your party; but the fact is that we are now called upon to legislate in connection with the great and important subject of a general reduction of taxation. We all remember when the Senator from Ohio [Mr. SHERMAN] rose in solemnity and with tears in his voice about a month ago told us it would be a crime to adjourn this session without reducing the burdens of taxation. We said we thought so, and that we would heartily join you at once in that most desirable object.

This measure from the House was brought over here July 6, on the heels of a resolution to adjourn *sine die* on the 10th of July. We were made then acquainted with the fact that under the name of a general reduction of taxes it was proposed to relieve a certain class of stamp taxes and the tax on bank capital and deposits and nothing more, and that was to be the great relief so loudly proclaimed and that was the great burden so generously to be taken from the shoulders of suffering American industry. A measure to take the tax off bank deposits had long ago emanated from this side of the Chamber and had been passed without a division. You did not originate that relief but consented to it.

But naturally the measure of relief proposed by the House was considered too absurdly inadequate, too ridiculously petty and parsimonious, to satisfy the public demand for a real reduction of taxation, and therefore it was submitted to your secret party councils, from which it emerged with certain carefully drawn tariff amendments.

You had resolved to confide the question of general tariff reform to a commission, now in session; but notwithstanding that, for one cause or another, you caused the House bill to be amended upon the motion of the Senator from Kansas, [Mr. PLUMB,] and sent *pro forma* to the Committee on Finance, who reported it, after a recommitment for the purpose, on July 12, in the precise shape in which the caucus had decreed it.

Why you decided to add the tariff sections I am not permitted to know, but it effectively prevented the separate consideration of the House proposition, which was confined to the bank and stamp taxes, and brought naturally the whole tariff question before the Senate, and threw upon us the responsibility of dealing with it. Now, it seems, you have changed your tactics, and propose to reconsider your decision, and to take from your bill all its features relating to tariff taxes. Possibly some speeches made on this side of the Chamber may have induced you to this.

Your bill was strangely misnamed if it was intended to reduce tariff taxation. The tax on Bessemer steel was reduced \$8 per ton, leaving \$20 per ton and a higher proportionate duty ad valorem than when

it was first imposed; but the duty on iron cotton-ties, an article so essential to cotton culture, was to be doubled, and you cannot well term that a reduction of the tariff.

Whether the proposed change in the sugar tariff was a real and substantial reduction I am yet in doubt. It reduced the present ad valorem tariff 25 per cent., but by the employment of the polariscope wholly changed the mode of assessing duties and certainly added to them on the lower grades of sugar. The Senator from Ohio contended it would not raise the tax very much, but his statements were not assented to by many of the most reliable witnesses, who were dealers and importers of sugar.

I say to you we do not propose to accept your caucus measures in this hasty way without the freest right to debate them and to amend them, and we should be false to our duty if we did. There is no greater public question before this country, and none in regard to which the American people have yet to prepare themselves with care and deliberation than the exercise of this vital power of taxation, to readjust the provisions and burdens of a tariff so utterly out of date, so unequal, so unreasonable, so prohibitory of trade, so full of errors and defects, that to-day we were told by the Senator from Connecticut if it were not amended in a single particular relating to knitted goods it would be an act of cruelty likened by him unto the floods of the Mississippi overflowing and destroying a vast region of industry—a rather extravagant simile, but one nevertheless pronounced with much earnestness and rigor of gesticulation and emphasis.

Yet it seems that upon reflection you propose to let all that go by, you propose suddenly to abandon all tariff reforms, you propose to ignore the labors of your own councils, for an entire session to lay the tariff aside absolutely, let it go and take up this poor little shamed apology for a bill to reduce taxation arranged by the Committee on Ways and Means of the House and sent over here as a sort of tub to the popular whale. Gentlemen, we are not prepared, on the day before that you have fixed for an adjournment *sine die*, according to the resolution of the House we have just heard, and which lies upon our table, to accept such propositions or to deal in this way with grave public interests. We have been waiting long and patiently, and even now are ready to go into debate and assist in the preparation of proper measures to relieve our people from the burdens of unwise and unnecessary taxation.

We have not embarrassed nor obstructed you in the control and consideration of this most important question, and we are prepared to submit the record of our action to popular judgment, which shall also declare whether you have dealt with such a subject as you should have done, and what measure of credit or discredit is due to you for the manner in which you have exercised your control over interests so important.

We are ready to stay here and consider this bill just so long as your majority shall decide, but you cannot avoid your proper responsibility for the manner in which you have controlled public business.

Mr. SHERMAN. Mr. President, allow me to correct, in the first place, an error into which the Senator from Delaware has fallen in regard to the source from which this proposition comes. There has been no caucus so far as I know, and the Senator, therefore, rushes too rapidly in the argument when he assumes that there has been a caucus. This proposition made by the Senator from Vermont is made after full consideration by himself and others connected with this bill. There has been no caucus and no general consideration of the subject.

Now, Mr. President, we have a surplus revenue; we have large, excessive taxation. The House of Representatives, which can alone originate a proposition to throw off taxes, sent us a bill confined to about \$26,000,000 of internal-revenue taxation. When that bill came here, I am free to speak my own opinion. It was that we ought to take up that bill and pass it substantially as the House sent it to us, because it was a substantial, real relief to different branches of industries pursued by the people of the United States. But that bill was met at once with a sign of hostility so remarkable that it led to a reconsideration of that question.

When the bill was first considered by the Committee on Finance no amendment was proposed to it except to change the phraseology of the House bill so that instead of taking effect immediately the different sections were postponed to take effect at different dates. Nor did the Committee on Finance propose, when they considered the bill, any changes in the law except those which related to the details of the bill. The Committee on Finance proposed to add to that bill no single item of taxation, and the amendments that were proposed by the Committee on Finance were made without division and by general consent.

Mr. BAYARD. May I say one word?

Mr. SHERMAN. Yes.

Mr. BAYARD. If the honorable Senator is here describing what passed in the committee, I must say frankly that I differ with him and I am prepared to state the points of difference in fact.

Mr. SHERMAN. I cannot argue on what occurred in committee, but as to what was reported by the committee I can say—

Mr. BAYARD. The Senator is referring to what occurred in committee, and I merely say I disagree with him as to the facts.

Mr. SHERMAN. Then I come to a matter of fact that we can discuss. I say the amendments reported by the committee introduced no new topics of discussion.

Mr. BAYARD. Because the caucus forbade it.

Mr. SHERMAN. Let me get through. I do not pretend to say, nor is the Senator at liberty to say, how many amendments were offered by different persons—by him and his colleagues—to this bill; that I am not at liberty to state. Sufficient to say that the bill was reported back to the Senate with amendments, all of which were concurred in by both sides of the Chamber, I may say, and the action of the committee is now before the Senate. It simply proposed to postpone the taking effect of the repeal for three or four months, in order to meet the necessities of the trade, the match men and others who appeared before us.

Thus it stood when the Senator from Kentucky [Mr. BECK] notably and many other Senators felt themselves at liberty on this bill to reduce internal-revenue taxation to introduce all sorts of propositions, some of which we believed were vitally destructive to the industrial interests of this great country. Sir, if one of those amendments had passed to make a gradual cutting off by a horizontal slope of the grades of taxation, it would have been utter ruin to great branches of industry in this country, 10 per cent. this year, 10 per cent. next year, upon a tariff that is admitted now to be by the changes of time unequal, and yet those inequalities were to be preserved.

There were thirty-five amendments offered to this bill, most of them relating to external taxes or tariff duties. Then it was, when the manifest purpose of that side of the Chamber was to thrust the tariff question into this bill, that this side did consider whether or not the circumstances of the country justified us in going beyond those measures of reduction which the House had proposed, and the Republicans, you may say in caucus or in conference, whichever you please to call it, did think it wiser and better to remove certain inequalities and incongruities in the present tariff and also to reduce the duty on sugar and on Bessemer-steel rails. It is said that some of these measures tended to raise the tariff; perhaps they did; they tended to equalize the tariff.

There was the tax on cotton-ties, which was far below the other taxes on hoop-iron. It was proposed to make the same duty on cotton-ties, to put on the finished manufactured articles the same rate per pound as was imposed on the raw article from which it was made. Otherwise there would grow up a discrimination against our native industry. So also as to some other amendments that were offered.

In regard to the polariscope on sugar, that was simply to continue the tests that had been adopted by the Treasury Department to avoid fraud; plain, palpable, and undisputed fraud. That was proposed also. The Republican Senators further proposed, you may say as a party, to extend the relief to be granted to the people of the United States from taxes to the amount of about \$36,000,000 by throwing off about \$9,000,000 of the duty on sugar. Why was sugar selected? That has been sufficiently explained. It was to bring the tax on sugar down to the same relation that it bore to other taxes when the Revised Statutes were enacted. The 25 per cent. additional duty on sugar was put on for a special purpose. It was proposed to repeal that special tax and reduce the tax on sugar to the rates that had been fixed by the Revised Statutes, and which was satisfactory to the trade in Louisiana and everywhere else.

There was the proposition of the Republicans to meet the revolutionary amendments proposed on the other side of the House. Those amendments were based upon the idea that the House proposition was too small, only \$26,000,000, therefore they would "go better," as somebody said. They were going to propose a general reduction of the tariff, a reduction of the tax on whisky, and a reduction of the tax on tobacco. We met the proposals submitted by different members on that side of the House in thirty-five different amendments by the proposition to reduce the tax on sugar, and to remove certain incongruities and irregularities in the present code. We were defeated in that. We were defeated by the plausible proposition of the Senator from Kentucky, supported by one or two Republicans, that tobacco and the tobacco growers and the tobacco interests were terribly oppressed by taxation and therefore they must have relief. The other little taxes that had been rather in contravention of the general principle of internal-tax laws should not be repealed until tobacco was relieved!

Mr. BUTLER. Not interrupting the Senator—

Mr. SHERMAN. I hope not. It interrupts me very much.

Mr. BUTLER. I merely—

Mr. SHERMAN. I cannot decline to yield.

Mr. BUTLER. I should like to ask the Senator upon whose proposition it was that the regulation in reference to the polariscope went out of the bill?

Mr. SHERMAN. I have already stated that as a part of the proposition made by the Republicans.

Mr. BUTLER. Precisely; but upon whose proposition did it go out of the bill? Was it not on the motion of the Senator from Maine, [Mr. HALE?]? Did not the Senator from Maine make the suggestion to strike out the regulation in reference to the polariscope?

Mr. SHERMAN. I do not speak of that now. Certainly he did make that motion; but the trouble was caused by the amendment in regard to tobacco. The Senator from Kentucky desired to reduce the tobacco tax to the amount of \$6,000,000 by its reduction to 12

cents a pound. If that was done that was about the amount or a little less than the amount we proposed to reduce the tax on sugar, and it compelled us necessarily to reconsider our position. But, sir, the whole debate on that side of the House was conducted apparently—I do not say with a view, because I am not a judge of the motives of men—with the effect of defeating any reduction of taxation, either internal or external, because it was manifest at this period of the session, with a House reduced almost to a quorum, with the appropriation bills pressing upon us, some of them not yet acted upon, that if these amendments were to be persisted in, if these tactics of delay were to succeed, then there was an end to all hope of the reduction of taxation.

Well, sir, they continued, and that policy continued for about ten days, until finally the Senate was compelled to give way to the appropriation bills in order that the House might not disperse and that they might have some business to go on with. That was the condition of affairs. Sir, if the provisions that have been proposed to reduce taxation are defeated the responsibility will lie at the door of that side of the Chamber, because but for this apparent intention to load down this little tax bill, as they called it, with all sorts of incongruous amendments there would have been no proposition before the Senate except the proposition to repeal those exceptional internal-revenue taxes; but when it was manifest that they intended to press a greater reduction of taxes than we thought safe, then it was that we introduced the proposition to reduce the duty on sugar. That was practically defeated by the proposition to reduce the tax on tobacco, and so the case stood.

The Senator from Vermont who has charge of this bill, in view of the palpable delays that have occurred, in view of the certainty that you have the power to delay action on this bill—no man here denies that you have the power to defeat the bill if you will—in order to come back to the simple proposition upon which we hoped you would unite with us, has proposed to accept the action of the Senate, to take the taxes that are proposed to be repealed by two-thirds or three-fourths of the House of Representatives, to confine our action to those and accept the action of the Senate thus far on the tobacco tax and on the proposition to give a rebate, and there stand and vote for that reduction. But the Senator from Delaware declines the proposition. He says there shall be no relief until this whole subject is gone through; he says they will take up these propositions and discuss them. Well, sir, the inevitable result of that is to defeat the bill. There is enough debate to consume till winter in the proposition for the horizontal reduction of the tariff in two successive periods, cutting off the tail of the dog twice to bring about relief, I suppose, disturbing all the industrial interests of the country. There is enough debate on this proposition, that it seems will be pressed upon us, to keep us here until next winter, and then nothing will be accomplished.

We acknowledge the power of the minority here, almost our equal, because whether there is a majority of the Senate is a question always of doubt and uncertainty. We acknowledge their power; we pay obeisance to it; we respect their power; and now, sir, when we cannot do what we want, we come in and say in behalf of the people of the United States, let us at least agree to reduce these taxes that all concur in reducing to the amount of \$26,000,000; let us also give relief to tobacco and tobacco growers and tobacco chewers; let us throw off six or seven million dollars of other taxes; let us refund to the dealers the tax they have paid on that which they are not able to sell before the time the law takes effect. At least the people of the United States will in this way have the benefit of a reduction of taxes to the amount of \$35,000,000, and there is no great political victory in it. The Senator from Kentucky and that side of the House may take their reduction on tobacco as their proportion of the bill.

We proposed to repeal all these small taxes; but how was that met? It was met by the assertion that we were taking off bank taxes. Why, sir, they were the only taxes left of the internal revenue, except on whisky, tobacco, and beer. We took a general rule, to repeal the match tax, the tax on proprietary articles, the tax on bank checks, the tax on bank deposits in private banks, State banks, and national banks, thus relieving the internal revenue of all incongruous elements, stripping it and confining it to three leading articles, which by common consent in all nations are regarded as proper subjects of taxation.

I was in hopes my friend from Delaware, whose generally impartial mind leads him to accept a fair proposition, would accept this, and that we might this very afternoon agree upon a bill that would contain substantial reductions of taxation, give substantial relief to the people, and not the work of either party but of both parties, and thus save longer delay and procrastination.

Why, sir, we know by the experience of this morning how difficult it is to get continued action on this tax bill. The report of a committee of conference, the pressing of the House, the pressing of events, the anxiety to get away, all these are aids to that side of the House in their policy of delay and procrastination. We yield to them, but I hope our powerful friends on the other side, when we come here and confess our inability to accomplish this result in the face of their continued opposition, will, when we confess that fact, at least agree that certain of these taxes shall be repealed. If they will not agree to all we propose, let us repeal all which they agree to repeal.

Sir, we make this proposition now to repeal taxes that they have concurred in repealing. When they had a majority in both Houses they proposed at the last Congress such a measure. A kindred proposition was introduced by a distinguished gentleman of the House of Representatives in the last Congress from the State of Kentucky. A kindred proposition was proposed here by the Senator from Kentucky in his place in the Senate. Now, when we propose to take these taxes and wipe them out, and even to join with him in giving relief to tobacco, it seems to me we make a fair proposition which he ought to accept instead of rejecting. If, on the other hand, we must go into a long, prolonged debate over these various propositions, and all these amendments must come up again, and we must discuss them *pro* and *con.*, then as a matter of course the effect of the conduct of the Senators on that side of the House is to defeat the bill, and we shall have to go back and make the best report we can to our constituents, that although the Treasury is overflowing with money, although we have sought in every way to spend money, spent \$20,000,000 for various classes of internal improvements, passed a sundry civil bill amounting to twenty-three or twenty-four millions, yet, with all these boundless expenditures, we have still ample room and verge enough to reduce taxation, but we cannot do it because we cannot get a majority of the Senate to act with us in any scheme for the reduction of taxation.

Mr. BECK. Mr. President, the Senator from Ohio has made a very remarkable speech, and either he or I misunderstand the facts very much. I agree to all the Senator from Delaware said and said so well in regard to the proposition just made, and have only a word to add in that regard.

The Senator from Ohio spoke of what the object now seemed to be, I have no charges to make against men's motives or intentions; but I think we now see an effort to get the bill out of the Senate altogether in the easiest possible way, and to give the least possible relief.

Finding that if it was continued in the Senate a reduction would be made of 10 per cent. on the tariff, perhaps an amendment adopted that nothing should bear a tariff duty over 50 per cent. ad valorem, perhaps a reduction on Bessemer steel to \$14, being still 65 or 75 per cent. of the value of the article, and with the chance of numerous other reductions being made, and taking alarm at the probabilities of the situation, these gentlemen now very adroitly propose to withdraw tariff taxation altogether and to pass the little bill that came from the House with some little amendments and send it back.

What is the meaning of that? I do not speak of the purpose, but what is the meaning of it? To get the question of taxation out of the Senate and make it impossible for the Senate to interfere with the privileges and the monopolies that now exist. These Senators know well that all revenue bills must originate in the House of Representatives, that the Senate cannot consider any such measure that does not come from the House of Representatives, and if they can at once get this bill out of the Senate they will take care that the distinguished gentleman at the head of the Committee on Ways and Means of the House will not make the blunder again of sending over any tax or tariff bill that we can consider at all, and they are more anxious to get the subject away from us for fear we shall do some harm than they are for anything else. Hence the proposition, and if it is agreed to the Senate will never during this Congress see another tax bill that it can touch.

Senators may as well understand that on both sides of the Chamber; and it is because we have for the first time, long delayed as it was, a bill that we can consider; that we have offered measures giving substantial relief to the people, and we do not propose to swap off the rights we have and the rights that our people have even for the sake of a little reduction on tobacco, so that Senators who want to keep up a protective tariff can get it out of our hands and then go and tell the gentlemen of the other House, "for God's sake do not send us anything more here, for these Democrats in the Senate will reduce your Bessemer steel, will reduce your tariff taxation, will make a fight against your protection; we have fooled them once and got the bill out of their hands; do not trust them any more." That is the proposition. That is the effect of it.

The Senator from Ohio undertook to state that this little bill had been discussed in committee, and that no amendments had been offered to it. That is not the fact.

Mr. SHERMAN. I did not say that at all.

Mr. BECK. What did the Senator say? He sought to make the impression on the country that this bill came from the Finance Committee with the consent of that committee without opposition.

Mr. SHERMAN. I said that all the amendments that were reported to the Senate were amendments concurred in generally. I did not say no amendments had been offered. I knew better.

Mr. BECK. I want the country to know if they understood from the Senator's statement that that was the fact, that it was not the fact, and that I moved to amend the bill on all questions bearing on internal taxation and confined it to internal taxation. I have the amendments.

Mr. SHERMAN. If I am at liberty to speak on a subject of that kind I will say that the Senator from Kentucky was as industrious in committee as he has been in the Senate since, and as fruitful in amendments.

Mr. BECK. That removes therefore any impression that might

have been taken up through the country outside of this Chamber by the former remarks of the Senator in regard to what took place in committee. There was an honest, earnest effort made there to reduce taxation upon tobacco and upon distilled spirits, for the extension of the time in bond, and for full consideration of all the questions relating to the internal revenue; and I have the amendments here in my hand to show that that is true. But it is now admitted, and therefore it is not necessary to prove what the admission concedes.

Then the charge that we sought to embarrass the bill by tariff amendments is equally untrue. No tariff amendment was suggested by any member of the Finance Committee. The bill was limited to internal revenue and to the questions then pending in the committee. What happened? They reported their bill after voting down our amendments, on the 6th day of July, 1882. Look at the bill on the table reported by the Senator from Vermont "with amendments." What happened? The Senator from Kansas, [Mr. PLUMB,] on the very next day, before any Democrat had offered an amendment looking to tariff relief, introduced the following amendment:

Amendment intended to be proposed by Mr. PLUMB to the bill (H. R. No. 5338) to reduce internal-revenue taxation, namely: insert the following:

"That the increase of 25 per cent. on the impost duty levied on all molasses, concentrated molasses, tank-bottoms, sirup of sugar, cane-juice, melada, and on sugars, according to the Dutch standard in color, imported from foreign countries, imposed by section 3 of the act of March 3, 1875, being chapter 127, statutes of 1875, be, and the same is hereby, repealed; and the duty on said articles hereafter imported into the United States from foreign countries be, and is hereby, restored to the rate prevailing before the passage of said last-mentioned act: *Provided*, That the classification established in the succeeding portion of said section shall not be affected hereby."

That was the amendment of the Republican Senator from Kansas offered on the 7th day of July, the very day after this bill was reported by the Committee on Finance. What happened then? Not another amendment relative to the tariff had been offered up to that time, nor for a day or two afterward. What then happened? The Senator from Vermont and the Senator from Ohio, knowing that the amendment of the Senator from Kansas would necessarily call for other amendments looking to tariff taxation as well as internal-revenue taxation, called their party together in caucus.

They did not dare to vote against the amendment of the Senator from Kansas, but they wanted their polariscope, their machinery, inserted in it, and they met in caucus, and on the 12th day of July the bill was recommitted, and on the 12th day of July, as the RECORD will show, in less than a minute it was reported back without sending it to the committee-room, giving us no chance to look at it, and then the sugar amendment was inserted in it.

Mr. MORRILL. The Senator from Kentucky means to be accurate.

Mr. BECK. I do, and I am a good deal more accurate than the Senator from Ohio, I hope.

Mr. MORRILL. The amendment proposed by me was referred to the committee and acted on before it was brought here into the Senate.

Mr. BECK. The committee was considering it all the time, meeting two or three times a week.

Mr. MORRILL. But this identical amendment was referred to the Committee on Finance.

Mr. BECK. It was.

Mr. MORRILL. And considered there and reported, I think at the suggestion of the Senator from Delaware, before action was taken as proposed in the Senate.

Mr. BECK. Was not the bill recommitted to the Committee on Finance and reported back in less than three minutes? That is what I said. Is not that true? I want an answer to that. I can bring the RECORD to prove it to be true.

Mr. MORRILL. It was done at the suggestion of the Senator from Delaware, in order to have the whole bill in proper form in one print.

Mr. BECK. I do not care at whose suggestion it was done. Was it not done by order of the Republican caucus that met the night before?

Mr. MORRILL. No, sir; the Republican caucus never considered the question as to reporting the bill at all.

Mr. BECK. Why was it brought in the next morning after the caucus met?

Mr. DAWES. Why should it not be?

Mr. BECK. It ought to have been. You ought to obey orders. The only wise thing in your bill was the amendment of the Senator from Kansas that opened the question and, as I have said more than once, made the miserable little bill respectable and gave jurisdiction to the Senate over all the questions of tariff taxation and enlarged it to an extent that enabled us to look into all those questions. But the caucus when it did meet, and the committee when the bill was recommitted and reported back instantly, not content with repealing that section of the act of 1875 relative to sugar and the reduction of 25 per cent., went into the polariscope as well, providing:

And the Secretary of the Treasury is hereby authorized and directed to cause proper Dutch standards of sugar to be furnished for use in the collection of duties on sugar, and to declare by regulation the true saccharine strength which shall be equivalent to each number of such standard. And in any case where the strength of the imported sugar is, in proportion to its color, above the proper strength for that color by the Dutch standard, duties shall be charged according to the strength, and not according to the color.

And then they added another section, on the 12th day of July, reducing the duty on Bessemer steel from \$28 to \$20 a ton and increas-

ing the duty on cotton-ties from 35 per cent. ad valorem up to 75 per cent.

What was the meaning of all that, and where is the justification for the charge now being made that we are delaying and protracting? I am not prepared to say that the amendment of the Senator from Kansas was mutilated by a pet measure of the Senator from Ohio, but the Supreme Court and he were at issue on that point for a good while, and the country did not make much by the action he took in regard to it. I think several millions had to be refunded.

Mr. MORRILL. Will the Senator from Kentucky give way for another correction?

Mr. BECK. Yes, sir.

Mr. MORRILL. The Senator from Kentucky stated that the Senator from Kansas proposed the first amendment in the Senate.

Mr. BECK. On the tariff. That is my recollection. If I am mistaken, be it so.

Mr. MORRILL. I have an amendment here, which I will read:

Amendment intended to be proposed by Mr. BECK to the bill (H. R. No. 5338) to reduce internal-revenue taxation, namely:

Insert the following:

"That from and after the passage of this act the tariff duty of \$28 per ton on Bessemer-steel rails shall be reduced to \$14 per ton."

That was introduced and referred on the 28th of June. The other was on the 8th of July.

Mr. BECK. That was long before any report was made by the committee. The bill was not reported by the committee until the 6th day of July.

Mr. DAWES. You started out early.

Mr. BECK. The bill was not in the Senate then. I have never failed to denounce the fraud committed upon the country by those distinguished gentlemen who raised to \$28 a ton the duty on Bessemer steel. I think the Senator has heard from me on that before, when I replied to him in January and again in March, and I have sought to reduce it. But the Senator from Ohio was telling about what took place in regard to this bill that came from the House and which was reported back on the 6th day of July.

Mr. ALLISON. Will the Senator allow me to ask a question?

Mr. BECK. Certainly.

Mr. ALLISON. I want to ask the Senator from Kentucky if his amendment about Bessemer steel was not pending. I will not say what was done with it in the Committee on Finance, but was it not pending before that committee for some days before any report was made to the Senate upon this bill?

Mr. BECK. If it was introduced on the 28th day of June it was pending before that committee for ten days before any report was made, and they took care to make no report upon it. What I said to the Senator from Ohio was that the first tariff amendment that was brought into the Senate after the report of the committee was made was by the Senator from Kansas, and that amendment necessitated the calling of the caucus, and the day after the caucus met the bill was recommitted and reported back with the sugar amendment in it, and with the polariscope amendment in it, and with the Bessemer-steel reduction or pretended reduction from \$28 to \$20 a ton in it, and with the effort to increase the duty on cotton-ties from 35 to 75 per cent. in it. I say it comes with a bad grace from the Senator from Ohio now to assert that because we sought still further to amend this bill and to provide that no duty shall exceed 50 per cent. ad valorem, and that we shall reduce 10 per cent. now and 10 per cent. a year from now, we are seeking to delay the bill and seeking to prevent the reduction of taxation, and that we are against the interests of the country because we will not allow him to take out of the Senate this bill with a few little taxes taken off to relieve banks and patent-medicine men, and men who can subscribe to the 2 per cent. fund for the privilege of having relief given to them, and get it back into the hands of the House where it will never be reported, and deprive ourselves of the right to consider anything hereafter, and we are obstructionists if we do not agree to all of his propositions. That is what I am trying to show the absurdity of.

Why, sir, the bill is before us. I admit I want Bessemer steel reduced. I will look and see if I have not proposed many other reductions. What amazes me is the audacity of men who come here and say that they would give relief by restoring the sugar tax to where it was in 1872, by removing the taxation imposed upon it in 1875, on the sinking-fund fraudulent pretense, which has been exposed very often, and yet failing to give us a chance and saying we are obstructionists if we propose to repeal section 4 of that same act, which under that same pretense increased the taxation upon all cotton goods, woolen goods, manufactures of iron, and many other things 10 per cent. above what they were placed in 1872. In 1872 the Senator from Ohio and the Senator from Vermont and the Senator from Iowa admitted that when the internal-revenue tax on manufactures and the income tax imposed during the war had been abolished common decency required that the tariff taxes should be reduced 10 per cent. as they were in 1872. That 10 per cent. was restored in 1875 and at the same time an additional tax was put upon sugar, and yet because we have an amendment pending now seeking to restore the tax upon iron, upon cottons, upon woollens, and upon other things to what the Republican Congress placed it in 1872, we are revolutionists and obstructionists, and if we do not consent to a bargain to withdraw all these propositions we are to be held up before the country as men opposing relief from taxation.

That is the history of this case. We know that if this bill once gets away from us we cannot do anything more with it. Adjourn now if you like; the bill will be pending in December. Your tariff commission, that I called a fraud from the beginning to the end, an affidavit for a continuance and nothing more, may report, but you do not intend to act upon their report next winter. I intend to have either the knit-goods bill or some other bill here next December, if you do not see fit to press it through now, and we can call it up then and get relief, tariff commission or no tariff commission.

We shall either do what is right now in the way of reducing taxation or we shall hold on to this bill and when we meet here in December have it pending in the Senate. Will any Senator on the other side pretend to say that if we lose hold of this bill now, merely relieving the bankers and the patent-medicine men and a few other things, and send it back to the House, we shall ever get another bill at this Congress before the 4th of March next? No. No matter what the tariff commission reports, do you believe if it will hurt any protected interest or any great monopoly that the Committee on Ways and Means of the House as now organized will pass any other bill and send it to us and give us a chance? No; no man will rise in his place and say so. Therefore I am not afraid to allow this bill to remain until December in the Senate and in the power of the Senate, and then we may defy whatever the packed commission may send us and have a bill before us in which we can incorporate anything they may see fit to report in the way of further reduction.

I do not care if it does go till December if this or some other revenue bill is kept before us. Pass it now with the reductions we want, and then we do not care; and when the 10 per cent. proposed by the Senator from Tennessee [Mr. HARRIS] takes effect now, and the other 10 per cent. does not take effect until the 1st of January, 1884, you will have the report of your tariff commission, you will have another session of Congress, you can repeal a part of it if there is anything wrong in it, and all the effective part that goes into effect before January a year is the repeal of the 10 per cent. that was placed on the tariff in 1875, and bringing it back where it was in 1872, and no condition has arisen from 1872 till now that requires any increase of taxation, and no man will venture to say so.

The Senator from North Carolina [Mr. RANSOM] suggests that we are offering no obstruction. We are ready for the vote whenever full and fair explanations are had, but we neither agree to five-minute rules nor to sticking out and seeking to kill each other by seeing which will live the longest, when sitting night and day with the thermometer at ninety. I think I can hold out as long as anybody else; I do not know whether I can or not, but I can try. I do not propose to do it, however. I am willing to stay until a fair hearing can be had, but not willing to part with all the power we have over this question, either now or at the next session, by sending this poor, little, miserable bill back to the House with nothing in it that the country expects. We have made a good beginning.

I was about to refer to the debates of 1872; I have sent for them. The 10 per cent. we propose to take off now—and I will discuss it fully when the question comes up—was agreed to by the Senator from Vermont, [Mr. MORRILL,] and the Senator from Ohio, [Mr. SHERMAN,] and by the Senator from Massachusetts, [Mr. DAWES,] then chairman of the Committee on Ways and Means of the House. This proposition of the Senator from Tennessee, [Mr. HARRIS,] that is to go into effect before a year from the 1st day of next January, these gentlemen agreed to in 1872 and indorsed and said ought to be done.

I have the speech of the then Representative from Massachusetts, Mr. Banks, in 1878, in which he laid schedules before the House as the agent of the woolen manufacturers, the cotton manufacturers, the silk manufacturers, one hundred and twenty of the largest firms in New England, he said, offering a reduction of 20, 30, 40, or 50 per cent., and furnishing the schedules, and telling the Committee on Ways and Means he was authorized by these men, after full consultation, to make that reduction, and that they could all live under it.

I have made no propositions that are not reasonable, and that have not been fully indorsed and sustained by the manufacturers themselves, by the leading industries of the country, and by the leading Republican statesmen who passed the law of 1872.

For these reasons I, for one, object to any bargain about this bill.

Mr. HOAR. Mr. President, we have had for the last year a surplus revenue gathered from the people of the country of upward of \$100,000,000. We shall have for the next year, making every deduction, a surplus revenue, in my judgment, of at least \$50,000,000; and here is a proposition offered to the other side of the Chamber to lift from the shoulders of the people burdens estimated at between \$30,000,000 and \$40,000,000.

The proposition is one in all its details to which nearly or quite every Senator in the Chamber on either side is thoroughly committed. There is no denial on the part of the Senator from Kentucky or the Senator from Delaware as to the wisdom of each of the proposed reductions, (with the exception of perhaps the reduction of the tax on matches, where the Senator from Delaware looks out for his neighbor, the great manufacturer;) and now how are we met by these leaders of the Democratic party?

There is no reason or statement against the justice of the proposition, but we are met with taunts, sneers, scolding, stump speeches. The Democratic statesmanship says, "We will not lift, having an opportunity, from the shoulders of the American people thirty or forty

millions of burdens, because we think perhaps that we may make a point on some political antagonists in regard to the conduct of their caucus, in regard to the time when the proposition was made, in regard to the reasonableness or unreasonableness of the conduct of some gentlemen on a particular occasion. We prefer, instead of joining in an attempt to remove these burdens and inconveniences, instead of beginning to wipe out the last vestige of internal-revenue taxation, the last domiciliary visit of a Federal tax-gatherer to the home or the place of business of an American citizen—we prefer to address ourselves to the statesmanlike attempt to find some inconsistency in our political antagonists. And we prefer that evil shall be done and that evil shall continue if we can anywhere throw upon our political opponents the charge of being in any degree responsible for it."

Why, Mr. President, what is the condition on which these Senators say that they will consent to a measure which they concede to be just in itself of a removal of thirty or forty millions of dollars of burden from the shoulders of the American people? The Senate is evenly divided between the two political parties on a strict party vote; the votes counted as Republican and the votes counted as Democratic are precisely equal in number, so that nothing can be accomplished by the Republican party without the assent of their political opponents, or of some one of them.

Now, they say, and we are informed that it is the result of a formal consultation among them in private, that no burden of taxation shall be withdrawn from the shoulders of the American people except upon this condition, that there shall be a reduction of 10 per cent. in the duty on every import, to take effect on the 1st day of January, 1883, and an additional reduction of 10 per cent. to take effect on the 1st day of January, 1884. That enactment, of course, is to be in the nature of a command to the commission assembled to revise the tariff now in session.

What is to be the result? That is a proposition the effect of which, in my judgment, will be to create a business convulsion in this country not equaled by the great convulsions of 1837, or of 1857, or of 1873. The reduction is to extend to all imports alike, to brandy, to diamonds, to champagne, to every luxury, as well as every protected domestic manufacture; and every manufacturer and employer of labor in this country is for the space of at least fifteen months to be conducting his business upon a falling market. The material which he imports, which he requires before he begins his manufacture, is to be taxed at the high duty; the product when ready, after his manufacture is completed, is to be sold at the low duty, and that process is to be repeated on the 1st of January, 1883, and again on the 1st of January, 1884.

Mr. President, there never came out of a lunatic asylum a proposition so monstrous, so indefensible, so destructive as that which is proposed by this party, equal in numbers to one-half the American Senate, as the condition upon which they will permit the burden of thirty or forty millions of taxation to be lifted from the shoulders of the American people.

Why, look at the absurdity of their position in another point of view. There are thirty-five amendments pending, proposed on that side of the Chamber, of tariff legislation in this bill, as I understand, going over, in addition to this 10 per cent. reduction, every item of dutiable articles. Such a bill they propose to send down to the House of Representatives on the 1st of August, or thereabout, after the two or three weeks of discussion which it will require shall be over in the Senate.

There that bill is to go into Committee of the Whole under its rules, and every single item must be the subject of free discussion in a body consisting of nearly three hundred members, indeed more than three hundred entitled to take part in its debates. The Schenck revision of the tariff, attempted in a body where the Republicans had two-thirds majority, occupied that House, day and evening, for between six and eight weeks, and then they were obliged to throw aside the work unfinished when the hot weather of the summer came on. The condition which is proposed is preposterous in the eye of any practical legislator.

Do you think, gentlemen, that your sneers and taunts and stump speeches are going to mislead the American people as to the position of this question? Do you suppose there is an intelligent citizen, intelligent enough to light his pipe with a taxed Delaware match or to purchase his tobacco, who does not know that when we offer to take off these burdens and you meet it by demanding that it shall be only on condition of a reduction of the tariff 10 per cent. and 10 per cent. again and all your other thirty-five amendments, and you meet it then with the further condition that the whole tariff shall be sent to the House of Representatives in the middle of August to be taken up for consideration, do you suppose that there is an American citizen who does not know enough to understand where the responsibility for the failure of this relief from internal-revenue taxation rests?

Mr. President, I do not regret this thing politically. I regret it for my constituents; I regret it in the interest of the tax to the American citizen; I regret it in the interest of the American people; I regret it in the interest of sound statesmanship; but in the interest of the political party to which I belong I rejoice at it. I wish to express, as a Republican, my gratitude to the Senator from Kentucky that whenever my party has shown the least sign of losing

in any degree the popular confidence which has upheld it, he has come to its rescue with his leadership of the Democracy.

I remember when we were divided under the administration of President Hayes, and I remember the midnight speech of the Senator from Kentucky, threatening that unless the Executive would consent to the dictation of the Democratic party and surrender his constitutional prerogative the process of legislation should stop; and I remember how the sound sense of the American people came compact and united to the party to which I belong in consequence of that position. I remember again when there came from the State of Kentucky a threat in the ear of the loyal North to wipe out all the war legislation. I remember again, in the midst of the Presidential election, after even loyal Republican Maine had gone wrong, how the voice from Kentucky, in favor of a tariff for revenue only, saved the American people from the sorrow and disaster of a Democratic administration. Again I congratulate, as a politician, the Republican party to which I belong at this simple, cheap, easily-seen-through bluster and blunder with which the Senator from Kentucky has come to our rescue. I am sorry for the tax-payers; I am sorry for sound statesmanship; I am sorry for the inconvenience to the American people; I am sorry that they have got to continue to pour into the Treasury these thirty or forty millions unneeded for another year; but as a Republican I am not sorry.

Mr. BECK. Mr. President, I have only one remark to make in reply to the Senator from Massachusetts. The Senator took occasion at one time to present, as I thought, on the floor of the Senate some years ago this same argument, and I undertook to tell the Senator in very plain terms what I thought of it, and I am willing to stand on that record. I may have made a great many mistakes, perhaps I have, and he may be very grateful to me. When, to use the eloquent expression of my friend from Delaware, the Senator rises "with tears in his voice" to congratulate the country that they are always safe because I happen to take the position I do, he is entirely welcome to whatever he can make out of that.

As to what his little bill of relief to the tax-payers of the country from thirty-eight or thirty-five millions of taxation means, I hope he will tell the people of Massachusetts that it means to relieve the poor, downtrodden bankers—I cannot quite put it as pathetically as he can—and to relieve the patent-medicine men, and to relieve the men who are making matches, while the men who have to buy them will have to pay about as much for them after the tax is taken off as they are doing now. There is no relief to the poor man. The Bessemer steel that comes into the country now pays a duty of \$28 a ton, when it can be bought in the foreign market for \$24. Everything may go on, and Massachusetts may hold on to her advantages; and if I am to be responsible because I seek to relieve the people from the burdens they bear, the Senator is entirely welcome to all he can make out of it.

Mr. VANCE. Mr. President, why not be honest about this thing? The baby, the progeny of the Republican caucus, is about to die, and the Senator from Massachusetts says that he congratulates the country. I have no doubt that that is true. I have no doubt he congratulates himself still more, for I am free to say that a more disreputable offspring never came to trouble a parent than that bill. A more weak, and puny, and feeble, and lopsided concern, or one bearing more evidences of its legitimacy, never squalled in this wicked world than the bill which came to the Senate from that caucus; and I have no doubt that the Senator from Kentucky and anybody else who assists in the obsequies will incur the everlasting gratitude of the Republican portion of this Chamber for putting that child out of this world in which it was too poor and too feeble and too simple ever to live and thrive. [Laughter.]

What are the characteristics and the attributes of this wonderful child, that was to be born for the healing of the taxed people in Israel? It takes off the tax from banks, bank capital, bank deposits, bank checks, patent medicines, perfumery, cosmetics, friction matches, and high, low, jack, and the game. [Laughter.] All those taxes are taken off by virtue of this man child that was born in Israel for the relief of the oppressed people. No wonder it is taken away, even as the fig-tree casteth its untimely figs when shaken by the wind. It is about to die, and the question now is somewhat resembling one of a more serious character that we have been discussing in this Chamber and throughout the American nation with a big N for some time past, as to who shall be responsible for its death. If the responsibility for its death can be fastened on this side of the Chamber, the mourning of its afflicted parents will be like that of David of old, who grieved much while the child was sick, yet rose and dressed himself and rejoiced when it was dead; his sorrow was over.

Mr. President, I am willing to take my share in this infanticide. I am opposed to any relief being extended to that suffering and meritorious class of people that I have enumerated just now, and who are affected by this bill so long as the real suffering of the country is not abated one jot or tittle. So long as the tax-gatherer goes into the cabin of the poor man and demands a tax on the latch he enters; and walks up to the gourd that holds the widow's salt, and hangs by the chimney corner, and levies a tax of 56 per cent. upon the contents; and walks up to the couch where sickened languishes and demands a tax upon the medicine to alleviate human suffering, and the spoon that holds it; so long as the farmer's trace-chains that pull the plow that gives bread to the world; so long as the weaver's shut-

tle is taxed; so long as the reaper's scythe is taxed; so long as the poor man's wool hat is taxed, and his blanket is taxed 100 percent.; so long as these necessities not only of life, but necessities of the poor man's life, are taxed this way, I am willing to trample one hundred such babies in the dirt every morning as an appetizer for my breakfast. [Laughter.]

Do you want to give any relief to the American people? Then why mock the common sense of mankind in this way? Give us a total abolition of the internal-revenue system. It is a remnant of the war. Wipe it all out and lay your duties upon the products that are imported in this country in such a manner that they will yield the necessary revenue. Wipe it all out and then your banks and bank capital may go; then your patent medicines also may go.

Mr. HOAR. Will the Senator allow me to ask him if I understand his position to be this: while he is not contented with the reduction of the internal-revenue made in this bill, if we will add whisky and put on the other things to the tariff that we lose from whisky, he will then be contented? That seems to be his argument.

Mr. VANCE. I said nothing about whisky. The Senator from Massachusetts must be dry. [Laughter.]

Mr. HOAR. Will the Senator state what there is left? I do not want an answer from the comic almanac, but seriously.

Mr. VANCE. No, that is too near home. [Laughter.]

Mr. HOAR. The Senator from North Carolina, objecting to the relief of the internal-revenue taxation which this bill affords, says he demands that the whole of the internal-revenue taxation shall be taken off, wiped out. What will there be left after this bill passes, except whisky and beer, and the remaining 12 cents on tobacco? The Senator says that he wants the rest of it to be stricken out, and the \$145,000,000 which we are raising from that source added to the tariff. That is a pretty serious proposition. It is a proposition made by an American Senator, by a Democratic leader, a free-trader, and that is all there is of it. It does not answer the point to repeat these hundred-times-told old stories from the comic almanac.

Mr. VANCE. The Senator has a wonderful knack of spinning out a question. His question simply was if we abolished all the internal-revenue tax, what would be left? It does not take more than a minute to answer that. There would be nothing left of the internal-revenue tax.

Mr. HOAR. That is what the Senator said he wished to do.

Mr. VANCE. Certainly; if you take it all away there will be nothing left, most assuredly; beyond any doubt. I have no doubt in the world but what if the Senator could have his way there would not be much left in the Treasury. The object of this taxation as kept up upon the tariff is to put nothing into the Treasury, but let all of the duties levied upon imports go to the pockets of the manufacturers. I think that is the game very plainly. But it is plain and palpable to every one that if we reduce the tariff on imports to the revenue standard we will have abundance of funds to carry on the Government and answer every purpose that is required by due economy.

I did not say that I was in favor of abolishing all the tax on whisky. I want it to stay in so long as other things are taxed, and I am not ashamed to say, though I might be accused of having Republican proclivities in saying so, that I have just as much partiality for the men who make and vend and drink whisky as I have for the banks and the friction-match men, and for the men who make playing-cards. I have just as much sympathy for the one as for the other. They are all citizens of the United States, and their industry calls upon the Government for protection in precisely the same way. The idea is that banks have special privileges, and that these other parties do not, except they operate under a patent.

I am willing to give the American people relief right now, and I only speak for myself. The Senator from Massachusetts compliments me in many ways by saying that I am a leader, a free-trader, and so on. I am obliged to him for those compliments, but my only boast is to follow where others lead, if they lead in the right direction.

I say for one, and I speak for myself, that I am not willing for this revenue system to be cut into in this way. I am not willing to make fish of one and fowl of another. I want to see it all go together. I am willing now to vote to abolish the whole system and let the vast army of Republican electioneers and campaigners who travel through the South with pistols at their sides, when a peaceable citizen is not allowed by law to carry a weapon, and who levy heavy burdens upon the people and insult them and ride over them, with privileges to invade their homes and violate their domestic privacy—I say I am willing to see that whole crew cut off, not tinkered with in this way; I am willing to see it doctored as the Dutchman doctored his dog for killing sheep, when he said he cut off a small portion of his tail just behind the ears. I am willing to do that; but if it is not done, then I am opposed to striking out the tax on a part of the articles that are embraced in the internal-revenue laws.

As to whether I shall be held responsible for the death of this infant, I confess my willingness to take my share of the responsibility. When this bill came to us on the heels of an eight months' session, and when we are told that we are to take it just precisely as it suits the dominant party, and offer no amendments to it, we take the responsibility of defeating it. I say upon principle, if it was one of the best bills ever introduced here, I for one would not surrender my

right to discuss it and to offer amendments to it and to perfect it according to my notions of what it should be.

I am willing to take all responsibility, but I do not think there will be any doubt about where the responsibility will rest with all men who are outside of a lunatic asylum, it would seem to me. Those who press this bill in this way and at this hour know that the opponents of the bill and those who are friends of the principle of the bill cannot afford to vote for it under the circumstances and to have the gag-law applied in this way. I say I know that all persons who consider these things will be justified in saying that this bill is a tub to the whale. It is a feeble and sickly attempt to meet the crying demand in this country for revenue reform, and it will be seen through as clearly as the tail of a comet, which was once understood to be solid but is now understood to be nebulous.

Mr. BAYARD. Mr. President—

Mr. LOGAN. If the Senator is going to speak for any length of time, I ask him whether it would not be more satisfactory to him to go on to-morrow?

Mr. BAYARD. I only wish to occupy the floor for about fifteen minutes.

Mr. LOGAN. I was going to move an executive session.

Mr. BAYARD. I will give way in ten minutes.

Mr. LOGAN. Very well.

Mr. BAYARD. Mr. President, it has been nearly two years since the Democratic party had a majority in this Chamber. When I represented at their will the chairmanship of the Committee on Finance, I brought into this body a resolution creating a tariff commission. The Democratic party had control of both Houses of Congress but there was a Republican President. I believed it was competent for him to select, subject to the advice and consent of the Senate, nine men in this country to constitute a non-partisan commission, skilled, disinterested, political economists, who could present a scheme of tariff taxation that would be just to all the interests of this country—oppress none, protect all and yield abundant revenue for all just expenses.

I gave my reasons for supporting that measure then, and my experience since that time has proved to me they were right. But the measure did not become a law, and no such tariff commission as was contemplated by that measure or by me has ever been appointed. The present commission as constituted is a total defeat of the objects originally stated for forming a commission to consider the question of tariff taxation. One of the reasons was, if we could have those questions affecting localities discussed by men who were not locally interested and who would not feel and speak with all the bias and asperity which we see affects Senators in discussing these questions of taxation, we might come to a wiser conclusion.

My experience is verified by the tone of the honorable Senator from Massachusetts. I have spoken frequently upon this tariff subject, and I challenge him or any Senator to show that I have ever made a personal imputation upon the vote of any Senator or that he was influenced by anything like a personal or local cause. Yet the Senator found time to refer to me as having stood here to take care, as he said, of a neighbor of mine, who is concerned in the manufacture of matches. The care I took was that which I shall always take, to endeavor to fill the Treasury of the United States with revenues drawn with least pain and distress to the American people. Wherever I can find a measure that will do that I shall vote for it. It is upon no basis different from that that my votes here are given or my arguments made. I found a tax that gave more than three millions and a quarter of dollars annually to the Treasury, which rested upon all classes and distressed none, and hence I preferred the repeal of other taxes that brought no revenue and prohibited commerce.

That Senator and the honorable Senator from Vermont have held up to the country that a horizontal reduction of the tariff of 10 per cent. would be something utterly disastrous and paralyzing to the business of the country. He has declared, and the Senator from Vermont has declared, that it would be the cause of grave disaster if such a thing should take place. This is all extravagant, unwarranted language.

In 1872 the scale of tariff duties in this country was lower than it is to-day—they were greatly increased in 1875—and yet in 1872 a horizontal reduction of the tariff was effected, and I have before me the vote by which it was passed in the House of Representatives. Here it stands in the Congressional Globe at page 3652, May 20, 1872. The yeas were 149, and the nays were 61, and among the yeas were to be found the two honorable Senators who now represent the State of Massachusetts in the Senate, [Mr. DAWES and Mr. HOAR.] I will submit the entire list:

YEAS—MESSRS. AMES, Archer, Banks, Barnum, Beck, Bell, Bigby, Biggs, Bird, James G. Blair, Braxton, Bright, Buckley, Buffinton, Burchard, Burdett, Benjamin F. Butler, Roderick B. Butler, Caldwell, Clarke, Cobb, Coburn, Comings, Conner, Cotton, Cox, Crebs, Critcher, Crossland, Darrall, Davis, Dawes, Donnan, Duke, Dunnell, Ely, Farnsworth, Farwell, Finkelnburg, Forker, Charles Foster, Frye, Garfield, Garrett, Giddings, Golladay, Haldeman, Hale, Hancock, Handley, Harper, George E. Harris, John T. Harris, Havens, Hawley, Hay, Hays, Gerry W. Hazelton, Hereford, Herndon, Hibbard, Hoar, Holman, Houghton, Kellogg, Kendall, Kerr, Ketchum, King, Lamport, Lansing, Leach, Lewis, Lowe, Lynch, Manson, Marshall, McCormick, McCrary, McGrew, McHenry, McIntyre, McNeely, Merriam, Merrick, Mitchell, Moore, Morgan, Morphis, Niblack, Orr, Packard, Palmer, Hosea W. Parker, Isaac C. Parker, Peters, Potter, Price, Rainey, Read, Edward Y. Rice, Ellis H. Roberts, William R. Roberts, Robinson, Rusk, Sawyer, Seeley, Sessions, Shanks, Sheldon, Shellabarger, Sherwood, Slater, Sloss, Snapp, Thomas J. Spear, Sprague, Stevens, Storm, Stoughton, Stowell, Strong,

Swann, Taffe, Terry, Thomas, Turner, Tuthill, Twichell, Tyner, Vaughan, Voorhees, Waddell, Wakeman, Walden, Waddron, Wallace, Walls, Warren, Wells, Wheeler, Whiteley, Whitthorne, Williams of Indiana, Williams of New York, Jeremiah M. Wilson, Winchester, Wood, and Young—149.

YAYS—Messrs. Acker, Adams, Ambler, Arthur, Averill, Barber, Barry, Beatty, Bingham, Austin Blair, Campbell, Carroll, Coghlan, Conger, Dickey, Duell, Eames, Eldredge, Elliott, Henry D. Foster, Wilder D. Foster, Getz, Griffith, Halsey, Harmer, John W. Hazelton, Hill, Hooper, Kelley, Killinger, Lamison, Maynard, McClelland, McJunkin, McKee, Mercer, Benjamin F. Meyers, Leonard Myers, Negley, Packer, Peck, Pendleton, Perce, Aaron F. Perry, Poland, Randall, John M. Rice, Rogers, Scofield, Shoemaker, Slocum, H. Boardman Smith, John A. Smith, R. Milton Spear, Starkweather, Stevenson, Sutherland, Washington Townsend, Upson, Willard, and John T. Wilson—61.

Mr. HOAR. How soon after the passage of the law did the reduction take effect?

Mr. BAYARD. This was on the 20th day of May, 1872. That is the time of the passage of the bill in the House of Representatives for a horizontal reduction of the tariff.

Mr. HOAR. When did the law take effect?

Mr. BAYARD. The law was approved June the 6th, 1872.

Mr. HOAR. If the Senator will consent to be interrupted, does he not see the difference between one such reduction, or even a total repeal of a duty, to take effect instantly or in a brief time, and a double sliding scale, one to take effect on the 1st of January in future, another to take effect twelve months after, so that every manufacturer has to buy his material at a high duty and sell the manufactured article at a lower one? That is the operation of this proposed reduction.

Mr. BAYARD. Here is the law, and I will read it precisely as it stands.

Mr. HOAR. That took effect within five or six weeks after its passage.

Mr. BAYARD. The Senator, then being a member of the House from Massachusetts, together with his colleague, [Mr. DAWES,] voted "yea" on the 20th of May, 1872. On the 30th of June, in the Congressional Globe, page 4088, is found the vote of the Senate on the subject, which stood 49 yeas and 3 nays, among the yeas the Senator from Ohio [Mr. SHERMAN] and the Senator from Vermont, [Mr. MORRILL,] The list is as follows:

YEAS—Messrs. Alcorn, Anthony, Bayard, Blair, Boreman, Caldwell, Carpenter, Casserly, Clayton, Cole, Conkling, Cooper, Corbett, Cragin, Fenton, Ferry of Michigan, Flanagan, Frelinghuysen, Goldthwaite, Hamilton of Maryland, Harlan, Hill, Hitchcock, Howe, Johnston, Kellogg, Kelly, Lewis, Logan, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Nye, Osborn, Pool, Ramsey, Ransom, Robertson, Sanlisbury, Sherman, Stevenson, Stockton, Thurman, Trumbull, Vickers, Wilson, Windom, and Wright—49.

NAYS—Messrs. Chandler, Scott, and Sprague—3.

That became a law and was approved on the 6th day of June. This is the provision of that law respecting the 10 per cent. horizontal reduction.

SEC. 2. That on and after the 1st day of August, 1872, in lieu of the duties imposed by law on the articles in this section enumerated, there shall be levied, collected, and paid on the goods, wares, and merchandise in this section enumerated and provided for, imported from foreign countries, 90 per cent. of the several duties and rates of duty now imposed by law upon said articles severally, it being the intent of this section to reduce existing duties on said articles 10 per cent. of such duties, that is to say.

Mr. HOAR. That went into effect about six weeks after its passage.

Mr. BAYARD. In the same volume is found the report of the committee of conference, at page 4204, signed by—

H. L. DAWES.

WM. D. KELLEY,

M. C. KERR,

Managers on the part of the House.

JOHN SHERMAN,

JUSTIN S. MORRILL,

T. F. BAYARD.

Managers on the part of the Senate.

That was the bill which reduced the tariff 10 per cent. horizontally, precisely as is proposed to-day. Such was the history of the reduction of the tariff in 1872, at which time the general rate of tariff duties was lower than it is to-day.

In 1875 that 10 per cent. reduction was restored, and the tariff otherwise raised, and here to-day, in 1882, when we propose to take it off it is denounced as a measure frightful and dangerous to the business of the country.

To speak respectfully to my associates in this Chamber, they surely are testing the risibility of the American people and their associates when they talk about this thing being a blow at business interests. It is but a moderate, safe, simple, well-approved mode of reducing taxation upon the tariff, which is a short step in the right direction.

The tariff is so egregiously high that the horizontal reduction, unscientific though you may call it, is with our present rate of duties the mildest, the simplest, the safest measure that will not interfere with the present adjustment of trade and manufacture, but reduce everything that is important, both the raw material needed by the manufacturer and the duty upon the manufactured articles that constitutes his protection. Each will be lowered moderately and equitably and revenue will be rather increased.

I do not wish to apply, it is not necessary to apply strong phrases, but it is testing the patience of the public to make such declarations as gentlemen have made on the other side of the Chamber in respect to this reduction, and bringing their statements into ridicule and disrepute.

I have very little disposition for finessing for advantage, either

personal or party, upon a question like this. I believe after all we have got to come to the judgment of a deliberate public opinion on this subject. I shall not impugn the motives of those who differ with me as to the wisdom or unwisdom of public measures. If there is any party advantage to be gained by misrepresentation of another's motives or position, I only can say I am not ready to embark in such a contest. If anything is gained by falsely urging a measure before the American people I do not propose to join in that effort. I would rather await that which must come, the deliberate, intelligent judgment upon the acts of public men, the sober second thought of our countrymen.

Mr. HOAR. In alluding to the Senator's opinion upon the matter of taxing matches I made no imputation, and intended to convey no imputation, directly or in any other way, upon his motive. I said that I believed all the provisions of this internal-revenue bill had received the assent of substantially every gentleman on the Democratic side of the Chamber, but it crossed my mind that the Senator from Delaware was an exception, and I qualified my remark by making the exception.

I meant, in alluding to the fact that the Senator was advocating his neighbor's interest, only to call attention to the fact. I meant to impute to the Senator nothing more than what every Senator would expect to do, look out carefully for interests in his State, and so far as that may have an unconscious operation on the mind of the Senator, as it might on any other, it undoubtedly may have had one on his. The Senator will remember, however, that I was replying to the speech of the Senator from Kentucky, a speech in which his associate on that side of the Chamber had imputed to the entire Republican party here a fraudulent purpose, using that word.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee, [Mr. HARRIS.]

GOVERNMENT EXPENDITURES.

Mr. ALLISON. I ask to take from the table the joint resolution sent to us to-day from the House of Representatives continuing the appropriations, and I ask unanimous consent to put it upon its passage.

The joint resolution (H. R. No. 288) to continue the provisions of a joint resolution to provide temporarily for expenditures of the Government was read the first time by its title and the second time at length.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BECK. What is the date fixed?

Mr. ALLISON. The 5th, on Saturday.

Mr. BECK. Does the Senator expect to close the tax bill by that time and have it become a law?

Mr. ALLISON. That seems to be rather uncertain. It is absolutely necessary that the joint resolution should be passed this evening. I ask that it be put on its passage.

The joint resolution was reported to the Senate without amendment.

Mr. SAULSBURY. I do not wish to oppose the passage of the joint resolution, but I wish to call attention to the fact that this is the fourth time in the present session when we have been extending the appropriations by joint resolution. It seems to me that the dominant party of this Congress, who have the majority in both Houses, ought to have had the legislation so shaped that we should not have presented this spectacle to the country at this late hour. Four different times since the commencement of the fiscal year we have extended the appropriations so as to enable the Government to be carried on. I think it is an anomaly in the history of the country, at least since I have been in the Senate I have never known it to have been done so often.

Mr. ALLISON. Only once before was it done so often, and that was in 1876, when the Democrats had control of the House of Representatives.

Mr. MORGAN. Who had control of the Senate at that time?

Mr. LOGAN. That is immaterial.

Mr. ALLISON. I was merely answering my friend from Delaware.

The joint resolution was ordered to a third reading, read the third time, and passed.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was read:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned sine die at twelve m., Saturday, August 5, 1882.

Mr. ALLISON. I move that the resolution lie on the table. It is not necessary to make any reference.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. No. 1226) to amend section 4214 of the Revised Statutes, relating to yachts;

A bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works; and

A bill (H. R. No. 5380) supplementary to an act approved December 17, 1872, entitled "An act to authorize the construction of bridges across the Ohio River and to prescribe the dimensions of the same."

The following House bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. No. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large, relating to contracts under the War Department; and

A bill (H. R. No. 5653) for the relief of Kirk W. Noyes.

The following House bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, collection of duties on imports; and

A bill (H. R. No. 4926) for the relief of Charles Kortzenborn.

The bill (H. R. No. 6743) to establish diplomatic relations with Persia was read twice by its title, and referred to the Committee on Foreign Relations.

The joint resolution (H. R. No. 171) to provide for the printing of certain public documents for the use of the two Houses of Congress was read twice by its title, and referred to the Committee on Printing.

EXECUTIVE SESSION.

Mr. KELLÖGG. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-five minutes spent in executive session the doors were reopened, and (at six o'clock and twenty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, August 3, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

FINAL ADJOURNMENT.

Mr. HISCOCK. I am instructed by the Committee on Appropriations to report back the concurrent resolution fixing the time for final adjournment with an amendment.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve o'clock m., Friday, August 4, 1882.

The amendment reported by the Committee on Appropriations was read, as follows:

Insert "Saturday" in place of "Friday."

Mr. ANDERSON. I would like to inquire of the gentleman from New York what are the reasons for the amendment?

Mr. HISCOCK. I will state that I believed yesterday it would be possible for the two Houses to adjourn on Friday at six o'clock. But when I come here this morning I find that the sundry civil bill with the Senate amendments has not reached the House from the Senate. I understand that it has gone to the Printer, having been sent to the Printing Office about nine o'clock this morning. It is impossible to have the amendments printed with the bill, I suppose, before five o'clock or six o'clock this evening, and, as the House can see, it will be impossible to consider those amendments, agree upon the bill, and have it engrossed between now and six o'clock Friday.

Mr. KASSON. I wish to ask the gentleman from New York if he is not willing to allow that resolution to lie on the table for a short time?

Mr. ANDERSON. Not for a moment.

Mr. KASSON. I am asking the gentleman from New York. And I ask him for this reason: there is an attempt to be made this morning in the Senate, as I am informed by the gentleman in charge of the measure, to take up and act on the tax-reduction measure to-day on a proposition to be made; and until that action is had and we are aware of it, I submit that the importance of the measure, which I know the gentleman from New York appreciates, justifies us at least in waiting until we learn what the Senate does to-day on that proposition.

Mr. HISCOCK. I am unwilling to consent that the resolution should lie upon the table, and for this reason: if the Senate is disposed in good faith to act upon the bill for the reduction of the internal-revenue taxes, it will postpone of its own motion the hour or day of adjournment to a time that will enable that bill to be considered. It is very clear that if we are to remain in session only for the purpose of passing appropriation bills the two Houses can adjourn by twelve o'clock Saturday. Of that I have no doubt whatever. And, as I suggested before, if the majority of the Senate is disposed to legislate with reference to internal-revenue taxes, or customs duties, or anything of that kind, they can control this question by an amendment to this resolution. But I desire to have them meet the question upon this resolution.

Mr. KASSON. If the gentleman from New York will allow me, I

will say it is peculiarly the province of this House to act upon questions of taxation, both of the imposition and reduction of the taxes. And for us who are the representatives of the people to turn over that responsibility to the Senate, intimating to them that we are willing to adjourn without acting upon a reduction of taxes, admitted on all hands to be necessary, is, I think, an abdication of the proper function of the House of Representatives. That is my objection to acting upon the resolution now.

Mr. HISCOCK. If I may be allowed one word further, I wish to say, although I do not desire to occupy the time of the House, that this side of the House at least will agree with great unanimity that there has been no member upon this side who has been more earnest, and has done more, if you please, to try to force legislation upon the subject of internal-revenue taxes than I have done. But we have reached a point now where it seems to me that a majority of the Senate is indisposed to act in that direction. We certainly have reached a point, at least, where I believe it is proper that the House should force upon the Senate the question of immediate action upon that measure if it is to act at all. I believe we have discharged our duty to the people by continuing this session of Congress to this late date for the purpose and for the sole purpose of forcing legislation, and I am unwilling to continue it further.

Mr. COX, of New York. I desire, as a member of the Committee on Appropriations, to say that I did not vote for this amendment fixing Saturday. I believe we would do better by fixing Friday at six o'clock so as to spur the Senate up. We can to-night sit all night if necessary, as we do in the short session. But when my friend from Iowa [Mr. KASSON] makes the point that the Senate will take up the taxation question it seems to me to be the ultimate foolishness of legislation to undertake to do that now when the gentleman and his friends at both ends of the Capitol have abdicated in favor of a Long Branch commission. They have given away our powers and our rights to a commission; and they have brought in a little pitiful bill to reduce taxation which amounts to nothing. And we know, and my friend from Iowa [Mr. KASSON] knows, that the Senate has no idea of taking up the taxation question again.

Mr. KASSON. I beg the gentleman's pardon; I do not know that.

Mr. COX, of New York. You ought to know it.

Mr. KASSON. My authority is the chairman of the committee in charge of the bill.

Mr. COX, of New York. Who has been beaten every time on that motion.

Mr. KASSON. By whom? By your friends in the Senate?

Mr. COX, of New York. By the majority of the Senate.

Mr. KASSON. By your side in the Senate.

Mr. COX, of New York. No, sir; my friend from Iowa is mistaken. Now, I beg to say this: I will not antagonize this resolution that comes from our Committee on Appropriations, although I think it would be wiser to pass a resolution to adjourn at six o'clock on Friday afternoon. Nevertheless, as we cannot go ahead with the sundry civil bill, because it is not yet printed, we had better have the previous question called and wind up this profligate Congress.

Mr. HISCOCK. The word "profligate" from the gentleman comes with very ill taste.

Mr. REED. Oh, no; not from him.

Mr. HISCOCK. For I say to him that so far as the action of the Committee on Appropriations is concerned, of which he is a member, I am unaware of a single appropriation bill as they stand to-day which contains any provision appropriating money to any amount which the gentleman from New York [Mr. Cox] is not in favor of.

Mr. COX, of New York. I did not vote for your appropriation bills, and the RECORD will show it.

Mr. HISCOCK. If the gentleman did not vote for them, then I will say that he failed to be as frank as I trusted he always would be; for in the room of the Committee on Appropriations he certainly has never manifested any opposition to any item in an appropriation bill simply carrying an appropriation of money to any considerable amount.

Mr. COX, of New York. I voted against item after item.

Mr. HISCOCK. Oh, the gentleman says he voted against item after item; some little, trivial matters.

Mr. COX, of New York. The RECORD will show.

Mr. HISCOCK. So far as the gentleman's record is concerned on that question, I am perfectly willing to appeal to my associates on that side of the House.

Mr. COX, of New York. I appeal to the record.

Mr. HISCOCK. I am entirely willing to appeal to every member of the Committee on Appropriations on that side of the House with reference to the economy of every item contained in an appropriation bill.

Mr. COX, of New York. The gentleman seems to feel that the \$70,000,000 extra appropriations rests on him; it rests on the majority of the House.

Mr. HISCOCK. The gentleman talks about the excess of appropriation. Let me say to him that \$43,000,000 of that excess was for pensions and \$10,000,000 to carry out the service of the last fiscal year, and to carry out a service which was not flexible and over which Congress had no control. The changes have been rung upon that matter, and the gentleman understands the fact as well as I do.

Mr. COX, of New York. It is time we adjourned when such sophistries are used here.

Mr. RANDALL. Mr. Speaker—

Mr. HISCOCK. I did not hear the gentleman from Pennsylvania. Mr. COX, of New York. Only two members of the Appropriations Committee, the gentleman from Illinois [Mr. CANNON] and the gentleman from Kansas, [Mr. HASKELL,] seem to have been economists on that committee. The Republican majority ruled the committee, and you have got to take the responsibility of your excessive appropriations, as we did in the last Congress.

Several MEMBERS on the Republican side. We will take the responsibility.

Mr. HISCOCK. So far as the appropriation bills are concerned, which have come from the Committee on Appropriations, this side of the House is entirely willing to take that responsibility.

Now, one word in reference to our having abdicated, so far as the taxation bill is concerned, in favor of a commission. That is not so. The commission was constituted absolutely for the purpose of considering the question of our customs duties, and is not charged with any responsibility and has no responsibility and no jurisdiction over the subject of internal-revenue taxes, which is the only bill which the gentleman from Iowa [Mr. KASSON] supposes may be taken up in the Senate to-day. I now call the previous question.

Mr. RANDALL. I ask the gentleman to yield to me for a moment.

Mr. HISCOCK. I will yield to the gentleman.

Mr. RANDALL. I only desire to say for myself, and I think that I can say it for many on this side of the House, that we would naturally vote for the earliest possible time of adjournment. But if that side of the House will give any reasonable assurance that by a moderate extension of the session we can secure a reduction of taxation we are willing to stay here.

Mr. REED. That assurance should come from your side of the House in the Senate. That is where the delay is, and that is where the assurance should come from.

Mr. CARLISLE. The gentleman from Iowa—

Mr. RANDALL. I did not hear the gentleman from Maine.

Mr. REED. The gentleman from Pennsylvania says he could not hear me; I should like to repeat it.

Mr. CARLISLE. The gentleman from Iowa [Mr. KASSON] and the gentleman from Maine [Mr. REED] seem to think that the Democratic minority in the other end of the Capitol controls the action of that body.

Mr. KASSON. The Democratic minority?

Mr. CARLISLE. Yes; minority.

Mr. KASSON. Is not that questionable?

Mr. CARLISLE. The gentleman announces that he has the authority of the chairman of the Committee on Finance of the Senate for saying that an attempt will be made to take up the tax bill in the Senate before the adjournment. If the gentleman will give us any assurance that such a proposition will be submitted and will receive the support of the Republican side of the Chamber, I can assure him that it will receive almost a unanimous, if not an entirely unanimous vote on the other side. It has been so all the time except when the gentleman in charge of the naval appropriation bill, not on the Democratic side of the Senate, called it up and antagonized the tax bill with it.

Mr. KASSON. Except also, the gentleman will allow me to say, when Senators (and I will not designate them by States) exhausted the time in amendments and speeches.

Mr. CARLISLE. When we pass a tax bill and send it to the Senate, that body has an undoubted right, and it is its undoubted duty, to take it up and consider it in the regular and usual way; and every gentleman has the right to offer amendments and to discuss them. I trust that when the bill shall be taken up in the Senate again (if it should be taken up) those gentlemen who are dissatisfied with the pitiful reduction made by this House will continue to offer amendments until they secure some real relief for the people at large, not a relief confined to special classes in the country. [Applause on the Democratic side.]

Mr. KASSON. Your side want that relief on whisky and tobacco.

Mr. REED. Mr. Speaker, it is a notorious fact that the obstruction in the Senate to the bill to reduce taxation has come from the party friends of gentlemen on the other side, and it has been under pretense of discussion, not by discussion itself. Until it was apparent that those gentlemen intended to talk the proposition to death the naval bill was not brought up. It is perfectly useless for gentlemen to imagine that by mere words they can cover up a fact notorious to the whole country—that parliamentary means have been used to defeat the reduction of taxation. For gentlemen to come up here and ask us to give assurances while their own friends resort to these obstructive measures in the other House of Congress is an exhibition of courage which would be sublime if it was not so common on the other side. [Applause on the Republican side.]

Mr. COX, of New York. "A reed shaken by the wind." [Laughter.]

Mr. HISCOCK. One word further. As I understand from the gentleman from Iowa, [Mr. KASSON,] the Republican Senators are in favor of a bill reducing internal-revenue taxes; and as I understand from the gentleman from Kentucky, [Mr. CARLISLE,] the Democratic Senators are also in favor of such a bill. From the statements of these two gentlemen there appears to be great unanimity in the Senate upon this question. Now what I propose to do is to advertise to the Senate that so far as the appropriation bills are con-

cerned they can all be passed between now and next Saturday; and if they choose to postpone the day of judgment—the day of adjournment, [great laughter.]—

Mr. ANDERSON. "Judgment" is right.

Mr. ROBESON, (to Mr. HISCOCK.) That is a good word. Stick to it.

Mr. HEWITT, of New York. "Dies ira!"

Mr. KASSON. That is a postponement which would have the unanimous concurrence of the Democracy.

Mr. HISCOCK. I do not abandon the word. If they choose to postpone that day and have it the day of judgment, I desire them to understand and the country to understand that the postponement is for the single purpose of considering a bill for the reduction of internal-revenue taxes. I call the previous question.

Mr. KASSON. I ask the gentleman from New York whether he will allow— [Cries of "Regular order!" "Let us vote!"]

Mr. COX, of New York. I rise to a parliamentary question. If I understand the proposition made by my colleague, [Mr. HISCOCK,] it is an amendment to the resolution—

The SPEAKER. There is a pending amendment reported by the committee.

Mr. COX, of New York. I want a vote if possible on the original proposition.

Mr. HISCOCK. I have called the previous question.

The SPEAKER. The gentleman from New York stated that he rose to a parliamentary inquiry.

Mr. COX, of New York. Can we get a vote on the original proposition?

The SPEAKER. The amendment is first in order.

Mr. KASSON. I desire to ask a parliamentary question of the gentleman from New York, [Mr. HISCOCK.] It is whether before asking the previous question he will allow this amendment to be voted on—that this Congress ought not to adjourn until a bill has been passed reducing taxation?

Mr. TOWNSHEND, of Illinois. I object to debate.

Mr. KASSON. It is not for the gentleman from Illinois to object.

Mr. HISCOCK. I cannot yield for that amendment. I call for the regular order.

The previous question was ordered.

The amendment reported by the Committee on Appropriations to strike out "Friday, August 4," and insert "Saturday, August 5," was agreed to.

The question recurring on the resolution as amended.

Mr. KASSON. I call for the yeas and nays.

The yeas and nays were not ordered.

The resolution as amended was adopted.

Mr. HISCOCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title:

Joint resolution (H. R. No. 92) to print 11,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey; when the Speaker signed the same.

PERSONAL EXPLANATION.

Mr. COX, of New York. I rise to a privileged question. My colleague [Mr. FLOWER] on the vote on the river and harbor bill was paired with his colleague, [Mr. SKINNER.] It was not mentioned in the RECORD. Mr. FLOWER would have voted against that bill.

Mr. RANDALL. Mr. Speaker, I desire to make an explanation in reference to the pair of my colleague [Mr. BELTZHOVER] with the gentleman from New York, [Mr. MCCOOK.] It was announced that Mr. MCCOOK was paired with Mr. BELTZHOVER, and that if Mr. MCCOOK were present he would vote against the river and harbor bill. If my colleague [Mr. BELTZHOVER] had been present he too would have voted against the river and harbor appropriation bill. It was unfortunate the fact was not known that Mr. MCCOOK would have voted against that bill, for if that fact had been known a different pair would have been procured for Mr. BELTZHOVER.

Mr. WILLIS. Mr. Speaker, I rise to make a personal explanation for half a minute. I wish to say that on the 7th instant my colleague [Mr. WHITE] delivered some remarks in this House and in addition obtained leave to print in the RECORD. He has retained them for about four weeks, and yesterday I found four columns of matter published in the RECORD not one line of which was uttered on the floor of this House and not one word of which is authorized under the rules. I do not know that I desire to make any reply and now only ask the privilege of printing a reply if I shall see fit to make any. I will not further take up the time of the House and will merely ask that privilege to print.

The SPEAKER. The Chair hears no objection, and it is ordered accordingly. [See Appendix.]

SALE OF OMAHA RESERVATION.

Mr. HASKELL. I submit a privileged report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. No. 1255) providing for the sale of a part of

the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment; and the Senate agree to the same.

D. C. HASKELL,
J. K. JONES,
O. L. SPAULDING,
Managers on the part of the House.
H. L. DAWES,
GEORGE H. PENDLETON,
Managers on the part of the Senate.

Mr. SCALES. Does the bill come back with the amendment of the House?

Mr. HASKELL. The Senate withdrew their disagreement to the amendment of the House, and the conference report provides for the passing of the bill as it passed the House.

Mr. SCALES. After the action of the House any opposition might be considered factions.

The report was adopted.

Mr. HASKELL moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH CONRAD.

Mr. HERR. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table the bill (S. No. 96) for the relief of Joseph Conrad, of Missouri, for present consideration.

Mr. McMILLAN. I call for the regular order of business.

Mr. O'NEILL. I hope that bill will be taken up, in order that I may move as an amendment the Senate bill for the relief of Mark Walker.

Mr. HERR. I understand the gentleman from Tennessee withdraws the demand for the regular order of business?

The SPEAKER. The gentleman from Tennessee has not yet said so.

Mr. O'NEILL. I hope there will be no objection, as it will afford me an opportunity to pass through the House a very meritorious bill for the relief of Mark Walker.

Mr. TURNER, of Kentucky. I demand the regular order of business.

Mr. HERR. I do not suppose there will be any objection to my making a statement in reference to this bill.

The SPEAKER. Let the bill be read, after which the Chair will ask for objection.

Mr. ELIS. I hope by unanimous consent the gentleman from Michigan will be heard.

The bill was read, as follows:

Be it enacted, &c., That, in view of the long and faithful services of Captain and Brevet-Colonel Joseph Conrad, of the Eleventh Infantry, his total disability by reason of gunshot wounds received in the line of duty and action, while holding the commission of a colonel at the time he was wounded, the President be, and he is hereby, authorized to place that officer on the retired list of the Army as a colonel, with the pay and emoluments of a retired officer of that grade.

The SPEAKER. Is there objection to taking the bill from the Speaker's table for present consideration?

Mr. TURNER, of Kentucky. I object; we have enough on the retired list now.

Mr. HERR. I desire to state that the bill which I seek to pass is—

Mr. TURNER, of Kentucky. I demand the regular order of business.

JOSEPH F. WILSON.

Mr. LEWIS. I move to take up for present action the bill (S. No. 159) for the relief of Joseph F. Wilson.

The SPEAKER. The bill will be read, after which the Chair will ask for objection.

The bill was read, as follows:

Be it enacted, &c., That the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and required to issue to Joseph F. Wilson, of Peoria, Illinois, or his legal representatives or assigns, a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by the said Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to pre-emption or homestead entry, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which said tract of land was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by the said Josiah Smith, after his said entry, sold and conveyed to the said Wilson, and of the title to and possession of which the said Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana, at the November term, A. D. 1880, thereof, by reason of a prior disposal of, or a prior equitable title in and to, said tract of land, as the said court held and decided, to or in persons other than the said Josiah Smith; and the said Wilson, or his legal representatives or assigns, after the location of the said warrants on such lands as he or they may select, shall be allowed patents for the lands so located. And the lands taken, selected, and located as authorized and provided for by this act shall be in full satisfaction of any claim, right, or benefit which the said Josiah Smith may have, or may have had, under and by virtue of the provisions of the said acts of Congress, as well as in full satisfaction of any claim which the said Wilson, as assignee or grantee of the said Josiah Smith, may have, or may have had, against the United States touching said described tract of land.

Mr. HOLMAN. I understand, Mr. Speaker, that in the report of the committee of the House there is included a letter of the Secretary of the Interior, which I ask to have read.

Mr. CONVERSE. It is understood objection is reserved.

The SPEAKER. This is by unanimous consent.

Mr. CONVERSE. I shall object to the bill, but do not object to the reading of the letter.

Mr. HOLMAN. Let the letter be read.

Mr. CONVERSE. I withdraw my objection until the letter is read.

The Clerk read as follows:

The bill, petition, and other papers in this case were referred by the committee to the Commissioner of the General Land Office, who, in his letter of February 24, 1882, to the Secretary of the Interior, inclosing said papers, says:

"The records of this office show that Peter Wimmer made cash entry 1829 of the land in question at the La Porte land office, Indiana, June 5, 1835, which entry was canceled by this office October 17, 1836. It does not appear that the purchase-money was ever refunded, and the tract remained vacant until March 22, 1875, when Josiah Smith entered the same under section 2036 of the Revised Statutes of the United States, as an additional homestead, and said entry was patented May 15, 1875."

It seems from the papers submitted to Congress by Mr. Wilson, in his petition for relief, and which were filed in this office January 27, 1882, by Hon. NICHOLAS FORD, chairman of sub-committee private land claims, House of Representatives, that the title to the land in question has been judicially determined in the litigation between Joseph F. Wilson, claiming by deed from the patentee, Josiah Smith, and the equitable owners, claiming by descent under Ruel Starr, who claimed as assignee of the duplicate certificate of entry 1829 from Peter Wimmer.

From the certified record of the case, herewith, it appears that the court on the 23d December, 1880, adjudged that the equitable title to said land was for many years in Ruel Starr, who, at the time of his death, was entitled to have the legal title conveyed to him by patent from the United States, and that at the death of Starr, intestate, in April, 1875, all of his right, title, and interest in the land vested in the equitable claimants under him, and the patent issued to Smith, from whom Wilson claims by deed, conveyed only the naked legal title, and Smith, and those claiming under him, were chargeable with the superior equitable title of Starr, and those claiming under him, and Mr. Wilson was held to be a trustee for claimants under Starr, and it was decreed that the claimants under Starr were entitled to have the legal title conveyed to them by Mr. Wilson within thirty days, and in case of default a special commissioner, Willard C. Nichols, was appointed to make the necessary deed of conveyance; and it was further ordered and decreed that Wilson and all persons claiming under him were forever enjoined from setting up any claim to the land in question. As Mr. Wilson has been judicially deprived of the title to the land derived by him under Smith's entry, and as the favorable action of Congress in the case has heretofore been recommended by my predecessor, I deem it proper to concur in that recommendation, except as to the last clause of the proposed bill, being lines 40 to 43, inclusive, which I respectfully suggest should be stricken out, for the reason that the title derived by Mr. Wilson under Smith's entry, and which it is proposed in that clause to be relinquished to the United States, is the title that has been conveyed by decree of the court to the equitable claimants under Starr. This title being no longer in Wilson, it is clear that he cannot now relinquish it to the United States.

The SPEAKER. Objection being made, the bill is not before the House.

SAINT LOUIS COLLECTION DISTRICT.

Mr. MORRISON. I ask unanimous consent to report from the Committee of Ways and Means and to call up for present consideration the bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, collection of duties on imports.

The bill was read, as follows:

Be it enacted, &c., That the first subdivision of section 2568 of the Revised Statutes of the United States be amended by striking therefrom the words "in Missouri" following the words "Saint Louis," and by adding to said subdivision of said section as follows: "Saint Louis, as used in this section, shall include Saint Louis, in Missouri, and East Saint Louis, in Illinois; and the surveyor and acting collector for the port of Saint Louis may receive goods, issue landing certificates to carriers, and issue orders to inspectors of customs to open cars containing goods and packages, and generally do and perform all acts necessary to be done and performed by him in East Saint Louis, in Illinois, as well as in Saint Louis, in Missouri."

Mr. MORRISON. I ask that the letter of the Secretary of the Treasury be read.

The SPEAKER. Is there objection to the present consideration of the bill.

Mr. O'NEILL. Let us hear the Secretary's letter first, the right to object being reserved.

The SPEAKER. The letter will be read.

The Clerk read as follows:

TREASURY DEPARTMENT, August 2, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant requesting my views on House bill No. 6845, to amend section 2568 of the Revised Statutes so as to include East Saint Louis, Illinois, within the limits of the port of Saint Louis, Missouri.

In reply, I have to say that I see no objection to the measure. On the contrary, from the representations frequently made to the Department regarding the delay and expense to which the business community is subjected by reason of present restrictions in the transportation of bonded merchandise to Saint Louis, Missouri, by rail, I am convinced that amendment is required in the interests of business, and I therefore recommend the passage.

I return herewith the inclosure of your letter.

Very respectfully,

CHAS. J. FOLGER,
Secretary Treasury.

Hon. WILLIAM R. MORRISON, House of Representatives.

Mr. MORRISON. The sole purpose of the bill is to include East Saint Louis, Illinois, and Saint Louis, Missouri, in one district for the collection of duties and for the delivery of imported goods. This is done for the convenience of commerce and to avoid the inconvenience to which merchants and business men are subjected in times when we have what are called "freight blockades" at East Saint Louis and at the east end of the Saint Louis bridge. East Saint Louis has grown into such importance to the commercial interests of that section as to entitle it, as I thought, to be made a port of entry and delivery. But the customs officers and the Treasury Department do not approve the creation of another such port at East Saint Louis, and think that what is proposed by this bill is preferable. It makes East Saint Louis a part of or includes it in the Saint

Louis district in the same way that the port of New York includes Brooklyn, New York, and Jersey City, New Jersey.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

JOSEPH CONRAD.

Mr. HERR. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 96) for the relief of Joseph Conrad.

The SPEAKER. Is this the bill that has been read this morning? Mr. HERR. It is the same bill—the bill (S. No. 96) for the relief of Joseph Conrad, of Missouri.

The SPEAKER. This bill has been twice read. Is there objection to its present consideration?

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

Mr. O'NEILL. I have an amendment which I desire to offer to the bill.

Mr. MORRISON. Oh, no; let us vote down any amendment.

Mr. HERR. I call the previous question.

Mr. MORRISON. This old man has been shot more than five times. The bill ought to pass.

Mr. O'NEILL. I had the floor, and I move to amend the bill.

Mr. HERR. I have called the previous question.

The SPEAKER. The gentleman from Michigan did not call the previous question till after the gentleman from Pennsylvania [Mr. O'NEILL] had risen to offer an amendment.

Mr. McMILLIN. I shall object if there is to be an amendment.

The SPEAKER. It is now too late to object.

Mr. O'NEILL. You can vote down the amendment if you do not like it.

Mr. HERR. I beg the gentleman from Pennsylvania not to insist on his amendment.

The Clerk read the proposed amendment, as follows:

That the provisions of law regulating appointments in the Army are hereby suspended for the purpose of this section, and only so far as they affect Mark Walker, late a first lieutenant in the Nineteenth United States Infantry; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said Mark Walker, late a first lieutenant in the Nineteenth United States Infantry, to the grade and rank of first lieutenant; and that the said Walker shall thereupon be placed upon the retired-list of the Army: *Provided*, That the acceptance of the provisions of this act shall be a waiver to all right, present and prospective, under the pension laws of the United States. And said Walker shall not receive any pay, compensation, or allowance of any kind prior to his appointment under this act.

Mr. HOLMAN. I make the point of order on that amendment.

Mr. McMILLIN. I make the point of order that it is the substance of a bill now pending.

The SPEAKER. The Chair sustains the point of order.

Mr. O'NEILL. I wish to be heard on the point of order.

The SPEAKER. Is it not the substance of a pending bill?

Mr. O'NEILL. It may be the substance of a pending bill, but it is not a pending bill.

The SPEAKER. The Chair sustains the point of order.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HERR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of New York. At the request of several members I ask unanimous consent to call up for present consideration the bill (S. No. 1492) in relation to certain Nebraska lands. I may state that some of my old Ohio constituents are interested.

Mr. PRESCOTT. I call for the regular order.

The SPEAKER. The regular order is the call of committees under the special rule. But before that call is proceeded with the Chair recognizes the gentleman from Kentucky, [Mr. THOMPSON,] who has notified the Chair that he desires to call up a privileged resolution.

ADDITIONAL LABORERS IN FOLDING-ROOM.

Mr. THOMPSON, of Kentucky. I offer the resolution which I send to the desk. The Doorkeeper of the House reports to me that it is necessary.

The Clerk read as follows:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized to employ twelve additional laborers in the House folding-room for the purpose of folding speeches, to be paid out of the contingent fund of the House at the rate of \$720 per annum while employed: *Provided*, That the said twelve additional employees shall be dropped from the rolls of the Doorkeeper at a period not more than one month after the expiration of the present session.

Resolved, That the resolution of the House of July 30, 1882, providing for the appointment of twelve additional laborers in the House folding-room for the purpose of folding speeches be so amended as to further extend the period of their employment for sixty days.

Mr. HOLMAN. Is this regularly before the House? Does it come from the Committee on Accounts?

The SPEAKER. It does not; it may be subject to reference.

Mr. HOLMAN. If it does not come from the Committee on Accounts it is certainly subject to a point of order.

The SPEAKER. It may be subject to a point of order and have to be referred.

Mr. THOMPSON, of Kentucky. I would like to say a word—

Mr. HOLMAN. I make a point of order on the resolution.

The SPEAKER. The resolution will be referred to the Committee on Accounts.

ORDER OF BUSINESS.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order is the call of committees under the new rule of the House, and the hour will begin at five minutes past twelve o'clock.

WAR DEPARTMENT CONTRACTS.

Mr. REED, from the Committee on the Judiciary, reported back the bill (H. R. No. 5300) to amend chapter 58 of volume 20 of the United States Statutes at Large, relating to contracts under the War Department, and ask for its present consideration.

The bill was read, as follows:

Be it enacted, etc., That chapter 58 of volume 20 of the United States Statutes at Large, entitled "An act to authorize the Secretary of War to prescribe rules and regulations to be observed in the preparation, submission, and opening of bids for contracts under the War Department," be amended by striking therefrom everything following the words "War Department" and substituting for the parts of the act so stricken out the following words:

"And he may require every bid to be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of War or the officer authorized to make a contract in the premises, give bond, with good and sufficient sureties, to furnish the supplies proposed or to perform the service required. If after the acceptance of a bid and a notification thereof to the bidder he fails within the time prescribed by the Secretary of War or other duly authorized officer to enter into a contract and furnish a bond with good and sufficient security for the proper fulfillment of its terms, the Secretary or other authorized officer shall proceed to contract with some other person to furnish the supplies or perform the service required, and shall forthwith cause the difference between the amount specified by the bidder in default in the proposal and the amount for which he may have contracted with another party to furnish the supplies or perform the service for the whole period of the proposal to be charged up against the bidder and his guarantor and guarantors, and the sum may be immediately recovered by the United States for the use of the War Department in an action of debt against either or all of such persons."

Mr. REAGAN. I desire to ask the gentleman from Maine [Mr. REED] if he will not consent to an amendment to make the subsequent letting also upon notice? I suggest that this difficulty might arise under the bill as I heard it read: if there is a design by collusion to secure a contract from an irresponsible bidder, if the Secretary of War, or whoever else lets out the contract, is authorized to let it out without notice, it may lead to improper practices; and it seems to me that it is important there should be a new notice for bids for the contract to be relet.

Mr. REED. And it might operate in the other direction; it might force the Secretary of War to accept a bid that he did not desire to accept, because he would not have time to give notice. I desire to say to the gentleman from Texas [Mr. REAGAN] that this bill was drafted at the War Department, and presented by me at their request.

I think if the gentleman will consider the matter he will see that it gives the Secretary power to require such notice and at the same time throws upon him the responsibility. I think the gentleman will meet with difficulties in the other direction which will be quite as serious as those he suggests.

Mr. REAGAN. I think the purpose of the proposed legislation is good, but I think we should require that the letting should be done upon second notice.

Mr. REED. The bill now provides that the contracts may be made upon notice.

Mr. REAGAN. I know it does.

Mr. REED. But even the bill as it stands is not compulsory. It only authorizes the Secretary of War to do so; it does not compel him to do so.

Mr. REAGAN. It authorizes the original contracts to be made upon competitive bids. If the contracts so made upon competitive bids shall be forfeited it does not authorize competitive bidding for a new letting. Now, to authorize the Secretary of War to let contracts to whomever he pleases without competition it seems to me would lead to extravagance.

Mr. REED. I will remind the gentleman that the language of the bill is that "he may require every bid to be accompanied by a written guarantee."

Mr. REAGAN. That is the original bid.

Mr. REED. Yes.

Mr. REAGAN. But after that is disposed of there is no competition required and no guarantee required.

Mr. REED. That would be changing the law throughout.

Mr. REAGAN. If the object is to secure fairness and competition with regard to these bids the law ought to provide for it.

Mr. REED. I suggest to the gentleman from Texas that we are trying to do one good thing, and perhaps it would be desirable not to complicate it by introducing new matter that has not been considered.

Mr. REAGAN. It seems to me this would be doing a very bad thing.

Mr. REED. We are not changing the law in that respect by this bill.

Mr. REAGAN. It would be very easy to arrange it so as to guard the public interest and secure the best contracts upon competitive bids, and it seems to me that is right.

Mr. REED. I would very much rather not do it, for the reason that this bill as it stands now has the approval of the War Department, and I do not profess to be sufficiently acquainted with the workings of that Department to venture to accept such an amendment.

Mr. REAGAN. Without any bad purpose, probably, it is the disposition of every Department of the Government to reserve to itself all the powers and discretion it can hold, and it is the business of the Legislature to properly restrain the Departments.

Mr. REED. I desire to say that there is a misprint in line 30 of the printed bill. The word "and" before "guarantors" should be "or;" so that it will read "the bidder and his guarantor or guarantors."

The SPEAKER. Is there objection to the consideration at this time of the bill which has been read?

Mr. REAGAN. Unless there is an amendment made to it I must object.

Mr. REED. I do not feel authorized to accept the amendment.

The SPEAKER. One objection is made. The bill is before the House, and the verbal correction suggested by the gentleman from Maine [Mr. REED] will be made. The question is upon ordering the bill to be engrossed and read a third time.

Mr. REAGAN. I do not know that one objection is sufficient; but I did object.

The SPEAKER. Under this rule four objections are required.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. REED moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGES ACROSS OHIO RIVER.

The Committee on Commerce was called.

Mr. TOWNSEND, of Ohio. By direction of the Committee on Commerce, I desire to call up the bill (H. R. No. 5380) supplementary to an act approved December 17, 1872, entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same."

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of Congress approved December 17, 1872, entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," shall be, and the same is hereby, amended by striking out sections 2 and 4 of said act and substituting therefor the following:

"SEC. 2. That every bridge hereafter erected across the Ohio River shall have its axis at right angles to the current at all stages, and all of its spans shall be "through" spans. Every such bridge shall have at least one channel-span placed over that part of the river usually run by descending coal fleets, said channel-span to give a clear water-way between the piers of five hundred feet, measured on the low-water line. Said channel-span shall be at least forty feet above local highest water, measured to the lowest part of the span, and shall be at least ninety feet above low water in bridges built above the mouth of the Big Sandy River, and at least one hundred feet above low water in bridges built below the mouth of the Big Sandy River, measured to the lowest part of the span: *Provided, however,* That all bridges over the Ohio River below the Covington and Cincinnati suspension bridge shall have, in addition to the channel-span prescribed above, a pivot-draw, giving two clear spannings of one hundred and sixty feet each, measured at right angles to the current at high stages, and located in a part of the bridge that can be safely and conveniently reached at that stage; that said draw shall be provided with suitable rest-piers above and below the pivot-pier, and suitable floats or crib-work connecting said rest-piers with the pivot-pier, to enable boats to pass through said draw with safety; that in case said draw-span is near either shore, the bridge company, by purchase or otherwise, shall extinguish the right of mooring boats or other water-craft to the adjacent shore for a distance of at least seven hundred feet above and seven hundred feet below the bridge; and that said draw shall be opened promptly, upon reasonable signal, for the passage of boats whose construction shall not be such as to admit of their passage under the stationary spans of said bridge, except when trains are passing over the same; but in no case shall unnecessary delay occur in opening said draw before or after the passage of a train: *Provided further,* That in lieu of the high draw prescribed above, bridges over the Ohio River below the Covington and Cincinnati suspension bridge may be built as continuous bridges, with a clear height of fifty-three feet above local highest water, measured to the lowest part of the span."

"SEC. 4. That any person, company, or corporation authorized to construct a bridge across the Ohio River shall give notice by publication for one week in newspapers having a wide circulation, in not less than two newspapers in the cities of Pittsburgh, Cincinnati, and Louisville, for bridges above the mouth of the Big Sandy, and in the cities of Pittsburgh, Cincinnati, Louisville, Saint Louis, Memphis, and New Orleans, for bridges below the mouth of the Big Sandy, and shall submit to the Secretary of War for his examination a design and drawings of the bridge and piers, and a map of the location, giving, for the space of at least one mile above and one mile below the proposed location, the topography of the banks of the river and the shore-lines at high and low water. This map shall be accompanied by others, drawn on the scale of one inch to two hundred feet, giving for a space of one-half a mile above the line of the proposed bridge and a quarter of a mile below, an accurate representation of the bottom of the river by contour lines two feet apart, determined by accurate soundings, and also showing over the whole width of this part of the river the force and direction of the currents at low water, at high water, and at least one intermediate stage, by triangulated observations on suitable floats. The maps shall also show the locations of other bridges in the vicinity, and shall give such other information as the Secretary of War may require for a full and satisfactory understanding of the subject. Said maps and drawings shall be referred to a board of engineers for examination and report, which board shall personally examine the site of the proposed bridge, and shall hold a public session at some convenient point to hear all objections thereto, of which public session

due notice and invitation to be present shall be given to all interested parties; and if said board of engineers reports that the site is unfavorable, the Secretary of War shall be authorized, on the recommendation of said board, to order such changes in the bridge or its piers or such guiding dikes or other auxiliary works as may be necessary for the security of navigation; and the proposed bridge shall only be a legal structure when built as approved by the Secretary of War.

Mr. TOWNSEND, of Ohio. Mr. Speaker, this bill in its original form amending the present law as to bridges constructed across the Ohio River was introduced by the gentleman from Illinois [Mr. TOWNSEND] and referred to the Committee on Commerce. Having been placed in the hands of a sub-committee of which I was chairman, it was submitted to the Secretary of War, and by him referred to the Engineer Department. The subject was examined separately by General Warren, Major Merrill, and General Weitzel, who reported their conclusions in a document which is before the House. The bill as now presented was then prepared under the direction of the Secretary of War, and is in accordance with recent improvements in engineering as applied to bridges. It increases the spans to five hundred feet, a width which can now be easily constructed, and it improves the law in other directions, protecting the navigation of the river, while imposing no unnecessary hardships in reference to the building of bridges. The bill in its present form is recommended by the distinguished engineers I have named, who understand the Ohio River perfectly, and it has also the approval of the War Department.

Mr. CARLISLE. Does this bill affect bridges already constructed?

Mr. TOWNSEND, of Ohio. It does not.

Mr. CARLISLE. It applies only to bridges hereafter to be constructed?

Mr. TOWNSEND, of Ohio. Yes sir. I will add that it is very necessary the bill should pass at this session, for there are three or four different points on the river at which bridges are shortly to be erected, and I have within a few days received letters from parties at Evansville and several other points on the river, stating that they are waiting for the passage of this bill, so that the bridges about to be constructed may be built in accordance with its requirements.

Mr. TOWNSEND, of Illinois. I wish to inquire of the gentleman whether this measure is a substitute for the bill introduced by myself?

Mr. TOWNSEND, of Ohio. It is.

Mr. TOWNSEND, of Illinois. I would be very glad if my friend would state the difference between the two bills with reference to the height of bridges.

Mr. TOWNSEND, of Ohio. I am not prepared to state that; but I will say that the bill of the gentleman was referred to the War Department, and by that Department submitted to the three distinguished engineers whom I have named, who, after examining the subject, reported this measure as a substitute, increasing the height of bridges above the water, increasing the width of the spans, and amending the bill in other important particulars so as to conform better to the interests of navigation.

Mr. TOWNSEND, of Illinois. Does not this bill impose much greater hardships upon the construction of bridges than the present law or the bill which I introduced?

Mr. TOWNSEND, of Ohio. It makes changes in several important particulars; it increases the width of the spans. The gentleman's bill, if I remember correctly, provided for spans of four hundred feet; this provides for spans of five hundred feet.

Mr. TOWNSEND, of Illinois. I will state that my bill was prepared under the advice of one of the ablest of the engineers. I am sorry the committee has not adhered more closely to the terms of the original bill.

Mr. TOWNSEND, of Ohio. The bill in its present form is in accordance with the report of the three engineers, including General Merrill. It amends and, as they believe, improves the original bill in important particulars, one being the increase of the width of the spans from four hundred feet to five hundred feet, which the engineers say is a requirement not only practicable but right.

Mr. HOLMAN. I wish to inquire whether the increase in the width of the spans from four hundred feet to five hundred feet is the principal amendment proposed to the present law?

Mr. TOWNSEND, of Ohio. The bill also increases the height of the bridges above the water.

Mr. HOLMAN. How much?

Mr. TOWNSEND, of Ohio. I am not prepared to say.

Mr. HOLMAN. But there is an increased height as compared with the present law?

Mr. TOWNSEND, of Ohio. Yes, sir.

Mr. HOLMAN. And an increased width of the main span?

Mr. TOWNSEND, of Ohio. Yes, sir.

Mr. HOLMAN. And the side spans are diminished in width?

Mr. TOWNSEND, of Ohio. No, sir. I will state that the bill contains other provisions, imposing such obligations in reference to the construction of bridges as will make them safer and less dangerous to navigation.

Mr. TOWNSEND, of Illinois. I wish to know whether this bill facilitates the construction of bridges without interfering with the navigation of the river—

Mr. TOWNSEND, of Ohio. That was the intention.

Mr. TOWNSEND, of Illinois. Or whether it is intended to facil-

itate the navigation of the river without reference to the construction of bridges?

Mr. TOWNSEND, of Ohio. It is intended to facilitate the construction of bridges and at the same time to protect the interests of navigation. The distinguished engineers who approved this measure understand the Ohio River perfectly. They have had those two objects in view and have prepared the substitute with reference to them.

Mr. HOLMAN. One further question: to what extent does this bill facilitate the building of bridges or furnish greater facilities in that direction than the present law for the benefit of railroad companies?

Mr. TOWNSEND, of Ohio. The advance of engineering skill in the last ten or fifteen years, since the passage of the present law, has made it possible to build bridges with wider spans and under conditions more favorable to navigation, while not less favorable to those who desire to construct bridges.

Mr. HOLMAN. Does the gentleman say that this bill is more favorable to navigation than the present law?

Mr. TOWNSEND, of Ohio. Yes, sir.

The SPEAKER. Is there objection?

Mr. WILLIS. I hope there will be no objection.

Mr. TOWNSEND, of Ohio. It is all right and ought to pass.

The SPEAKER. The Chair hears no objection, and the bill is before the House.

Mr. HOLMAN. This bill is subject to debate for five minutes?

The SPEAKER. It is.

Mr. HOLMAN. If this bill is less favorable to navigation than the present law I shall feel it to be my duty, representing the interests of the Ohio River, to object to it.

Mr. TOWNSEND, of Ohio. No; it is more favorable to navigation and has been constructed in that interest. It was so intended, but it does not prevent the construction of bridges in the proper way. It is intended to relieve navigation from some difficulties under which it now labors.

Mr. HOLMAN. Does it protect navigation to a greater extent than the present law?

Mr. TOWNSEND, of Ohio. It does, and it was so intended. I wish the gentleman from Indiana had time to read General Merrill's report on the subject; it is exhaustive and able.

Mr. McLANE. The gentleman from Indiana is directing his inquiry specially to know whether this law protects navigation more or less than the old law.

Mr. TOWNSEND, of Ohio. It protects it more.

Mr. McLANE. I submit further to the gentleman from Ohio to state independent of that whether the Engineer Department was called on specially to report what would protect navigation?

Mr. TOWNSEND, of Ohio. That is true.

Mr. McLANE. And the spans and heights in this bill are the spans and heights recommended by the engineers?

Mr. TOWNSEND, of Ohio. They are.

Mr. TOWNSEND, of Illinois. We not only desire to protect the navigation of the Ohio River, but we likewise wish to facilitate the construction of bridges across the Ohio River.

Mr. WASHBURN. This bill is primarily in the interest of navigation; that is the object of it. There is no doubt but what it will occasion additional expense to railroad companies and others desiring to build bridges, but it is in conformity with the recommendation of the War Department, and in the interest of navigation. It does not put any onerous obligation on parties desiring to build bridges.

Mr. WILLIS. I only desire to say—

The SPEAKER. The time for debate is exhausted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIPLOMATIC RELATIONS WITH PERSIA.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, I am directed by the Committee on Foreign Affairs to move that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill (H. R. No. 6743) to establish diplomatic relations with Persia, and to ask for its present consideration.

The bill was read, as follows:

Be it enacted, &c., That section 1675 of the Revised Statutes of the United States be, and the same is hereby, amended by inserting after the words "Liberia, \$4,000," the words "chargé d'affaires and consul-general at Teheran, Persia, \$5,000."

Mr. HOLMAN. Let the accompanying report be read; I understand the salary is fixed at \$5,000.

Mr. WILLIAMS, of Wisconsin. The salary is \$5,000 for chargé d'affaires and consul-general.

Mr. HOLMAN. What necessity is there for including consul-general? We have no commercial relations of any consequence with Persia which would require a consul-general.

Mr. WILLIAMS, of Wisconsin. The report will fully explain the facts involved.

Mr. CURTIN. Let the report be read.

Mr. BURROWS, of Michigan. I believe, Mr. Speaker, it will be much more satisfactory if the gentleman from Wisconsin be permitted to explain the bill.

Mr. WILLIAMS, of Wisconsin. I can explain it in a moment. The bill provides for a chargé d'affaires and consul-general at Teheran, Persia, at a salary of \$5,000. It is recommended by two Secretaries of State, by the ex-minister of the United States at St. Petersburg, the gentleman from Pennsylvania, [Mr. CURTIN,] by our ex-minister, Mr. Foster, and by Mr. KASSON, our ex-minister to Austria; and these gentlemen are all perfectly acquainted with the situation, and the report of the Committee on Foreign Affairs is unanimous.

The American missionaries were attacked and their lives were in danger, and they had to appeal to the minister of Great Britain, who interfered and saved their lives.

Mr. KASSON, in a letter to the Department of State, sets forth that the trade with Persia is from \$18,000,000 to \$20,000,000 a year; \$12,000,000 imports and \$7,000,000 exports, and that American cottons may be introduced there, and that American petroleum has already found its way into that country.

In my limited time that is all I can say or desire to say in regard to the bill. The salary is exceedingly low, but the committee did not feel authorized to recommend any higher compensation. If objection is to be reserved, I hope by unanimous consent the gentleman from Pennsylvania, [Mr. CURTIN,] ex-minister to St. Petersburg, will be permitted to be heard on this question with which he is fully acquainted.

The SPEAKER. Is there objection?

Mr. HOLMAN. I hope the gentleman from Pennsylvania [Mr. CURTIN] will be heard, the right to object being reserved.

Mr. WILLIAMS, of Wisconsin. I yield the gentleman from Pennsylvania five minutes.

The SPEAKER. Objections must now be called for. Is there objection? The Chair hear none. There are still left five minutes for debate.

Mr. WILLIAMS, of Wisconsin. I yield to the gentleman from Pennsylvania.

Mr. CURTIN. If we are to continue to extend our relations to foreign countries, surely there should be no objection to our having relations with this the oldest government in the world and a country now growing to great consequence commercially. A glance at the map will show that Persia, lying between the possessions of Great Britain on the east and Russia on the north, is likely to grow in consequence in the diplomatic relations of those countries and others known in diplomacy and the great powers. During my residence in Saint Petersburg the Persian minister, a very intelligent gentleman, approached me twice to urge me to ask my Government to open diplomatic and commercial relations with that country; and I understand the late minister to Russia, Mr. Foster, made a communication to the State Department in which he reflected the wishes of the Government of Persia, and strongly recommended all this bill proposes. The report of the committee sets forth very fully the commerce of this country. I have noted some facts bearing on the importance of establishing relations with it which may be of interest to the House.

I will state to the House that the population of Persia is nearly, if not quite, 8,000,000. Its territory is three times greater than that of France. It has many large and opulent cities. Tabreez has a population of 120,000; Teheran 85,000; Meshed 70,000; Isfahan 60,000; and Yezd 40,000. The foreign commerce is twenty millions per year; the imports twelve and a half millions in round numbers; and the exports six and a half millions. And here is an item in their commerce which may be of consequence and should very properly enter into the consideration of the subject as of commercial importance to this country. They imported into the city of Tabreez alone last year \$4,000,000 worth of cotton, mostly grown in the United States, and first shipped to Great Britain and thence to Persia, there manufactured into fabrics. A recent writer says:

Persia can probably never again rule the world as under Cyrus, but the wheel of history will soon bring round the day when its commercial and religious influences will again reach over a hundred millions of people.

The geographical position of Persia is most important. The American missionaries whose labors began in 1834 have done very useful work. When they arrived in the country reading was almost unknown. Now they have flourishing schools at Urumiah, Tabreez, Teheran, and other places. They have introduced printing and made modern Syriac, which is spoken by the Nestorian Christians, a written and printed language, a medium of enlightenment, though before their arrival the existence of this language—which is substantially the same as that used in the beginning of the Christian era, and may have been the language in which the Sermon on the Mount was given to mankind—was unknown to scholars. Ernest Renan, the great French scholar and academician, in speaking of this event, says:

The American missionaries of Persia, who should ever be connected with one of the most striking events in the history of the Semitic languages, undertook to give some regularity to this tongue, which they named Neo-Syriac. A grammar of this language, which now possesses a fairly good literature and journals, was published by Rev. Mr. Stoddard.

This well-authenticated historical fact must be gratifying to American citizens, and our Government should promptly afford protection to those who have done so much in the absence of even friendly offi-

cers of the Government. As is shown by the report of the committee, American missions in that country have heretofore been generally under the protection of the British embassy and other officials, who, it will be noted, speak in praise of our country in mission work.

The relations of Great Britain with Persia are seriously disturbed, and the power to protect the subjects of that government is of doubtful tenure.

We have more missionaries there than any other country, and many of the more intelligent of them have expressed their fears of safety if the British protection should be withdrawn from them.

Surely those of our citizens who in self-sacrifice have penetrated the darkness which has covered that historical land, given them the Bible and its precepts, established schools, and revived its literature, deserve the active protection of this Government.

We have commercial relations with that country which if fostered and protected will grow and enlarge.

All the great trading nations of Europe are represented at the capital of Persia by accredited ministers and by consular service at their chief cities, and we, a nation of traders, given to commercial and manufacturing activities, should be represented where others are, and the American citizen be followed by the protection in his life and rights and pursuits where others are.

It is time, full time, this great people should be asserted and their presence felt all over the world. Where the enterprise of the American man calls him let him feel that his Government is around and about him in his protection and his interest, and to that end we should be intelligently represented where the other great powers send their representatives. It may result to our business profit and commerce, independent of the protection demanded by those who are craving our literature and religion, as when we broke the crust of thousands of centuries of caste and superstition and opened Japan to the commerce of the world.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WILLIAMS, of Wisconsin, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUFFERERS BY EXPLOSION AT PITTSBURGH.

The Committee on Military Affairs was called.

Mr. BAYNE. I am instructed by the Committee on Military Affairs to call up for present consideration from the Committee of the Whole House the bill (H. R. No. 6063) for the relief of the sufferers by the explosion at the United States arsenal at Pittsburgh, Pennsylvania, September 17, 1862.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and required, out of any money in the Treasury not otherwise appropriated, to pay the sum of \$25,000, in such proportions as he may deem just and equitable, to the following named sufferers by the explosion at the United States arsenal at Pittsburgh, Pennsylvania, on the 17th day of September, 1862, and to such other persons as may, within six months after the passage of this act, make satisfactory proof that they also were sufferers by that explosion, namely: T. J. McKelip, maimed by the explosion; — McCreight, who lost a daughter by it; George D. Clowes, who lost his only daughter by it; Mrs. Mary Clare, who lost a daughter; Mrs. Grace Gillespie, crippled for life thereby; Mrs. Margaret Slattery, who lost two daughters; Mrs. McAfee, who lost her only daughter; Andrew Mc—, who was crippled for life and also lost a daughter; the father and mother of Lizzie and Sadie Maxwell, both killed; Mrs. Anna McKenna, who lost her only daughter; Mrs. Amanda Straub, maimed for life; Mrs. Mary McCarthy, who lost her only daughter; Mrs. Laura Quinn, who had her sight greatly impaired by the explosion; Sarah Moorhead, Annie Brown, Jane Barr, and Maria Miller, four sisters of Hester Hezlip, killed by the explosion; Mrs. Margaret Murphy, who lost her only daughter; Mrs. Ann Croney, who lost a daughter; J. R. Frick, maimed for life, and lost his wagon and four horses by the explosion; A. L. Jones, who lost two nieces whom he was at the time taking care of; Margaret O'Rourke, an invalid, who lost her sister, her only support; and Mrs. Sarah Wolf, a cripple, who lost her sister.

Mr. BAYNE rose.

Mr. DUNN. The bill is still subject to objection as I understand. The SPEAKER. It is. Does the gentleman from Pennsylvania desire to be heard in explanation of the bill?

Mr. BAYNE. Yes, sir.

The SPEAKER. The gentleman from Pennsylvania is entitled to the floor for five minutes to explain the bill.

Mr. BAYNE. I would like to have the attention of the House, because I do not think any gentlemen will object to this bill when they hear the object it contemplates. In 1862 there were engaged in the Allegheny arsenal at Pittsburgh several hundred people, making war preparations, cartridges, fuses, and various other things. Among the large number employed were girls and boys; a great many girls of twelve, fourteen, or sixteen years of age, and quite a number of boys; also a considerable number of men. The amount of work done at the arsenal was very great, and in consequence of the heavy hauling into the arsenal grounds the roadway became deep, and the commandant of the arsenal, Colonel Symonton, ordered that stone should be put upon the roadway to facilitate the transportation of gunpowder and other materials.

The stones placed there were much larger than those ordinarily used for macadamizing purposes, not broken as they ought to have been. Powder leaked out from the wagons that went over the road and got in among the stones. In hauling over that road one of the horses driven by Mr. Frick struck fire from the stones, the fire ig-

nited the powder that had escaped from the wagons, and that powder slowly burned like a fuse until it reached a point where there was some five hundred pounds of powder which had been unloaded from a wagon, and set fire to that, which caused an explosion, and the consequence was that about eighty of these boys and girls and some men and women were killed outright, and some thirty or forty were wounded.

Mr. HAMMOND, of Georgia. Will the gentleman permit me to ask him a question?

Mr. BAYNE. Certainly.

Mr. HAMMOND, of Georgia. Does the gentleman desire to establish the principle that whenever any man is injured while in Government employment the Government must make a donation to him?

Mr. ERRETT. The accident was the act of the Government.

Mr. BAYNE. The accident was the act of the officer of the Government who had the matter in charge. A protest was made by the very teamster who drove the team over this stone road that an accident would result from the stones and the gunpowder that had fallen there unless some change was made. But no attention was paid to that by the Government officer, Colonel Symonton, and the result was this accident, by which about eighty, as I have said, were killed, I do not know the exact number, and some thirty or forty wounded. The number killed was very largely in excess of the number wounded, which is an extraordinary circumstance, and shows the terrible nature of this explosion.

This bill provides for appropriating \$25,000, which is a sum wholly inadequate, and not nearly so much as should be given for the purpose of making provision for those who suffered in consequence of that terrible explosion, and the parents of those who were killed by it. I think if there ever was a bill that appealed strongly to the sympathy and the sense of equity of Congress this bill makes that appeal.

Most of the persons who are now claimants are those whose children were killed, and the claimants are now old and infirm and unable to take care of themselves. They were a poor class of people, all working people, not one of them had property of considerable value or a competence. The condition of these families can very readily be inferred from the fact that boys and girls of from but twelve to fifteen years of age were daily pursuing their avocation in that arsenal. They were rendering, too, most important service to the Government, because that work had to be done, and it was faithfully done by these people. Through no fault of theirs they became the victims of this great destruction of life. I earnestly hope there will be no objection to this bill.

Mr. BURROWS, of Michigan. The gentleman has not yet stated, and I will ask him, whether he was authorized at a meeting of the committee to call up this bill?

Mr. BAYNE. I was authorized at a meeting of the Committee on Military Affairs to report this bill and ask for its passage under this rule.

Mr. ERRETT. It is the unanimous report of the committee.

Mr. BAYNE. It is the unanimous report of the committee.

Mr. BURROWS, of Michigan. Has the report accompanying this bill been printed?

Mr. BAYNE. It has been.

The SPEAKER. The time allowed for explanation has expired. Is there objection to the present consideration of the bill which has been read? [After a pause.] There are six gentlemen objecting, and the bill is not before the House.

OFFICERS AND CREW OF THE MONITOR.

Mr. THOMAS, from the Committee on Naval Affairs, called up from the Speaker's table the bill (S. No. 369) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel iron-clad Merrimac on the 9th day of March, 1862.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Navy is hereby authorized and directed to pay to Rear-Admiral John L. Worden and the officers and crew of the United States steamer Monitor who participated in the action with the rebel iron-clad Merrimac on the 9th day of March, 1862, including Chief Engineer Alban C. Stimers and Acting Master Samuel Howard, such a sum as shall be duly found by the said Secretary to have been the actual value of the said iron-clad Merrimac and her armament at the date of said action, not exceeding the sum of \$200,000.

SEC. 2. That the sum to be thus distributed shall be in lieu of the bounty provided by section 4635 of the Revised Statutes of the United States, and shall be distributed in the proportions fixed by law in cases where the capturing or destroying vessel was acting independently of the commanding officer of a fleet, squadron, or division.

SEC. 3. That in case of the death, either before or after the passage of this act, of any person who would be entitled, if living, to share in its benefits, the sum falling due to such person shall be paid to his widow, if living, and if no widow is living, then to his executor or administrator.

SEC. 4. That for the purpose of carrying this act into effect the sum of \$200,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. I suppose this bill has been reported upon by the Committee on Naval Affairs of the House, and I would like to have the report read.

Mr. THOMAS. The report is so voluminous that it cannot be read in five minutes.

Mr. CARLISLE. Is there a report of the House committee?

Mr. THOMAS. A memorial by Admiral Worden, for himself and the officers and crew of the Monitor, was referred by the House to

the Committee on Naval Affairs, and was fully and thoroughly examined by that committee and an exhaustive report made thereon. Shortly after the bill was reported back to the House a copy of the bill was introduced into the Senate, referred to the Senate Committee on Naval Affairs, investigated by that committee, the report of the House committee adopted as the report of the Senate committee, and the bill was reported to the Senate and passed by that body, as I understand, without a dissenting voice.

Mr. McMILLIN. Permit me to correct the gentleman in that respect. I do not know how the vote stood, but I happened to be in the Senate and I heard the Senator from Missouri making a speech which to my mind demonstrated the fact that this iron-clad was never captured by the Monitor, but was blown up by the confederates themselves.

Mr. THOMAS. All the facts are fully stated in the report of the committee. A more meritorious case than this never was presented to Congress.

At the time of the completion of the Merrimac she was the most formidable war-ship in the world. She came out from Norfolk into Hampton Roads, and every one is familiar with the history of the wonderful contest that occurred between the Merrimac and the Monitor; how the frigates Cumberland and the Congress were sunk; how the whole shipping in Chesapeake Bay was in danger of immediate capture by this confederate iron-clad; how the little Monitor came around from New York, an untried and new device, and engaged in a conflict with the Merrimac, and after the most terrible naval battle ever fought drove that confederate iron-clad back into Norfolk, from which place she was never able again to come out to engage in warfare. By the action of the Monitor at that time, winning that great victory, more was done for the suppression of the rebellion, more was saved to the people of this country by preventing the Merrimac from entering the harbors of Philadelphia, Boston, Baltimore, and New York and laying those cities under tribute, than was done by one hundred thousand men in the field.

More than that, the building of this monitor, together with that battle, brought about a new era in naval warfare and naval architecture. The country reaped the benefit of the defeat of the Merrimac. The war was shortened at least two years by this action. These men simply come in now and ask to have done in their cases what has been done over and over again in similar cases.

Mr. HOLMAN. Will my friend explain how it happens, if it so happens, that this matter was not adjusted in the proper prize court?

Mr. THOMAS. I am able to explain that. It is because no bill was ever passed authorizing them to go before the appropriate prize court.

Mr. HOLMAN. Was any special act of Congress necessary for that purpose?

Mr. THOMAS. There was, because in this case the destruction was not immediate, but consequential. If the vessel had been captured outright or had been destroyed immediately these men might have proceeded by petition in a prize court. But the destruction was not immediate. The Merrimac was taken to Norfolk in a sinking condition, but it was found she could not be repaired so as to be made effective, and she was then blown up to keep her from falling into the hands of the Union forces.

Mr. McMILLIN. Who blew her up?

Mr. THOMAS. She was blown up by the confederates to keep her from falling into the hands of the Union forces. She was so much damaged, so nearly destroyed by the Monitor, that she could not be taken out through the blockade.

Mr. McMILLIN. Then these parties want pay for a ship that they did not blow up?

Mr. THOMAS. They want prize-money for a ship they did destroy.

The SPEAKER. The time for debate under the rule has expired.

Mr. HAMMOND, of Georgia. Would it not be proper to put in, by way of amendment, some other vessels they did not destroy?

The question being taken on the consideration of the bill, ten members objected.

The SPEAKER. The bill is not before the House.

BURLINGTON, CEDAR RAPIDS AND NORTHERN RAILWAY.

The Committee on the Post-Office and Post-Roads was called. Mr. FARWELL, of Iowa. I am directed by the Committee on the Post-Office and Post-Roads to call up for consideration the bill (S. No. 265) to provide for the payment of the amount due the Burlington, Cedar Rapids and Northern Railway Company for transportation of United States mails.

The bill was read, as follows:

Be it enacted, etc., That the Postmaster-General be, and is hereby, authorized to pay to the Burlington, Cedar Rapids and Northern Railway Company the amount due said company for transporting the United States mails between Plymouth, Iowa, and Austin, Minnesota, from January 8, 1872, to May 21, 1876, at the rates of compensation authorized by law between said dates; and the sum of \$5,670.40, or so much thereof as may be necessary, is appropriated for this purpose, out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That it shall be shown to the satisfaction of the Postmaster-General that the said company actually transported United States mails between the points mentioned in this act during the time stated, for which it has received no compensation.

Mr. FARWELL, of Iowa. I ask that the report be read.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (S. No. 265) to provide for the payment of the amount due the Burlington, Cedar

Rapids and Northern Railway Company for transportation of United States mails, have had the same under consideration, and submit the following:

The bill provides that the Postmaster-General be authorized to pay to the Burlington, Cedar Rapids and Northern Railway Company for transporting the United States mails between Plymouth, Iowa, and Austin, Minnesota, from January 8, 1872, to May 21, 1876, at the rates of compensation authorized by law between said dates.

The facts of the case, as shown by correspondence between the committee and the Post-Office Department, are that said railway company operated a route, No. 11012, from Burlington to Plymouth, two hundred and twenty-eight miles, and ran their trains, with mails and agents, beyond Plymouth over the track of the Chicago, Milwaukee and Saint Paul Railroad to Austin, Minnesota, a distance of thirty-two miles.

No compensation has been paid for the service rendered by this company between Plymouth and Austin.

In the opinion of the committee, based upon the facts as stated by the Post-Office Department, the amount allowable for all mails carried between Plymouth and Austin, as a single route, from January 8, 1872, to May 21, 1876, is \$11,869 68.
The amount paid the Chicago, Milwaukee and Saint Paul Railroad Company for Austin and Mason City mails 6,199 28

There is therefore due the Burlington, Cedar Rapids and Northern Railway Company the sum of 5,670 40

attributable to weight of mails carried by that company, and for which, as stated by the Post-Office Department, "no compensation whatever has been allowed."

Under a decision of the Court of Claims, the Post-Office Department is now paying similar claims upon the same basis herein reported, but cannot pay this, as the money has lapsed that was available for the purpose.

The committee therefore recommend that the sum of \$5,670.40 be allowed to the company, and that the bill so amended be passed.

The question being taken on the consideration of the bill, eight members objected.

The SPEAKER. The bill is not before the House.

HOMESTEAD SETTLERS ON PUBLIC LANDS.

The Committee on the Public Lands was called.

Mr. STRAIT. Under instruction of the Committee on Public Lands, I call up for consideration the bill (H. R. No. 3699) to amend an act entitled "An act to grant additional rights to homestead settlers on public lands in railroad limits," approved March 3, 1879.

The Clerk proceeded to read the following bill, as reported by the Committee on the Public Lands with amendments:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879, be, and the same is hereby, amended so as to read as follows:

"That from and after the passage of this act the even sections or the odd sections or parts of sections that may be included within the limits of any grant of public lands to any railroad company, or to any military-road company, or to any State in aid of any railroad or military road, and which are now or may hereafter become subject to entry under the laws of the United States, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler; and any person who has, under existing laws, taken a homestead within the limits of any railroad or military-road land grant, and who by existing laws shall have been restricted to less than one hundred and sixty acres, may enter, under the homestead laws, any of the public lands of the United States subject to homestead entry as when added to the quantity previously entered shall not exceed one hundred and sixty acres; and the residence and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law.

"SEC. 2. That the person applying for the benefits of this act shall procure a certificate from the register and the receiver of the land district in which his original homestead is situate as to what the records of their office show touching said original homestead entry, and that the same is free from conflict with any other filing or entry; and upon presentation of such certificate to the Commissioner of the General Land Office the said Commissioner shall verify the same and append thereto a certificate specifying the number of acres of land which the person so applying is entitled to enter; and upon presentation of such certificate at any district land office the person named therein shall be entitled to enter the quantity of land certified therein, by legal subdivisions, upon payment of the fee and commissions now prescribed by law in case of homestead entries: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually cultivated and improved the land embraced therein at least one year; and proof of such cultivation shall be the affidavit of two disinterested witnesses of the county in which such additional land is situated, made before the register or the receiver of the United States land office, or the judge or clerk of any court of record of said county.

"SEC. 3. That the register and the receiver shall each be entitled to receive a fee of \$2 in addition to the fee now allowed by law for the preliminary certificate required by the second section of this act.

"SEC. 4. That persons who have heretofore made homestead entries of less than one hundred and sixty acres, whose entries were made in good faith but not perfected within the seven years allowed by law, may make a second homestead entry, which entry, together with the original and forfeited entry, shall not exceed one hundred and sixty acres."

During the reading of the bill the hour expired.

The SPEAKER. If there be no objection this bill, which will come up to-morrow as unfinished business, will be printed in the RECORD.

There was no objection.

Mr. STRAIT. I ask that the report also be printed in the RECORD.

There was no objection. The report is as follows:

The Committee on the Public Lands have had under consideration the bill (H. R. No. 3699) to amend an act entitled "An act to grant additional rights to homestead settlers on public lands in railroad limits," approved March 3, 1879, which was referred to said committee, and report the same back, with the following amendments, namely:

1. Insert after the word "may," in the eighth line, and before the word "shall," in the twelfth line, the words "be included within the limits of any grant of public lands to any railroad company, or to any military-road company, or to any State in aid of any railroad or military road, and which are now, or may hereafter, become subject to entry under the laws of the United States."

2. Add, as section 4, the following words:

"SEC. 4. That persons who have heretofore made homestead entries of less than

one hundred and sixty acres, whose entries were made in good faith, but not perfected within the seven years allowed by law, may make a second homestead entry, which entry, together with the original and forfeited entry, shall not exceed one hundred and sixty acres."

Your committee respectfully recommend the adoption of said amendments, and that the bill, when so amended, do pass.

ORDER OF BUSINESS.

Mr. McLANE. As the select committees have not been called and have had no opportunity to avail themselves of the Pound rule, I ask unanimous consent that the select committee in relation to the late Carlile P. Patterson be now called.

The SPEAKER. The gentleman from Maryland asks unanimous consent that the select committee named by him be called as under the Pound rule.

Mr. PRESCOTT objected, but subsequently withdrew his objection; when

Mr. BRIGGS renewed the objection.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. No. 2151) to provide for the publication of the Tenth Census;

Joint resolution (S. R. No. 6) authorizing Lieutenant-Commander Charles Dwight Sigbee, United States Navy, to accept a decoration from the Emperor of Germany, and also authorizing Joseph R. Hawley to accept decorations from the Governments of the Netherlands, of Spain, and of Japan; and

Joint resolution (S. R. No. 102) authorizing the Secretary of War to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to it by citizens of Norristown, Pennsylvania.

MESSAGES ORDERED TO BE PRINTED.

The SPEAKER. The message of the President on the bill to regulate the carriage of passengers by sea and the message on the river and harbor appropriation bill have not been ordered to be printed as documents, as is customary. If there be no objection, they will be ordered to be printed.

There was no objection, and it was ordered accordingly.

GENERAL DEFICIENCY BILL.

Mr. HISCOCK. I submit the following privileged report.

The Clerk read as follows:

The managers of conference on the disagreeing votes of the two Houses on amendment numbered 47 of the Senate to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, having met, after full and free conference have been unable to agree.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,

Managers on the part of the House.

E. HALE,
W. B. ALLISON,
F. M. COCKRELL,

Managers on the part of the Senate.

The following is the statement accompanying the conference report:

The managers on the part of the House of the conference on the deficiency appropriation bill submit the following statement in explanation of the conference report submitted herewith:

The effect of the report is to leave the bill in the same condition as when last acted on by the House; namely, the Senate refuses to recede from its amendment numbered 47, giving mileage to Senators for the late extra or special session of the Senate.

FRANK HISCOCK,
GEO. M. ROBESON,
S. S. COX,

Managers on the part of the House.

Mr. HISCOCK. I will make a brief statement. The matter in controversy between the two Houses is the pay of mileage to the Senate for the extra October session. We report a disagreement, as we have reported it twice before. On previous occasions I have moved to recede from the disagreement of the House. I do not propose to do so on this occasion; but any other gentleman who chooses can make that motion.

The SPEAKER. What motion does the gentleman make?

Mr. HISCOCK. To concur in the report.

The SPEAKER. What is it?

Mr. HISCOCK. The only disagreement between the two Houses is what has been reported on two previous occasions, the Senate insisting on mileage for the extra October session. The House heretofore has refused to yield on that question.

Mr. VALENTINE. And I shall move that the House recede from its disagreement.

Mr. BURROWS, of Michigan. I hope it will be voted down.

Mr. BLACKBURN. I shall demand the yeas and nays on that motion.

Mr. VALENTINE. I have the right to be heard, as debate has not been closed.

Now, Mr. Speaker, I for one believe each House should be responsible for its action to the country touching its own pay and allow-

ance. I have believed so during this entire controversy and have so voted. I believe the question of the pay of employes, which has constantly existed, and over which we have wrangled for several sessions of Congress, should cease. I believe the House should be held responsible for the amount it pays its employes and the amount which it votes to itself each session, and I believe the country should hold the Senate responsible for what it does.

Mr. BLACKBURN. I have no objection to that, and only make the reply that clearly the law does not give this money to the Senators or else the House would not be required to vote in order to validate it. If the House votes to recede it will, I understand, take its full share of responsibility and will be as much censurable as the Senate. I do not intend to make any more opposition, but shall ask the yeas and nays on the motion of the gentleman from Nebraska.

Mr. TOWNSHEND, of Illinois. That is right.

Mr. HISCOCK. If the gentleman from Kentucky insists on the yeas and nays and this is made a party question in the House—

Mr. BLACKBURN. It is not a party question and it cannot be made a party question.

Mr. TOWNSHEND, of Illinois. It is to be hoped some Republicans will vote against this "salary grab."

Mr. VALENTINE. The gentleman's objection is on a par with his usual interjections.

Mr. HISCOCK. That remark of the gentleman from Illinois is ill-timed and in bad taste. When it comes down to the charge or insinuation of the kind the gentleman has made I believe the gentleman from Nebraska is the peer of the gentleman from Illinois, and I believe, Mr. Speaker, there are many men at the other end of the Capitol who are the peers of the gentleman from Illinois, and therefore he had better not bandy terms on that question.

Mr. TOWNSHEND, of Illinois. I wish to say to the gentleman from New York—

Mr. HISCOCK. I apprehend from the fact the gentleman from Kentucky chooses to call the yeas and nays on this question that, so far as he is concerned, he desires to make a party issue of this question.

Mr. BLACKBURN. No; I do not.

Mr. HISCOCK. Hear me through. I know very well there are many members on this side of the House who will not vote in favor of paying this extra mileage to Senators. Knowing that, I believe it is time lost for the gentleman from Nebraska to make his motion; and while I agree with him, we should recede for the reasons already stated. I hope he will withdraw his motion, as nothing can be gained thereby at this time.

Mr. BLACKBURN. Now, the gentleman from New York will allow me to say just this much: I had no purpose of making any party question of this. My friend from Indiana [Mr. BROWNE] made the strongest speech I heard made on this floor against the proposition; and I do not know but there were as many Republicans opposing it as Democrats.

Mr. TOWNSHEND, of Illinois. No one put it on party grounds. Mr. HISCOCK. I appeal to the gentleman from Nebraska to withdraw his motion; for it will be lost and it is a waste of time.

Mr. VALENTINE. At the request of the chairman of the Committee on Appropriations I will withdraw the motion; but I believe each House should be held responsible to the country for its action.

Mr. HISCOCK. I call the previous question on my motion to concur in the report.

The SPEAKER. The report recommends nothing. It merely shows a disagreement, and that has been reported to the House.

Mr. HISCOCK. I move, then, that the House insist on its disagreement to the Senate amendment.

The motion was agreed to.

Mr. RANDALL. Would it not be proper to ask a further conference?

Mr. HISCOCK. On reflection I will include that. I move that the House ask for a further conference.

Mr. RANDALL. I think that is respectful.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. HISCOCK of New York, Mr. ROBESON of New Jersey, and Mr. COX of New York.

ELIZA W. PATTERSON.

The SPEAKER. The gentleman from Maryland [Mr. McLANE] advises the Chair that the objection made to calling, in the hour under the special rule, the committee in relation to the late Carlile P. Patterson is withdrawn. Is there further objection?

Mr. HOLMAN. I desire to reserve the right of objection till I know what is brought before the House.

The SPEAKER. The bill will be subject to objection under the special rule. Is there objection to the committee being called? The Chair hears none.

Mr. McLANE. I am instructed by the select committee in relation to the late Carlile P. Patterson to call up from the Private Calendar for present consideration the bill (H. R. No. 6428) for the relief of Eliza W. Patterson.

The bill was read, as follows:

Be it enacted, &c., That all national, municipal, and county taxes, general and special, and all interests, costs, and penalties thereon, levied or assessed to and in-

cluding June 30, 1882, upon the property (in the District of Columbia) now held (or claimed) by Walter S. Cox and others in trust for Eliza W. Patterson, widow of Carlile P. Patterson, late Superintendent of the United States Coast and Geodetic Survey, be, and the same are hereby, remitted and canceled: *Provided*, That any outstanding certificates of sale for taxes in the name of Carlile P. Patterson, late one of the trustees of said Eliza W. Patterson, shall be surrendered and canceled: *And provided further*, That nothing herein contained shall be construed to require the District of Columbia or the United States to repay any sums heretofore paid for the purchase of said property at tax sale: *And provided further*, That the acceptance of the provisions of this act by said trustee and beneficiaries shall be a full release and satisfaction of all claims of every kind on their part for damages of any kind against the United States, the District of Columbia, or the city of Washington, claimed to have been done to said property.

Mr. McLANE. In the limited time allowed under the Pound rule I will not attempt to have the report read. It is a unanimous report recommending the remission of the taxes in question. I prefer to occupy the five minutes first in giving a word of explanation of my own for not more than one minute, and I will then ask the chairman of the Committee on the District of Columbia to avail himself of the balance of the time to make what explanation he deems necessary.

The bill as reported by the special committee releases the estate of Carlile P. Patterson from all the back taxes due and unpaid, special and general. But after conference with the honorable chairman of the Committee on the District of Columbia, who gave himself considerable trouble to go into this question and visit the property, I propose, on behalf of the select committee, to strike out all of the bill except that which relates to the special assessments and the pains and penalties connected therewith and the interest on the general taxes, leaving the measure of relief which Congress gives to the family of Carlile P. Patterson a remission only of those special assessments and of the pains and penalties. I now beg the honorable gentleman from Ohio, the chairman of the Committee on the District of Columbia, to make to the House such explanation as he thinks necessary.

Mr. NEAL. This is to relieve the estate of Carlile Patterson of all special taxes, special assessments, and arrears of general taxes. The matter was called to my attention, and I at once stated justice to the people of this District would not permit me to give my consent to it. I went, however, and made a personal examination of the property; and I found that that property upon which a special assessment certificate has been issued of \$7,000 and upward, instead of being benefited was actually damaged by the improvement made. Anybody who will go there and examine it will see the property is damaged and not benefited.

I therefore consented, not as a member of the Committee on the District of Columbia, because the question has not been brought before that committee, the bill was not referred to them, but individually, watching, as I have done for several years past, the interests of the people of this District, and ignoring, so far as the legislation affecting this District was concerned, every other consideration—I consented that the bill should be so amended as that this property should be exempt from the payment of those special assessments.

Then, again, we have passed a bill to remit all penalties and costs upon arrears of taxes and reduce the interest thereon to 6 per cent., provided those arrears were paid promptly by November 1. I find that this property was appraised in 1874 at \$226,000. That appraisal has been reduced. While the property remains precisely the same, the city having grown, however, enormously since that date—that appraisal has been reduced by sworn appraisers over \$76,000. It seemed to me, therefore, just and right that while these parties might be compelled to pay the taxes, it might be right and just to remit the interest, the penalties having been already remitted. As I understand the gentleman from Maryland, [Mr. McLANE,] the select committee propose to introduce an amendment to the bill, which in the first place exempts the property from the payment of the special assessments, and in the second place on the payment of the general taxes to remit the interest thereon. It is due, however, to the House that I should frankly state—

The SPEAKER. The five minutes allowed for explanation are exhausted. Is there objection to the bill?

Five members objected.

The SPEAKER. Five members objecting, the bill is not before the House.

REGISTRATION OF TRADE-MARKS.

Mr. BUCK. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 1440) relating to the registration of trade-marks. The reading of the bill will show what it is, and I think there can be no objection to it whatever.

The bill was read, as follows:

Be it enacted, &c., That nothing contained in the law entitled "An act to authorize the registration of trade-marks and protect the same," approved March 3, 1881, shall prevent the registry of any lawful trade-mark rightfully used by the applicant in foreign commerce or commerce with Indian tribes at the time of the passage of said act.

Mr. VANCE. The Committee on Patents has considered that bill and it has the unanimous sanction of the committee. It is considered right and proper that it should pass.

Mr. BUCK. I will not give an explanation unless some gentleman desires it.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. BUCK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TAX ON PERIQUE TOBACCO.

Mr. ELLIS. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 390, to amend section 3362 of the Revised Statutes, relating to the tax on perique tobacco. That tobacco is now doubly taxed, and the Commissioner of Internal Revenue very strongly recommends the passage of this bill.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That section 3362 of the Revised Statutes, as amended by the act of March 1, 1879, be, and the same is hereby, amended by inserting after the words "or for export" and before the words "under such restrictions," in the second provision of said section, the following words:

"And perique tobacco may be sold by the manufacturer or producer thereof, in the form of cartridges, directly to a legally qualified manufacturer to be cut or granulated and used as material in the manufacture of cigarettes or smoking-tobacco, without the payment of tax."

Mr. ELLIS. I will make a brief explanation.

Mr. ROBINSON, of Massachusetts. Saving the right to object.

Mr. ELLIS. This tobacco is raised in a little section of Louisiana, at College Point, a section not larger than the District of Columbia. It is raised by about two hundred Acadian farmers, and is used only as smoking-tobacco.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. ANDERSON. I object.

Mr. ELLIS. It is doubly taxed now; it pays two taxes when it should pay only one.

The SPEAKER. Objection is made and the bill is not before the House.

Mr. ELLIS. I ask unanimous consent to print in the RECORD some remarks upon this bill.

There was no objection, and leave was granted accordingly. [See Appendix.

WEHRLE, WERK & SON.

Mr. RITCHIE. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (H. R. No. 4435) for the relief of Wehrle, Werk & Son.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to abate internal-revenue taxes, to the amount of \$461.87, illegally assessed against Wehrle, Werk & Son in the year 1876, for spirits distilled in the year 1875.

Mr. HOLMAN. I desire to retain the right to object to that bill until I can hear some explanation.

Mr. RITCHIE. I wish the House would give heed to the reading of the report, and if members will do so I am sure no one will object to the consideration and passage of the bill.

Mr. HOLMAN. Let the report be read, reserving the right to object.

The report was read, as follows:

The Committee on Ways and Means, to whom was referred the petition of Wehrle, Werk & Son, of Ottawa County, Ohio, asking for the abatement of an internal-revenue tax, submit the following report:

In 1875 Wehrle, Werk & Son were engaged in the business of fruit distilling at Middlebass Island, in Ottawa County, Ohio, and in the tenth internal-revenue district of said State. On the 22d day of June, 1876, said firm was assessed an internal-revenue tax of \$583.37 upon a deficiency in the production of distilled spirits for the month of June, 1875, which they allege was erroneous and unjust.

In the survey of the fruit distillery of said firm, made on the 2d day of January, 1875, the brandy-producing capacity thereof from sour wine in twenty-four hours was placed at 373.55 proof gallons, and the number of gallons of sour wine required to produce one gallon of proof brandy was stated to be 5.35 gallons; said survey also stated the number of boilings capable of being made in twenty-four hours to be nine. This was the survey under which the distillery was operated at the time the deficiency occurred upon which the tax sought to be abated was imposed.

The committee find that said survey was erroneous, and the producing capacity of said distillery was therein overrated in the particulars hereinafter named, and that the error in said survey and estimated capacity of distillation from sour wine was unknown to the petitioners until the same was demonstrated by actual production; having never before attempted the distillation of brandy from sour wine, they had no knowledge of the brandy-producing capacity of said distillery from that material, nor of the number of gallons of wine required to produce a gallon of brandy, nor of the number of boilings that could be made per day. The business of said firm theretofore had been the distillation of brandy from grape cheese, and as the survey of said still and its capacity of production from that material had been found to be correct, we see no reason why the said firm should be required to question the correctness of said survey as to the capacity of production from sour wine before entering upon its distillation under the survey. This they did as an experiment in June, 1875, for the period of fifty-one hours; that, as required by law, they made full return of the time employed in distillation, of the quantity of material used, being 1,532 gallons of sour wine, and of the brandy produced, being 248.28 proof gallons, and paid the revenue tax assessed thereon. No one challenges the correctness of this return, and we see no reason to question it. In this connection we may properly quote the letter of Clark Waggoner, esq., collector of internal revenue for the tenth collection district of Ohio, appended to the petition of Wehrle, Werk & Son, as follows:

UNITED STATES INTERNAL REVENUE.
COLLECTOR'S OFFICE, TENTH DISTRICT OHIO.
Toledo, June 11, 1879.

Having given considerable attention to this case, and examined the facts herein set forth, I am fully satisfied that the claim of Wehrle, Werk & Co. for abatement of the tax in question is just. It is proper further to state in this connection that I regard that firm entitled to special consideration for business integrity and respect for law.

C. WAGGONER, Collector.

After this practical test of fifty-one hours under the survey, and the demonstration that the actual capacity of the distillery was largely overestimated, the petitioners ceased to operate the same under the said survey.

After the imposition of the tax upon this deficiency of production, application was made to the Commissioner of Internal Revenue for the abatement of said tax. This he declined to do without authority of Congress, saying:

"The assessment appears to be in strict accordance with the survey made and delivered to the distillers, and accepted and operated under by them during the time they were in operation in June, 1875. The survey is binding on the distiller from the date of its delivery until he ceases to operate under it; and he must account for the capacity as fixed by it, unless he can show that it is excessive by reason of clerical errors either in computation or measurement."

The Commissioner, however, has suspended temporarily the enforcement of the tax to enable the parties to apply to Congress for relief.

In a letter of date February 4, 1879, to Hon. Charles Foster, then a member of this House, the Commissioner of Internal Revenue, in speaking of this claim, says: "The survey was evidently rated too high."

And in the same letter he further says:

"In the survey under which they operated in June, 1875, they were required to make nine boilings in twenty-four hours, and to account for a gallon of brandy from every 5.30 gallons of sour wine allowed to be used."

"While these requirements were quite uniform in the tenth district of Ohio, they exceed the requirements in other districts. It would be more in harmony with the surveys in other districts if the number of boilings were reduced to seven and the quantity of sour wine required for a gallon of spirits increased to seven gallons. If the survey had been so made, the daily producing capacity for sour wine would be 219.97 gallons instead of 373.53 gallons."

"The distillery operated during the month fifty-one hours, but during the last six hours of the time the reports show they only operated one small still. The capacity of this still under the survey was 86.82 gallons, while under the reduction referred to above it would be only 51.13 gallons. If they had given the proper notice to reduce capacity when they ceased using all but the small still, they would have been chargeable for two days at full capacity and one day on the capacity of the small still. The capacity as thus reduced would be as follows:

| | |
|--|--------------------|
| Capacity, 219.97 gallons per day, for two days..... | Gallons. 439.94 |
| Add the capacity of the small still for one day..... | 51.13 |
| Total capacity..... | 491.07 |
| Eighty per cent. of 491.07..... | 392.85 |
| Subtract the actual product..... | 248.28 |
| Deficiency..... | 144.57 |

Taxes on 144.57, at 90 cents.....\$130.11

"The difference between the amount assessed, \$583.37, and the amount found due under the above changes in the survey and its capacity is \$453.26."

As to the remainder of said tax, the Commissioner further says: "I see no reason for granting relief from the \$121.50 which resulted from the distiller's own neglect to file a notice of reduction of capacity that would not apply with equal force to all assessments of that kind against any and all other distillers."

We are satisfied that the said survey was erroneous in its estimate of the capacity of the distillery, in the number of gallons of sour wine required to produce one gallon of proof brandy, and also in the number of boilings capable of being made in twenty-four hours, and that the said tax on the deficiency thus arising from such erroneous survey should be corrected as suggested in the foregoing extracts from the letter of the Commissioner of Internal Revenue.

We therefore recommend the abatement of \$461.87 of said tax, as being erroneously assessed, and to that end we report the accompanying bill and recommend its passage.

Mr. HOLMAN. I think that under the circumstances I must call for the regular order. The bill may be all right, but this is an unfavorable time to legislate.

The SPEAKER. Is there objection to the consideration of the bill which has been read?

Mr. HOLMAN. I call for the regular order.

The SPEAKER. That is equivalent to an objection.

ORDER OF BUSINESS.

Mr. ELLIS. I ask the gentleman from Indiana to waive his call for the regular order for one moment. The gentleman from Kansas [Mr. ANDERSON] withdraws his objection to the bill in relation to the tax on perique tobacco, and I now renew the request for unanimous consent for its consideration at this time.

The SPEAKER. The call for the regular order cuts off all requests for unanimous consent.

Mr. ELLIS. I understand the gentleman from Indiana waives that call.

The SPEAKER. The Chair does not so understand.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is called for on all sides.

Mr. SPRINGER. If the regular order is called for I desire to make a privileged report.

PERSONAL EXPLANATION.

Mr. WHITE. I rise to a question of personal privilege.

The SPEAKER. The gentlemen will state it.

Mr. WHITE. During my absence this morning my colleague [Mr. WILLIS] made a personal allusion to me, in reply to which I desire to say but a word. I find from the report for the RECORD that he made this remark in relation to me:

He has retained them—

Referring to the notes of my speech—

He has retained them for about four weeks; and yesterday I find in the RECORD four columns of matter not one line of which was uttered on the floor of the House and not one word of which is authorized under the rules.

I desire to say to the House that I retained my notes in accordance with the usual custom of members of the House, and for the further reason that for more than a month past my eye-sight has been seriously impaired. In regard to the statement that there are four col-

umns in the speech not one word of which was delivered on the floor, I desire to say that is not true.

Mr. WILLIS. Will the gentleman state how much was delivered, to gratify a reasonable literary curiosity?

Mr. WHITE. If it were true, it would be nothing unusual in this House for a man to have a speech published which is not delivered. I believe that is the universal custom.

Mr. WILLIS. Not when there is personal matter in it.

Mr. WHITE. In regard to the personal matter in that speech, I want to say that I made no personal allusions whatever in it, except so far as they were matter of political history, and any one who will examine that speech will say so. Beyond that I have nothing whatever to say.

DOCUMENTS FOR USE OF CONGRESS.

Mr. SPRINGER, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. R. No. 171) to provide for the printing of certain public documents for the use of the two Houses of Congress.

The joint resolution was read, as follows:

Resolved, &c., That section 3798 of the Revised Statutes shall be amended so as to read as follows:

"Sec. 3798. Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, 1,000 copies for the use of the Senate and 2,000 for the use of the House of Representatives, namely:

"First. The documents accompanying the annual reports of the Executive Departments.

"Second. The President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents.

"Third. Papers relating to foreign affairs accompanying the annual message of the President.

"Fourth. The 'Commercial Relations,' annually prepared under the direction of the State Department.

"Fifth. The annual report on the statistics of commerce and navigation, exports and imports, merchandise in transit, manufacturers, and registered and enrolled vessels, prepared by the Chief of the Bureau of Statistics.

"Sixth. The public journals of the Senate and of the House of Representatives, 1,550 copies."

Mr. RANDALL. I hope the gentleman from Illinois will make some explanation of this resolution.

Mr. HOLMAN. Let the report be read.

Mr. SPRINGER. The report will explain the matter.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Printing, to whom was referred House joint resolution 171, to provide for printing certain public documents for the use of the two Houses of Congress, having had the same under consideration, have instructed me to report the same back with a recommendation that it do pass.

The object of this joint resolution is the reduction in the number and expense of printing of certain public documents which are now printed by virtue of section 3798 of the Revised Statutes. If it should pass, the reduction would be as follows:

| Documents. | Reduction in number. | Reduction in expense. |
|--|----------------------|-----------------------|
| The abridgment of messages and documents | 32,000 | \$20,480 |
| Papers relating to foreign affairs | 3,000 | 3,570 |
| Commercial Relations | 2,000 | 5,338 |
| Commerce and Navigation | 5,150 | 7,349 |
| Total | 42,150 | 36,737 |

Your committee are of the opinion that the reduction in the number of such documents would in no way deprive those of the use of such documents who desire them for useful purposes. The great reduction in expense, amounting to \$36,737 per annum, is worthy of consideration in view of the increasing expense of public printing.

For these reasons the committee recommend the passage of the joint resolution.

Mr. SPRINGER. Members of the House have so often criticised the Committee on Printing in reference to the ordering of public documents that I hope no one will throw any obstruction in the way of this proposition reducing expenditures in that direction. The resolution proposes a saving of more than \$36,000 a year.

Mr. RANDALL. I only wish it cut a little deeper.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. PEELE. I ask unanimous consent to have taken from the House Calendar for present consideration the bill (H. R. No. 6444) to fix the compensation of certain employes in the Government Printing Office and repealing all laws in connection therewith.

Mr. KNOTT. I call for the regular order.

The SPEAKER. The regular order is the morning hour for the presentation of reports of committees.

Mr. TUCKER. I move that the morning hour be dispensed with.

Mr. HUBBELL. Oh, no; we want to present some adverse reports. The motion of Mr. TUCKER was not agreed to.

ADVERSE REPORTS.

The SPEAKER. The committees will be called for the presentation of reports.

Mr. HUBBELL, from the Committee on Ways and Means, reported back adversely bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

- A bill (H. R. No. 6058) for the relief of L. C. Camp;
- A bill (H. R. No. 6056) for the relief of Newman & Tatham;
- A bill (H. R. No. 6057) for the relief of P. B. Tatham; and
- A bill (H. R. No. 6059) for the relief of S. D. Plennmons.

TEXAS PACIFIC RAILROAD.

Mr. REED. I desire to present a report from the Committee on the Judiciary in regard to the Texas Pacific Railroad. I have not the document with me at this moment; it is being copied, and if the House has no objection I will file it as soon as it is ready.

The SPEAKER *pro tempore*, (Mr. HUBBELL.) If there be no objection, the gentleman will be allowed to file the report when copied. The Chair hears no objection. What order does the gentleman ask?

Mr. KNOTT. On behalf of several members of the committee, I desire to submit in connection with this report some individual views to be printed along with it.

The SPEAKER *pro tempore*. If there be no objection, the views of the minority will be presented, to be printed with the report of the committee.

There was no objection.

Mr. HOLMAN. Let the resolution accompanying the report be read.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] states that the report is being copied and will be presented hereafter.

Mr. HOLMAN. But the resolution, I presume, is here.

Mr. REED. The resolution also is being copied. It could not at any rate be read under the present order.

Mr. HOLMAN. Then it cannot be received.

A MEMBER. Let it be printed.

Mr. REED. Certainly; it will be printed as a part of the report.

Mr. RANDALL. My neighbor suggests to me to ask that the report be presented hereafter, and that the House give consent to the consideration of the resolution.

Mr. REED. That cannot be done under this rule. This is a presentation of the report in ordinary form under the rule. All I ask is that I may make manual transmission of the report hereafter.

Mr. RANDALL. I suggest that the gentleman be allowed to call it up for consideration to-morrow.

Mr. REED. That cannot be done. That is not proper, because the report has not been printed.

The SPEAKER *pro tempore*. The Chair cannot entertain that request during this hour.

Mr. RANDALL. Unanimous consent can be asked.

Mr. REED. Unanimous consent has never been asked in this hour.

Mr. ELLIS. I object, until I know what it is.

Mr. RANDALL. It is the forfeiture of 14,000,000 acres of land, granted to the Texas Pacific Railroad, a quasi Pennsylvania corporation.

Mr. HOLMAN. Nearly 18,000,000.

Mr. TOWNSHEND, of Illinois. What has become of the resolution reported by the gentleman from Maine?

The SPEAKER *pro tempore*. The gentleman informed the Chair that the report and resolution were being copied, and asked unanimous consent to file the same as soon as copied.

Mr. TOWNSHEND, of Illinois. And that the resolution go on the Calendar?

The SPEAKER *pro tempore*. That was the understanding.

Mr. REED. That will be done under the rule. I have stated that I merely wish to make manual transmission of this report hereafter instead of now.

Mr. TOWNSHEND, of Illinois. That is right, of course. I only wished to understand the status of the resolution. I understand it will go to the Calendar.

The SPEAKER *pro tempore*. The resolution will take the same course as though it were presented now.

Mr. COX, of New York. When will it come up for consideration? We want to consider it.

The SPEAKER *pro tempore*. The report will come up in its order. Mr. TOWNSHEND, of Illinois. It can be called up at any time by unanimous consent.

Mr. COX, of New York. We ask unanimous consent to take it up to-morrow.

Mr. REED. The gentleman from Louisiana [Mr. ELLIS] has objected.

The resolution is as follows:

Joint resolution (H. R. No. 286) to declare the forfeiture of lands granted the Texas Pacific Railroad Company under act of March 3, 1871, and acts amendatory thereof and supplemental thereto.

Resolved, &c., That all lands granted to the Texas Pacific Railroad Company under the act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts amendatory thereof or supplemental thereto, be, and they are hereby, declared forfeited, and that the whole of said lands be restored to the public domain and made subject to sale and settlement under existing laws of the United States.

THOMAS M. GRANVILLE.

Mr. HARDY. I am directed by the Committee on Accounts to report back the following resolution with a substitute:

Resolved, That there be paid out of the contingent fund of the House of Repre-

sentatives to the Clerk of the House the sum of \$500, or so much thereof as may be necessary, to pay the funeral and other expenses contracted by the sickness and death of Thomas M. Granville, late an employé in the House folding-room; and there shall also be paid out of the contingent fund of the House by the Clerk of the House to the widow of the deceased three months' pay from the date of his death, subject to the approval of the Committee on Accounts.

The Clerk read the substitute, as follows:

Resolved, That there be paid out of the contingent fund of the House to the widow of said deceased \$300 to pay the funeral expenses contracted by the sickness and death of her husband; and there shall also be paid out of the contingent fund of the House to the widow of the deceased three months' pay from the date of his death.

The SPEAKER *pro tempore*. The resolution does not state the name of the deceased.

Mr. HARDY. Let the name be inserted.

The SPEAKER. The Chair hears no objection.

The substitute as modified was agreed to; and the resolution as amended was adopted.

Mr. HARDY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DUTIES ON MANUFACTURES OF TIN.

Mr. ERRETT, from the Committee on Ways and Means, reported back the bill (H. R. No. 2103) in relation to the duties on the manufactures of tin, and for other purposes, with amendments; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. The morning hour has expired.

LOUIS A. VAN HOFFMAN & CO.

Mr. BARBOUR. I ask by unanimous consent to take from the Speaker's table the bill (S. No. 595) for the relief of Louis A. Van Hoffman and William A. Mertens, under the firm-name of L. Van Hoffman & Co., and William H. Newman.

Mr. HISCOCK. I object to that bill.

HEIRS OF MAJOR D. C. SMITH.

Mr. WASHBURN. I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. No. 5740) for the relief of the heirs of Major D. C. Smith.

The bill was read, as follows:

Be it enacted, &c., That the heirs and bondsmen of Major D. C. Smith, late an assistant paymaster in the United States Army, are hereby relieved from the payment of the sum of \$166.29, and the interest thereon, as appears due upon settlement of his accounts.

The SPEAKER. Is there objection?

There was no objection, and Mr. WASHBURN's motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HOLMAN. Let the report be read.

Mr. WASHBURN. It has been unanimously reported from the Judiciary Committee. It passed the Senate two or three times. There is a long favorable report by Senator COCKRELL.

Mr. HOLMAN. I do not think the item of interest ought to be paid. It is trifling, but the principle is a very dangerous one.

The SPEAKER. The bill is on its passage.

Mr. HOLMAN. I trust the gentleman will not object to striking off the interest. The amount is trifling, but it establishes a very dangerous precedent.

The SPEAKER. The question is on the passage of the bill.

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 35, noes 2.

Mr. HOLMAN. All I am objecting to is the item of interest.

Mr. WASHBURN. The total amount is only \$166. This is the case of a paymaster who was shot at Pittsburgh Landing. The report is complete. It has passed two or three times. I do not know exactly how much the interest is.

Mr. HOLMAN. But the principle is an important one.

The SPEAKER. The Chair hears no objection, and the bill is passed.

Mr. WASHBURN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WAR CLAIMS.

Mr. DIBRELL. I move that by unanimous consent the Committee of the Whole House be discharged from the further consideration of the bill (H. R. No. 6183) for the payment of certain awards in favor of parties therein named.

The bill was read.

Mr. HISCOCK. I object.

Mr. DIBRELL. It is a unanimous report from the Committee on War Claims. A similar bill passed last Congress, and this is a bill reported by Mr. RANNEY from the Committee on War Claims. The documents and records are all on file.

Mr. HOLMAN. Although a member of the committee reporting this bill, I shall have to object to it because I am not willing to recognize that commission as one that can bind the action of the Government. It has never been so recognized before.

The SPEAKER. Objection being made, the bill is not before the House.

TRANSPORTATION OF MAILS ON STAR ROUTES.

Mr. BINGHAM. I ask unanimous consent for the present consideration of the bill (H. R. No. 6339) repealing section 3961 of the Revised Statutes and the proviso of section 2 of the act providing for a deficiency in the appropriation for the transportation of mails on the star routes.

The bill was read, as follows:

Be it enacted, &c., That whenever it shall become necessary to increase the speed upon which the mail is carried under contract on any post-route, the service shall be readvertised for the shorter schedule required: *Provided,* That the contractor shall have the option of continuing service on the expedited schedule without additional compensation therefor. And section 3961 of the Revised Statutes, and the proviso of section 2 of the act providing for a deficiency in the appropriation for the transportation of the mails on star routes, approved April 7, 1880, be, and the same are hereby, repealed.

Mr. BINGHAM. I would state for the information of the House that this is one of the bills ordered to be considered during the day fixed for the consideration of bills designated by the Committee on the Post-Office and Post-Roads. I supposed it had passed. It is a Department bill. I was in ignorance of its non-passage until this morning, when I received from the Second Assistant Postmaster-General a letter calling my attention to that fact.

The purpose of the bill is to repeal section 3961 of the Revised Statutes, which states—

Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order and entered upon the books of the Department, and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution.

That is the old law. That is the law under which the expedition which has been so much criticised was carried out.

Mr. HASKELL. That was amended.

Mr. BINGHAM. Yes, sir; that law was amended.

Mr. HASKELL. I shall have to object to the bill anyhow.

Mr. BINGHAM. Allow me to finish my statement.

Section 2 of the act of 1880 reads as follows:

Provided, That the Postmaster-General shall not hereafter have the power to expedite the service under any contract, either now existing or hereafter given, to a rate of pay exceeding 50 per cent. upon the contract as originally let.

The Department has no desire to have this discretion. Should a route be expedited the tender is first to the party having the contract to carry the expedited mail at the old rate of contract. Should he not desire to accept that proposition from the Department, then the route as expedited is to be readvertised. This takes all discretion out of the hands of the Department and allows the old contractor to carry the expedited mail at the old rate. But should he refuse, then it is provided that the route may be readvertised. It is in the interest of a better service and in the interest of a more honest service, and opens to competition the expedition of every route.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HASKELL. There is.

J. D. MORRISON.

Mr. TUCKER. I ask that by unanimous consent the Committee of the Whole be discharged from the further consideration of the bill (H. R. No. 1786) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison, and that the same be put upon its passage.

The bill was read.

Mr. HOLMAN. There is a report, I suppose, accompanying the bill. Let the report be read, the right to object being reserved.

The report was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HISCOCK. I object.

DEPUTY COLLECTOR AT SAN JUAN ISLAND

Mr. BRENTS. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties.

The bill was read, as follows:

Be it enacted, &c., That the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, in Washington Territory, is, with the approval of the Secretary of the Treasury, empowered to enter and clear vessels and collect duties.

Mr. BRENTS. This bill has been unanimously reported by the Committee on Commerce to the Forty-sixth Congress, and also to this Congress; it has been approved by the Secretary of the Treasury, and was in fact introduced at his suggestion. It has the approval also of the collector of customs in the Puget Sound district. Its passage will save the creation of a new district. It will enable the officers to collect a great deal of revenue that would otherwise not come into the Treasury, and will prevent a great deal of smuggling over the line between the northern counties of Washington Territory and British Columbia. It does not increase expenses one dollar.

There being no objection, the bill was taken from the House Cal-

endar, and was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GEORGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERIQUE TOBACCO.

Mr. ELLIS. Objection has now been withdrawn to the bill I called up some time ago, the bill (S. No. 390) to amend section 3362 of the Revised Statutes. I ask that the bill be put upon its passage.

The SPEAKER. The gentleman has sent to the Clerk the House bill.

Mr. ELLIS. The House bill is the same as the Senate bill.

The SPEAKER. The bill has been already read.

Mr. BUTTERWORTH. I would like to hear the bill read again, reserving the right to object.

The bill was again read.

The SPEAKER. Is there objection to the consideration of the bill which has been read?

Mr. HEPBURN. I object.

The SPEAKER. Objection being made, the bill is not before the House.

LABORERS ON LOWER FOX RIVER IMPROVEMENT.

Mr. GUENTHER. I ask unanimous consent to take from the Calendar of the Committee of the Whole for consideration at this time the bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War of the United States is hereby authorized and directed to pay to the laborers who worked upon the Government improvements upon the Fox River, in the State of Wisconsin, under or employed by Day, Call & Co., (or sub-contractors under them,) late contractors with the Government in the improvement of the Lower Fox River, in the State of Wisconsin, the amount due each of such laborers, respectively, for work, labor, and services by them done and performed, respectively, upon and about said improvements as aforesaid, out of and from any moneys actually earned by said Day, Call & Co., (or sub-contractors under them,) under their said contract with the Government, or for work done and materials furnished by said Day, Call & Co., (or sub-contractors under them,) and which have not been paid for by the Government, and which may be withheld by the Government from the said Day, Call & Co. on their said contract as a forfeiture or otherwise: *Provided, however,* That if the amount thereof is not sufficient to pay in full the amount due to such laborers, respectively, then to pay said laborers *pro rata*. Such payments may be made after giving notice four weeks successively in some newspaper published in the county of Outagamie, Wisconsin, for such laborers to present and prove their claims: *Provided further,* That such payments be made in the State of Wisconsin by and through some engineer officer of the United States designated by the Secretary of War: *And provided further,* That no money shall be paid by virtue of the authority of this act except out of such sum or sums as in the opinion of the Secretary of War may be lawfully withheld from the assignee in bankruptcy of said Day, Call & Co., as a forfeiture under the terms and conditions of their said contract.

Mr. GUENTHER. Mr. Speaker, this bill is intended to give to hundreds of poor laborers, men who have to earn their daily bread in the sweat of their brow, that which they are justly entitled to; nothing more. They do not ask for an appropriation out of the Treasury; they do not come to us as mendicants; they do not beg for mercy; they simply ask for justice. This Government is in possession of \$7,135.01, which money has been earned by these laborers for work actually done on such Government work, and for which it has never paid. All they want is that sum.

If we consider how hard these poor men have to work for their scanty wages, that it frequently takes every cent to provide for the necessities of life, that the loss of a few dollars often subjects them to severe hardship—if you will bear in mind, Mr. Speaker, that they have been kept out of their just dues for nearly seven years; that the money due them, when paid, as it should have been long ago, will send joy to hundreds of humble homes, we certainly should not now hesitate to pass this meritorious bill, of which the report of the committee says that justice and equity demand that the said sum so earned and unpaid be paid over to said laborers as provided in this bill.

There being no objection, the bill was taken from the Calendar, ordered to be engrossed for a third reading; and accordingly read the third time, and passed.

Mr. GUENTHER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

H. C. HOOKER.

Mr. OURY. I ask consent to take from the Private Calendar for consideration at this time the bill (H. R. No. 1883) for the relief of H. C. Hooker.

The bill was read.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. CANNON. I object.

The SPEAKER. Objection being made, the bill is not before the House.

OLEOMARGARINE, ETC.

Mr. SHERWIN. I ask unanimous consent to take from the House Calendar for consideration at this time the bill (H. R. No. 4909) to regulate the exportation of articles made in imitation of butter and cheese.

The bill was read.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. TUCKER. I object.

The SPEAKER. Objection being made, the bill is not before the House.

WILLIAM H. DAVIS.

Mr. BERRY. I ask unanimous consent to take from the Private Calendar for consideration at this time the bill (H. R. No. 3222) for the relief of William H. Davis.

The bill was read.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. HISCOCK. I object.

Mr. PAGE. Do not object to that.

Mr. HISCOCK. I certainly do object.

Mr. PAGE. This bill has been reported by the Committee on Commerce, and is a just bill and ought to pass.

The SPEAKER. Objection being made, the bill is not before the House.

KIRK W. NOYES.

Mr. BURROWS, of Michigan. I ask unanimous consent to take from the Private Calendar for consideration at this time the bill (H. R. No. 5653) for the relief of Kirk W. Noyes.

The bill was read.

Mr. HOLMAN. Is there a report accompanying the bill?

Mr. BURROWS, of Michigan. I hold in my hand the report, but I can state the gist of it in a word or two. Mr. Noyes was commissioned first lieutenant in September, 1864, and assigned to duty. There was no vacancy until January 1, 1865, the party who was promoted so as to make the vacancy being sick, so that he could not be mustered in. He resigned January 1, 1865, but Noyes was then in prison, having been taken prisoner by the confederate forces, and did not return until May, 1865, when he was commissioned and mustered in. He asks pay as first lieutenant only from the 1st day of January, when the vacancy occurred. That is all.

Mr. HOLMAN. I wish to say to the gentleman from Michigan [Mr. BURROWS] that a general bill passed the House some two months ago or more covering all this class of cases. Now, I submit to my friend that it would be far better to secure the passage of that general bill.

Mr. BURROWS, of Michigan. That is true; but it may fail in the Senate, and I would prefer to have this bill passed.

The SPEAKER. Is there objection to the consideration of the bill which has been read?

Mr. O'NEILL. If I were a selfish man, and acted as other men do in relation to matters of this sort, I might object, but I do not. [Laughter.]

Mr. CURTIN. I wish to ask the gentleman from Michigan a question.

Mr. BURROWS, of Michigan. Certainly.

Mr. CURTIN. What was the date of that commission?

Mr. BURROWS, of Michigan. The commission was dated September, 1864, but the vacancy did not occur until January, 1865, and Noyes then being in prison did not return until May, 1865.

Mr. BOWMAN. I would like to ask the gentleman a question; or rather I will say to the gentleman that if he will promise not to object to all other private claims in the future, as I believe he has done in the past—

Mr. BURROWS, of Michigan. I will not object to any that are as meritorious as this.

Mr. McKENZIE. I object.

Mr. BURROWS, of Michigan. Objection is too late, I think.

Mr. McKENZIE. It is not too late.

Mr. BURROWS, of Michigan. All right.

Mr. McKENZIE. I rose in my place some minutes ago.

The SPEAKER. Did the gentleman then object?

Mr. McKENZIE. I did, as loudly as I could.

The SPEAKER. Objection being made, the bill is not before the House.

APPLICATIONS FOR PENSIONS.

Mr. ROSECRANS. I ask unanimous consent for the consideration at this time of House bill No. 3887, to extend the time allowed by paragraph 3 of section 4693 of the Revised Statutes of the United States to certain classes of applicants for pensions to complete their applications. The bill has been favorably reported from the Committee on the Payment of Pensions, Bounty, and Back Pay.

The bill was read.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. McMILLIN. I think a bill which changes a general law ought to have more deliberate consideration.

The SPEAKER. Does the gentleman object?

Mr. McMILLIN. I do.

The SPEAKER. Objection being made, the bill is not before the House.

COMMERCIAL TRAVELERS.

Mr. BREWER. I ask unanimous consent for the present consideration of the bill (H. R. No. 4674) to regulate commerce between the States pertaining to commercial travelers.

The bill was read, as follows:

Be it enacted, &c., That any person, acting in an individual capacity or as an officer of a State or municipal corporation, interfering in any way with any commercial traveler selling by sample goods, wares, and merchandise of any kind, traveling from another State other than the one in which said traveler lives or in which the manufacturer or merchant does business for which said traveler is acting, shall be deemed guilty of a misdemeanor and be liable to indictment before the United States grand jury in the district in which the interference or assault occurs; and, if convicted, the said person or persons shall be liable to pay a fine not exceeding \$100 and costs, or to three months' imprisonment in the county jail, or both, in the discretion of the court.

Mr. MILLS, Mr. NEAL, and others objected.

JOHN G. ABERCROMBIE.

Mr. GUNTER. I ask unanimous consent to have considered at this time the bill (H. R. No. 28) for the relief of John G. Abercrombie.

The bill was read.

Mr. HISCOCK. I object.

PRESIDENTIAL VETOES.

Mr. DAVIS, of Illinois, by unanimous consent, introduced the following joint resolution (H. R. No. 287) proposing an amendment to the Constitution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed:

Resolved by the Senate and House of Representatives, &c., That the foregoing article is hereby proposed as an amendment to the Constitution, and when ratified by the Legislatures of three-fourths of the several States shall be valid to all intents and purposes as a part of the Constitution, namely:

"The President may disapprove any item or items of a bill appropriating money embracing distinct items; and the part of the bill approved shall be a law, and the item or items disapproved shall be void unless repassed according to the provisions and rules prescribed for the passage of bills over the Presidential veto."

CHARLES KORTZENBORN.

Mr. ATHERTON. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (H. R. No. 4926) for the relief of Charles Kortzenborn, and that it be now considered. It proposes simply to repay \$125 for stamps purchased and not used, the repayment to be made upon condition of the stamps being returned for cancellation.

The bill was read, as follows:

Be it enacted, &c., That there be paid to Charles Kortzenborn, out of any money in the Treasury not otherwise appropriated, the sum of \$125 for the redemption of certain internal-revenue stamps for a special tax which the said Kortzenborn purchased in the year 1875 and never used: *Provided,* That as a condition to such payment, and at the time the same shall be made, said stamps shall be delivered to the Treasury Department to be canceled.

Mr. HOLMAN. Is there a report on this bill from the Committee on Ways and Means?

Mr. ATHERTON. It has been favorably reported from the Committee on Claims. It was discovered at the Treasury Department when application for relief in this case was made that the statutory limitation of two years had become operative. This is the only reason why the stamps have not already been redeemed.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. ATHERTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to have taken from the House Calendar for present consideration House bill No. 1226, amending the law with reference to pleasure-yachts.

Mr. HOLMAN. I move that the House take a recess for one hour. By that time it is understood the sundry civil appropriation bill, with the Senate amendments, will be printed.

Mr. TOWNSEND, of Ohio. I ask the gentleman to withhold that motion till this bill has been considered. There will be no objection to it.

The SPEAKER. Does the gentleman from Indiana insist on his motion?

Mr. HOLMAN. Yes, sir. Perhaps I am justifiable in inquiring whether it is known when the amendments to the sundry civil appropriation bill will be printed and ready for the action of the House?

Mr. BROWNE. Why not adjourn?

Mr. COX, of New York. I move that the House adjourn.

Mr. HOLMAN. I trust the gentleman from New York [Mr. HISCOCK] will explain when the amendments to the sundry civil bill can be taken up.

Mr. TOWNSEND, of Ohio. I trust the gentleman from Indiana will withdraw the motion for a recess, so that the bill I desire to call up may be considered. I know he is in favor of it.

The SPEAKER. The gentleman from Indiana moves that the House take a recess for one hour.

Mr. COX, of New York. And I have moved that the House adjourn.

The SPEAKER. The gentleman from New York moves to adjourn.

Mr. HISCOCK. I hope that motion will be withdrawn.

Mr. COX, of New York. I withdraw it at the suggestion of my colleague.

Mr. HISCOCK. I desire to offer a joint resolution.

The SPEAKER. Does the gentleman from Indiana withdraw the motion for a recess?

Mr. HOLMAN. Yes, sir.

TEMPORARY APPROPRIATIONS FOR SUPPORT OF THE GOVERNMENT.

Mr. HISCOCK, by unanimous consent, reported from the Committee on Appropriations a joint resolution (H. R. No. 288) to continue the provisions of the joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government;" which was read a first and second time.

Mr. HISCOCK. I ask the immediate consideration of this resolution.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the provisions of the joint resolution entitled "A joint resolution to provide temporarily for the expenditures of the Government," approved June 30, 1882, be, and the same are hereby, extended and continued in full force and effect to and including the 5th day of August, 1882; and the provisions of a joint resolution entitled "A joint resolution authorizing the employment temporarily of certain employes of the War Department," approved July 12, 1882, are also hereby extended and continued in full force and effect to and including the 5th day of August, 1882.

Several MEMBERS. What is the extension proposed?

Mr. HISCOCK. This joint resolution extends the appropriations to the date fixed in the resolution for final adjournment as adopted to-day by the House.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I ask unanimous consent that the sundry civil appropriation bill, with the amendments of the Senate thereto, be taken from the Speaker's table and referred to the Committee on Appropriations.

There being no objection, it was ordered accordingly.

Mr. HOLMAN. What time will the Senate amendments to the sundry-civil bill be printed?

Mr. HISCOCK. They will be printed some time this afternoon, but what time exactly I do not know. I will now move the House adjourn. [Cries of "No!"] Very well, then; I will withdraw the motion for the present.

GEORGE ADAMSON.

Mr. PEELLE. I move by unanimous consent the adoption of the following resolution:

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay to George Adamson, a page of the House of Representatives, out of the contingent fund of the House, a sum equal to one month's pay of the said Adamson, he not being on the pages' roll on June 15, 1882.

It will be remembered, Mr. Speaker, there was an amendment offered by the gentleman from Kentucky, [Mr. BLACKBURN,] providing for the payment of one month's salary to the employes of the House. This little page was technically off the roll for the reason he had been suspended for about thirty days. He has since been restored to the roll and is now in the employ of the House and ought to be put on the same footing with the other employes.

The resolution was adopted.

Mr. PEELLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PLEASURE YACHTS.

The SPEAKER. The House resumes the consideration of the proposition of the gentleman from Ohio [Mr. TOWNSEND] to discharge the House Calendar from the further consideration of the bill (H. R. No. 1226) to amend section 4214 of the Revised Statutes, relating to yachts, and put the same on its passage. Pending objection the bill will now be read.

The bill was read, as follows:

Be it enacted, etc., That section 4214 of the Revised Statutes of the United States be amended so as to read as follows:

"Sec. 4214. The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure vessels, or designed as models of naval architecture, if built and owned in compliance with the provisions of sections 4133 to 4135, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury shall prescribe. The owner of any such vessel, before taking out such license, shall give a bond in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels, so enrolled and licensed, shall not be

allowed to transport merchandise or carry passengers for pay. Such vessels shall have their name and port placed on some conspicuous portion of their hulls. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this title: *Provided*, That all charges for license and inspection fees for any pleasure vessel or yacht shall not exceed \$5, and for admeasurement shall not exceed ten cents per ton."

SEC. 2. That the said original section 4214 be, and the same is hereby, repealed.

SEC. 3. That this act shall take effect from and after its passage.

Mr. HOLMAN. In the midst of the confusion in the House it is almost impossible to understand what is read. If there be a report accompanying this bill I hope it will be read.

Mr. TOWNSEND, of Ohio. There is a report.

The Clerk read as follows:

The Committee on Commerce, to whom was referred the bill (H. R. No. 1226) to amend section 4214 of the Revised Statutes, relating to yachts, have had the same under consideration, and beg leave to report:

That in the last session of the Forty-sixth Congress a letter was addressed to Hon. John Sherman, then Secretary of the Treasury, inclosing copy of House bill No. 4803, and asking his opinion as to the advisability of its passage. In reply he suggested certain amendments, and the bill was reported to the House incorporating those amendments. This bill (H. R. No. 1226) is an exact transcript of H. R. No. 4803, as then amended, and as reported favorably March 31, 1880. We submit herewith the Secretary's answer, and make it a part of this report.

The object of this bill is to reduce the charges for license and inspection fees for yachts used exclusively for purposes of pleasure. As this class of boats is very numerous, and some quite small, your committee see no reason why the charges fixed in this bill should not be ample and all that they should pay, believing that the increased number of yachts under its operation will yield to the Government just as much revenue as the present law and relieve them from what now appears to be excessive charges.

Your committee therefore recommend its passage.

TREASURY DEPARTMENT, March 22, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, transmitting for my consideration H. R. No. 4803, "A bill to amend section 4214 of the Revised Statutes, relating to yachts."

The present bill differs from the existing statute proposed for repeal chiefly in extending the privileges of license to yachts of less than twenty tons burden. The statute restricts such privileges to such vessels as might be entitled to be enrolled under existing laws, which permit enrollment in the technical sense of the statutes only to vessels of twenty tons burden and upward. There appears to be no sufficient reason for such a restriction, and in this respect I approve the bill.

The word "unlawful" should be stricken out in line 19, as no licensed yacht should be permitted to engage in any trade whatever.

I find the following proposed amendment in writing attached to the first section: "*Provided*, That all charges for license and inspection fees to each pleasure vessel or yacht shall not exceed \$5."

For the proposed amendment I would substitute the following: "*Provided*, That all charges for license and inspection fees for any pleasure vessel or yacht shall not exceed \$5, and for admeasurement shall not exceed ten cents per ton."

I would suggest this substitute for the reason that under existing statutes charges for admeasurement are more likely to be excessive than for license and inspection.

I return the bill herewith.

Very respectfully,

JOHN SHERMAN, Secretary.

Hon. AMOS TOWNSEND,

Chairman Sub-committee on Commerce,
House of Representatives.

The motion of Mr. TOWNSEND, of Ohio, was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN G. ABERCROMBIE.

Mr. GUNTER. I move that by unanimous consent the Committee of the Whole House be discharged from the further consideration of the bill (H. R. No. 28) for the relief of John G. Abercrombie, and that the same be put on its passage as proposed to be amended by the Committee on the Post-Office and Post-Roads.

The SPEAKER. The bill will be read as it is proposed to be amended.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to John G. Abercrombie, of Benton County, Arkansas, the sum of \$110, amount collected of him by the Government of the United States as a failing bidder on mail route numbered 28584, in the State of Missouri.

The report of the committee was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. No. 28) for the relief of John G. Abercrombie, would respectfully report:

Under the advertisement of November 1, 1878, John G. Abercrombie, of Benton County, Arkansas, was an accepted bidder for route No. 28584, between Pineville, Missouri, and Sulphur Springs, Arkansas, at \$51.75 per annum, and he was so notified. The contract and bond for him to execute were sent to the then postmaster at Sulphur Springs, who failed to inform Mr. Abercrombie of their receipt until ten days after the time had expired within which he was required to execute and return them. They were, however, upon the 10th day of June, 1879, being the day upon which he received them, promptly signed by Mr. Abercrombie and his sureties, and forwarded to the contract office, but too late, for he had already been declared a failing bidder, and the contract awarded to the next highest bidder, under whom Abercrombie afterward became a sub-contractor and satisfactorily performed the service.

Subsequently, to wit, on the 31st day of March, 1880, Abercrombie paid to the postmaster at Fayetteville, Arkansas, the sum of \$110 as liquidated damages for failing to execute the said contract and bond within the time required by law.

Your committee believe that the said Abercrombie made the bid in good faith, and was guilty of no neglect, but was the victim of negligence on the part of the postmaster at Sulphur Springs, who was the agent of the Post-Office Department, and therefore recommend that the bill be amended by striking out the word "one," in the eighth line, and inserting the word "eight," to correct an error in numbering the route, and that as so amended it do pass.

There was no objection, and the Committee of the Whole House was discharged from further consideration of the bill, and the bill as proposed to be amended by the Committee on the Post-Office and Post-Roads was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. GUNTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INSPECTORS OF HULLS AND BOILERS IN MICHIGAN.

Mr. HUBBELL. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 843) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the districts of Michigan and Superior, within the State of Michigan.

The bill was read.

Mr. HOLMAN. I object.

FRANK C. ARMSTRONG.

Mr. CULBERSON. I ask unanimous consent to take from the Speaker's table, for present consideration, the bill (S. No. 2171) to remove the political disabilities of Frank C. Armstrong, of Maryland.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

The bill was read, as follows:

Be it enacted, &c., (two-thirds of each House concurring.) That all the political disabilities imposed upon Frank C. Armstrong, of Maryland, by the fourteenth article of the Constitution of the United States, by reason of his participation in the rebellion, are hereby removed.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

KIRK W. NOYES.

Mr. BURROWS, of Michigan. The gentleman from Kentucky [Mr. MCKENZIE] withdraws his objection to the consideration of the bill (H. R. No. 5653) for the relief of Kirk W. Noyes.

The SPEAKER. Is there further objection? The bill has already been read.

Mr. HOLMAN. I ask that it be again read.

The bill was again read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kirk W. Noyes, of Paw Paw, Van Buren County, Michigan, out of any moneys in the Treasury not otherwise appropriated, the pay and allowances due said Kirk W. Noyes for services rendered the United States as first lieutenant of Company D, First Michigan Sharpshooters, from January 1, 1865, to May 1, 1865, deducting therefrom such compensation as he may have received during that period as first sergeant of said company.

Mr. MILLS. I desire to ask if that is not the bill that the gentleman from Kentucky [Mr. MCKENZIE] objected to?

Mr. BURROWS, of Michigan. I have stated that the gentleman from Kentucky has withdrawn his objection and has authorized me so to state.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRANNIN, SUMMERS & CO.

Mr. WILLIS. I call up for present consideration a bill which has been reported unanimously by five consecutive Ways and Means Committees. It is the bill (H. R. No. 522) for the relief of Brannin, Summers & Co.

The bill was read.

Mr. HUBBELL. Is there a report accompanying the bill?

Mr. HASKELL. The report is long and intricate.

Mr. HISCOCK. I call for the reading of the report.

Mr. FARWELL, of Iowa. I object to the present consideration of the bill.

AMERICAN SHIP-BUILDING AND SHIP-OWNING INTERESTS.

Mr. CANDLER. I desire to report back from the Committee on Commerce with an amendment the joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests.

The joint resolution was read, as follows:

Resolved, &c., That a joint select committee of three Senators and six Representatives be appointed to inquire into the condition and wants of American ship-building and ship-owning interests, and to investigate the causes of the decline of the American foreign carrying trade, and to suggest any remedies which may be applied by legislation. Said committee shall have authority to sit during the recess, and shall submit their report at the opening of the second session of the Forty-seventh Congress.

The following amendment was reported by the committee:

Add at the end of the joint resolution the following:

"The actual expenses of such committee, including compensation of a clerk, shall be paid out of the contingent funds of the Senate and House of Representatives."

Mr. MILLS. We have standing committees of this House amply competent to attend to business of that kind. I object to the present consideration of the joint resolution.

Mr. CANDLER. I ask to be permitted to make an explanation. The SPEAKER. The gentleman from Texas objects.

Mr. MILLS. I withhold the objection until the gentleman makes his explanation; but I give notice that I will object after the gentleman has been heard.

Mr. CANDLER. If the gentleman from Texas or other gentlemen representing the great producing sections of the country or any portion of the United States having an interest in the great export trade of the United States appreciated the complications and uncertainty of the present time, they would not object to a consideration of this resolution. We see to-day the European powers on the verge of war, and 85 or 90 per cent. of the American carrying trade now conducted in foreign ships.

Mr. TOWNSHEND, of Illinois. Why, then, do you not report a bill?

Mr. CANDLER. The committee reports a joint resolution. The Committee on Commerce feels that this is a subject of so much importance and requiring so careful an examination that it can only be investigated by a joint select committee, as is here proposed, before another session. It has been impossible for want of time to give hearings and report upon the bills during this session.

The SPEAKER. The gentleman from Texas objects to the present consideration of the joint resolution.

The joint resolution was referred to the Committee of the Whole House on the state of the Union, and the amendment and report ordered to be printed.

ORDER OF BUSINESS.

Mr. HISCOCK. I move that the House do now adjourn.

The question being taken, there were—ayes 82, noes 25.

So the motion was agreed to; and accordingly (at three o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. HOUK: The petition of Frank Kline, of Rebecca Marshall, widow of William Marshall, of Elkanah Harvey, and of George W. Price, for a pension—to the Committee on Invalid Pensions.

Also, the petition of John H. Johnson, of H. H. Porter, of C. P. Saffell, and Robert K. Byrd, for compensation for property taken and destroyed by the United States Army during the late rebellion—severally to the Committee on War Claims.

By Mr. G. W. JONES: The petition of Joseph E. Wilson, of Brazoria, Texas, for relief—to the Committee on Claims.

By Mr. VALENTINE: The petition of G. H. Haarmar, of Omaha, Nebraska, protesting against the passage of the bill relating to the manufacture of vinegar—to the Committee on Ways and Means.

SENATE.

FRIDAY, August 4, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

OMAHA INDIAN RESERVATION.

Mr. DAWES. I present the report of a committee of conference, which I have no doubt will be adopted without debate.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of the conference report? The Chair hearing no objection, it is before the Senate.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment, and the House agree to the same.

H. L. DAWES,
GEO. H. PENDLETON,
Managers on the part of the Senate.
D. C. HASKELL,
J. K. JONES,
O. L. SPAULDING,
Managers on the part of the House.

The report was concurred in.

ORDER OF BUSINESS.

Mr. SLATER. I move that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 126) to reimburse the Creek orphan fund.

Mr. ANTHONY. I rise to morning business.

Mr. WINDOM. Let us go through with the morning business first.

Mr. SLATER. I have no disposition to interfere with morning

business, but I do not want to run counter to a political current, as was the case yesterday.

Mr. PLATT. I wish to say now that I hope the Senate during this morning will allow me to call up the uncontested pension cases and pass them, and go as much further as they like with regard to pension cases. I do not see that I shall have a more favorable opportunity during the session than to have them considered during the morning hour to-day. Of course the conference report has preference. I give this by way of notice that I hope during the morning hour there will be that opportunity.

JOURNALS OF THE TWO HOUSES.

Mr. ANTHONY. The Committee on Printing, to which was referred the joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries, instruct me to report it without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs the Secretary of the Interior, from the Journals of the Senate and House of Representatives now in his charge, to distribute copies to such public and law libraries, not already supplied with the same, as shall be designated, in equal number, by each Senator, Representative, and Delegate in Congress.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIEUTENANT FREDERICK SCHWATKA.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic; which was read twice by its title.

Mr. GROVER. I should like to have that bill put on its passage now.

Mr. LOGAN. I object. I ask that it be referred to the Committee on Military Affairs. If the Senator will examine it he will find one or two things in the bill that he would not vote for; I am satisfied of that.

Mr. GROVER. I am in favor of the bill in the form in which I reported the Senate bill from the Committee on Military Affairs at the present session. Let it be referred.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

BILL POSTPONED INDEFINITELY.

Mr. HAWLEY. I ask that the bill (S. No. 2014) authorizing compensation to members of Company B, Fourteenth Infantry, United States Army, for certain private property destroyed by fire be indefinitely postponed. The subject was acted on by the passage of a House bill yesterday.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

CLAYTON-BULWER TREATY.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations, to whom was referred the message of the President of the United States transmitting, in response to the Senate resolution of the 15th of July, a report of the Secretary of State and accompanying papers relating to the Clayton-Bulwer treaty, to ask that it be printed.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection.

DIPLOMATIC RELATIONS WITH PERSIA.

Mr. WINDOM. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 6743) to establish diplomatic relations with Persia, to report it with an amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the committee was to add:

And the sum necessary therefor is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. COCKRELL. Let the bill be read as amended.

The Acting Secretary read the bill as amended, as follows:

That section 1675 of the Revised Statutes of the United States be, and the same is hereby, amended by inserting after the words "Liberia, \$4,000," the words "chargé d'affaires and consul-general at Teheran, Persia, \$5,000." And the sum necessary therefor is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MAJOR D. C. SMITH.

Mr. McMILLAN. There is a bill on the table which came over from the House last evening. I ask that it be laid before the Senate.

The PRESIDENT *pro tempore* laid before the Senate the bill (H. R.

No. 5740) for the relief of the heirs of Major D. C. Smith; which was read twice by its title.

Mr. McMILLAN. This is a bill which has been before the Senate three or four sessions, and reported favorably from the Military Committee and passed. A similar bill is on the Calendar now with a favorable report from that committee. I ask that House bill be taken up and passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It relieves the heirs and bondsmen of Major D. C. Smith, late an assistant paymaster in the United States Army, from the payment of \$166.29, and the interest thereon, as appears due upon settlement of his accounts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. McMILLAN. I move that the bill (S. No. 1638) for the relief of the heirs of Major D. C. Smith be indefinitely postponed.

The motion was agreed to.

BRIDGE OVER THE SAINT CROIX RIVER, MAINE.

Mr. McMILLAN. A report was made by the Committee on Commerce yesterday on the bill (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River between the city of Calais, Maine, and Saint Stephen's, New Brunswick, and the Senator from Maine [Mr. HALE] was absent. I gave notice that I should ask the Senate this morning to consider that bill if he were present.

Mr. HALE. It will only take a moment. There will be no objection to it. It is a very important bill, and it should go through now.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. HALE. Why cannot this come in? It was reported yesterday in my absence, and would have gone through then without any objection.

The PRESIDENT *pro tempore*. Morning business is in order.

Mr. McMILLAN. I will waive it until morning business is through.

Mr. PLATT. I must insist upon taking up the pension cases, except so far as morning business interferes.

Mr. McMILLAN. This will not take any time. It has been submitted to the War Department and the State Department both.

Mr. PLATT. If it will take no time I will consent to the consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River between the city of Calais, Maine, and Saint Stephen's, New Brunswick.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was to insert, as section 2:

SEC. 2. That the plan and location of any bridge the construction of which is hereby authorized shall be subject to the approval of the Secretary of War; and the bridge, if built at any distance greater than one hundred feet below the present toll-bridge between Calais, Maine, and Saint Stephen's, New Brunswick, or the head of navigation, shall be so located as not to obstruct, impair, or injuriously modify the free navigation of the river, and shall be built with the piers parallel to the current, leaving the water-way unobstructed by riprap or piling, or other obstructions, and shall have at the crossing of the main channel of the river a draw of not less than sixty feet of clear opening, which shall be located at a point best calculated to accommodate commerce, which draw shall at all times be opened promptly for passing vessels upon reasonable signal, except when railway trains are passing over the same; and at all times during the season of navigation proper signal-lights shall be used and maintained at the expense of the aforesaid company to guide vessels approaching said draw: *Provided*, That the construction of said bridge shall not be commenced until the plan and location thereof have been approved by the Secretary of War and the said company has been notified of the same in writing: *And provided further*, That the consent of the proper authorities of the Dominion of Canada shall have been obtained before said bridge shall be built or commenced.

The amendment was agreed to.

The next amendment was to insert, as section 3:

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved. And the right to require any changes in said structure or its entire removal at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NIORARA MILITARY RESERVATION.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and to restore certain portions of said military reservation to the public domain, and for other purposes, to report it favorably. I will state that on the 19th of July, 1882, this bill was reported from the Committee on Military Affairs favorably with amendments, and was recommitted in order that the amendments might be printed. I now report it back with the amendments which were heretofore ordered to be printed.

Mr. SAUNDERS. I should like to have the present consideration of that bill. It is an important bill to certain interests in our country.

Mr. BLAIR. I object to anything that will interfere with the consideration of pension cases on the Calendar.

Mr. SAUNDERS. This will take no time.

Mr. VAN WYCK. I trust the Senator from New Hampshire will not object.

Mr. SAUNDERS. I ask for the consideration of the bill reported by the Senator from Missouri.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the bill?

Mr. SHERMAN. I should like to have the bill read at the Secretary's desk before objection may be interposed. We got into confusion yesterday by this course.

The PRESIDENT *pro tempore*. The bill will be read for information.

Mr. BLAIR. Is it a long bill?

Mr. VAN WYCK. Oh, no.

Mr. BLAIR. I reserve the right to object if it leads to any discussion.

Mr. VAN WYCK. It will lead to no discussion.

The bill was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 5, after the word "way," to insert "one hundred feet in width;" and in line 8, after the word "Nebraska," to strike out "said right of way to be one hundred feet in width" and insert:

And such quantity of land, not exceeding one hundred and fifty feet in width by four hundred feet in length, in addition to such right of way, as may be necessary for depot or station-house and switches for said road, to be so selected as.

So as to make the section read:

That the Fremont, Elk Horn and Missouri Valley Railroad Company, a corporation duly organized under the laws of the State of Nebraska, are hereby granted the right of way, one hundred feet in width, for their said railroad across and through the Niobrara military reservation, located in said State of Nebraska; and such quantity of land, not exceeding one hundred and fifty feet in width by four hundred feet in length, in addition to such right of way, as may be necessary for depot or station-house and switches for said road, to be so selected as not to interfere with any buildings or improvements thereon, and the location thereof to be subject to the approval of the Secretary of War.

The amendment was agreed to.

The next amendment was, to strike out section 2, in the following words:

SEC. 2. That the Secretary of the Interior is hereby authorized to sell to said Fremont, Elk Horn and Missouri Valley Railroad Company forty acres of land, at a price not less than \$2.50 per acre, for depot and other railroad purposes, to be selected by said company from the wood and timber reserve of said reservation, said land to be devoid of timber: *Provided*, That the selection of said land for depot purposes shall first be approved by the Secretary of War.

And in lieu thereof to insert:

SEC. 2. That the Secretary of War be, and hereby is, directed to restore to the Secretary of the Interior the custody, control, and disposition of the following-described parcels and tracts of land embraced within the limits of the Fort Niobrara military reservation, in the State of Nebraska, as declared in executive order of December 10, 1879, and enlarged by executive order of June 6, 1881, to wit: all of sections numbered 29, 30, 31, and 32, and the west half of section numbered 33, all in township numbered 34 north, of range numbered 27 west, and all that part of section numbered 8, in township numbered 33 north, range numbered 27 west, within the said limits of said reservation.

The amendment was agreed to.

The next amendment was to insert, as an additional section, the following:

SEC. 3. That the Secretary of the Interior shall dispose of said tracts and parcels of land under the public land laws in the same manner as if said tracts and parcels had never been embraced within the limits of said military reservation; and such persons as have settled or made improvements thereon prior to December 10, 1881, shall have priority of claim thereto under the public land laws: *Provided*, That they file their respective claims according to law at the proper land office within three months after the said lands become subject to disposition under the public land laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and to restore certain portions of said military reservation to the public domain, and for other purposes."

CAPTAIN NICHOLAS J. BIGLEY.

Mr. VOORHEES. Senate bill No. 1280 I ask the Senate to take up and pass. It will excite no discussion. It is a bill which was reported from the Committee on Claims by the Senator from Nevada, [Mr. FAIR,] who is not now present, but it is a unanimous report of that committee.

Mr. PLATT. I must object.

Mr. VOORHEES. Let me pass this, and I will help the Senator from Connecticut from this on. I have been trying for five days to get a hearing. Usually I have better luck than that, but I have given way to everybody thus far.

Mr. PLATT. If I felt I was to have an opportunity this morning, without interposing these objections, to pass the uncontested pension cases on the docket, of which there are fifteen or sixteen, and such other cases as it seems important should be considered, I should

make no objection, but I fear if I do not object the morning hour is all to be lost.

Mr. VOORHEES. This will not take five minutes, and then I will assist the Senator from Connecticut to have the pension bills considered.

Mr. BLAIR. We have just lost the last ten minutes in listening to the reading of a bill, and there is very little time left before twelve o'clock.

Mr. PLATT. I withdraw my objection.

Mr. BLAIR. I will not object, then, if the chairman does not.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1280) for the relief of Captain Nicholas J. Bigley.

The bill was reported from the Committee on Claims with amendments, in line 3, after the word "of," to insert "twenty-one thousand two hundred and eleven;" in line 4, after the word "dollars," to insert "and forty cents;" and in line 6, after the word "for," to strike out "the value of the steamer Hercules and tow of coal" and insert "70,638 bushels of coal, at thirty cents per bushel;" so as to make the bill read:

That the sum of \$21,211.40 be, and the same is hereby, appropriated out of the funds in the Treasury not otherwise appropriated to pay Captain Nicholas J. Bigley for 70,638 bushels of coal, at thirty cents per bushel, destroyed at Memphis, Tennessee, in the month of February, 1863.

Mr. COCKRELL. I should like to have an explanation of the bill or to have the report read.

Mr. VOORHEES. Let the report be read. It is very brief, and gives a better explanation than I can.

The Acting Secretary read the following report, submitted by Mr. FAIR on the 7th of June:

The Committee on Claims, to whom was referred the bill (S. No. 1280) for the relief of Captain Nicholas J. Bigley, has had the same under consideration, and submit the following report:

It appears from the evidence in this case that, in the winter of 1862 and 1863, about 45,000 troops were stationed at Memphis, Tennessee, under the command of General Hurlburt, and that there was a great scarcity of and demand for coal, with which to move the immense quantities of supply stores that were required to supply the Army of the Tennessee, and in order to supply this demand Captain A. R. Eddy, post quartermaster at Memphis, sent the following telegram to one E. S. Blasdel:

DEPOT QUARTERMASTER'S OFFICE,
Memphis, January 24, 1863.

E. S. BLASDEL, Esq.:

Furnish to this depot from 75,000 to 100,000 bushels of Youghiogheny coal, also 2,000 tons of hay, for which a good market price will be paid.

Coal at 30 cents per bushel.

Hay at \$27.50 per ton.

A. R. EDDY,
Per DAN. W. SENDER,
Chief Clerk.

Upon the receipt of this telegram Mr. Blasdel immediately transferred the order to the claimant, N. J. Bigley, who was then furnishing large quantities of Youghiogheny coal to the Government at other points, who accepted the order and at once undertook to fill it. He had seven barges gauged by the proper officers, and forwarded his certificates to the post quartermaster at Memphis, and notified him that he was *en route* with the coal, the seven barges being towed by the towboat Hercules to Memphis, reaching that point on the morning of February 17, 1863.

On reaching Memphis claimant notified General McPherson, then in command, that he had delivered the coal as per contract, but owing to the crowded condition of the wharves he was directed to land his towboat and barges on the opposite (Arkansas) shore, which order he obeyed. Claimant states that he was advised that a guard was detailed to protect the boat and coal, but they never reported for duty. Soon after the boat landed it was attacked by the guerrillas and burned, and four of the barges and their contents were sunk. The other three were paid for by the depot quartermaster at the contract price and according to the certificates of the gauger, which had been previously forwarded to him.

Claimant presented his bill to the depot quartermaster for the other four barges and contents and for the value of his towboat, which had been destroyed by the neglect of the agents of the Government, but payment was refused because of a want of jurisdiction of the depot quartermaster over such claims. The claim was afterward presented to the Quartermaster-General of the United States Army for allowance and payment, and was by him rejected for the same reason, but was by him recommended to the favorable consideration and action of Congress.

Claimant now comes to Congress and asks compensation for the coal contained in the four barges that were sunk, at the contract price, and for the amounts as shown by the gauger's certificates, and for the loss of the towboat Hercules, at a price fully shown by the testimony to have been a fair and reasonable valuation. The items may be more definitely expressed as follows:

| | |
|--|-------------|
| 70,638 bushels of coal, at 30 cents..... | \$21,211 40 |
| To the value of towboat Hercules..... | 25,000 00 |
| | 46,211 40 |

The evidence shows conclusively that the claimant was acting under the direct and positive orders of the agent of the Government, and that the loss of the property above mentioned was in no way chargeable to his neglect or carelessness; that the claimant had always been loyal to the Government and had given liberally of his own private means to aid the Government in its days of sore trial and dire necessity. This claim has been considered by the Quartermaster-General, the Judge-Advocate-General, the Third Auditor, and the Second Comptroller, respectively, and by them rejected for the reason that the property "was destroyed while it was in the possession of the claimant." Your committee cannot see that this should be a bar to the claimant's right to recovery, as he was acting under the special and positive orders of the Government through its recognized agents. This opinion seems to have been shown by Quartermaster-General Meigs, who, in the conclusion of his decision rejecting the claim, under date of May 11, 1869, uses these words:

"Congress alone, it seems to me, can give relief. The loss was a heavy one, and the circumstances are such as, I think, should commend the case to the favorable consideration of Congress."

In reviewing the report of the Quartermaster-General on this case, the Inspector-General, Hardie, uses these words:

"The views of the Quartermaster-General are concurred in by the undersigned. The loss was heavy and the circumstances such as entitle the claimant to such favorable consideration as can legally be granted."

Judge-Advocate-General W. M. Dunn concludes his final review of the entire case, under date November 22, 1870, with these words:

"I concur in the conclusions of the reports rejecting this claim, and also in the foregoing recommendations thereof to the favorable consideration of Congress."

There is every reason to believe that while these departmental officials could not legally allow the said claim, yet they fully recognized and candidly acknowledged its justice.

Your committee are of opinion that the claimant is entitled to the relief he seeks to the extent of the value of the coal.

Your committee are of opinion that claimant should not receive payment from the Government for the towboat *Hercules*, by which said coal was transported, for the reason that it was a loss incident to natural risks which he assumed in delivering the coal, and for the further reason that the boat formed no part of the goods contracted for by the Government to be delivered; but your committee are clearly of opinion that claimant is entitled to recover the value of the coal destroyed, at the contract price of thirty cents per bushel, amounting to \$21,211.40; and accordingly report back said bill with this amendment, and recommend its passage.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments of the Committee on Claims.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. BECK. I call for the regular order. The Calendar is the regular order.

The PRESIDENT *pro tempore*. The morning hour is not yet over. Mr. BECK. Then I object to anything but morning business, so that we can reach the Calendar.

Mr. PLATT. I wish to appeal to the Senator from Kentucky to let us pass the uncontested pension cases on the Calendar.

Mr. BECK. We have allowed such bills to pass time and again, and they can be called up at any time. There are a number of cases on the regular Calendar that I desire to have called.

Mr. PLATT. The difficulty about the pension bills is that while they may be called up at any time, if I let this opportunity go past I am afraid the business will so crowd that they will not be passed. They are most of them House bills.

Mr. BECK. We have given away time and again for pension cases, and we shall always do that; but not a case has been called on the regular Calendar since the 19th day of April, and surely we should give an hour to that.

Mr. PLUMB. I suggest to the Senator from Kentucky that it will not take more than twenty minutes to pass all the pension bills and get them out of the way.

Mr. BECK. There is no objection to considering them, and they can come up at any time. The regular Calendar seems to be the only obstacle in the way.

Mr. PLUMB. These are House cases, and it is necessary to have them passed here to perfect the legislation.

Mr. BECK. I will consent that the pension cases shall have precedence, and then we can go on with other uncontested cases. Let the pension cases be called first, the uncontested cases favorably reported.

Mr. BAYARD. Is it understood that those bills are all House bills?

Mr. BECK. We had better go through with the House bills.

Mr. PLATT. It is impossible for me to hear what Senators on the other side of the Chamber say. What I desire is first to pass the pension cases which are reported favorably and to which there is no objection.

Mr. BAYARD. House bills?

Mr. PLATT. There may possibly be one or two Senate bills among them. They are, most of them, House bills. There are fifteen or sixteen of them. We can pass them in fifteen or sixteen minutes, I presume.

Mr. BECK. We all agree to that.

Mr. PLATT. I should like after that to dispose of some pension cases that are contested, in which there are majority and minority reports; but the Senate can decide as to that matter. I do think that the Senate ought now to give the pension cases which are unobjectioned to the right of way. They will take but a few minutes.

Mr. BLAIR. In reference to the contested cases I wish to say that there has not been a contested pension case considered during the session to my recollection. As to bills reported from other committees, a great many contested bills have been disposed of, and we ought to pay some attention to the contested pension bills.

Mr. PLATT. Let us discuss that after we get through with the uncontested cases.

Mr. LAPHAM. Pursuant to the notice I gave yesterday, I move to take up Senate bill No. 2164. It is a very important bill.

Mr. GROVER. I rise to morning business.

The PRESIDENT *pro tempore*. The Chair will recognize Senators with morning business to present.

LIEUTENANT FREDERICK SCHWATKA.

Mr. GROVER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic, to report it with amendments, and I ask that it be put on its passage now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Military Affairs were, before the word "thereof," to strike out the words "and commutation of quarters;" to strike out "via" and insert "to" before "New York City;" and, after "New York City," to strike out "to North Hudson's Bay;" so as to make the bill read:

That First Lieutenant Frederick Schwatka, Third United States Cavalry, who was on leave of absence, by proper authority, from March 5, 1878, to October 1, 1880, in order to take command of the Franklin search expedition in the Arctic, shall be viewed as on duty during that period, and shall be entitled to full pay thereof, and to mileage from Spotted Tail agency, Dakota Territory, (where stationed March 5, 1878,) to New York City, and return to Vancouver Barracks, Washington Territory, (where now stationed.)

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. GROVER. Now I move that the bill (S. No. 400) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin expedition in the Arctic be postponed indefinitely.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 28) for the relief of John G. Abercrombie; and

A bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties.

ORDER OF BUSINESS.

Mr. PLATT. Now, Mr. President—

Mr. LAPHAM. What has become of my motion?

The PRESIDENT *pro tempore*. The Chair would inform the Senator from New York [Mr. LAPHAM] that the Senator from Connecticut [Mr. PLATT] made the first motion to proceed to the consideration of pension cases.

Mr. LAPHAM. The bill I have named will take but a moment.

The PRESIDENT *pro tempore*. Perhaps the Senator from New York can get the Senator from Connecticut to give way; otherwise his motion will not be in order.

Mr. LAPHAM. This will take but a moment.

Mr. PLATT. I should like very much to give way, but if I give way once there are thirty Senators who are as anxious to pass bills as the Senator from New York, and I presume they have perhaps equal merit. I cannot yield.

Mr. LAPHAM. Let me say to my friend from Connecticut that unless this bill goes to the House to-day there is danger it will not become a law. It is a very important measure. The object is to reduce the telegraphic rates to foreign countries from 50 cents to 10 cents a word.

Mr. PLATT. The Senator will pass his bill; there is no trouble about that. I must insist on pension cases at this time.

Mr. BECK. I call for the regular order. I will give way to pension bills, but not to anything else.

The PRESIDENT *pro tempore*. Is there further morning business?

Mr. MILLER, of New York. Do I understand that the Senator from Connecticut is out of order, or gives way?

Mr. PLATT. I do not give way.

Mr. MILLER, of New York. I desire to make a report.

The PRESIDENT *pro tempore*. The Chair will receive it.

THOMAS SAMPSON.

Mr. MILLER, of New York. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 1363) for the relief of Thomas Sampson, to report it favorably and ask for its immediate consideration. It will not lead to any discussion. It is simply a bill to authorize the Secretary of the Treasury to give a medal to a person engaged in saving life.

Mr. PLATT. I must object to its present consideration.

The PRESIDENT *pro tempore*. The bill goes over.

Mr. MILLER, of New York. I understood I could put it in now, or I would not have made the report, because I desire the consideration of it when reported. It is simply a bill granting a medal to a sailor who has been engaged in saving life. I withdraw the report.

The PRESIDENT *pro tempore*. The Senator can withdraw it and present it again to-morrow.

ORDER OF BUSINESS.

Mr. LOGAN. I have been three days trying to get a chance in the morning hour to have a little amendment agreed to which was reported by the Judiciary Committee, but I do not insist on it. I do not suppose I shall get a chance. I have tried to get the floor to do it.

Mr. LAPHAM. I hope the Senate will take up the bill in regard to the telegraphic cable.

Mr. LOGAN. I must object.

The PRESIDENT *pro tempore*. If there is no further morning business the morning hour is closed and the consideration of business under the Anthony rule is in order. The question is on the motion of the Senator from Connecticut to take up first the pension cases.

Mr. COCKRELL. Unobjected pension cases.

The PRESIDENT *pro tempore*. Unobjected pension cases. The Chair hears no objection, and those cases will be considered.

CREEK ORPHAN FUND.

Mr. SLATER. I must insist on my motion now to consider the conference report on the Creek orphan fund bill.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate proceed to the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. No. 126) to reimburse the Creek orphan fund.

Mr. PLATT. I wish to appeal to the Senator from Oregon, who is upon the Committee on Pensions, to wait until after we get through with the pension cases before he asks for the consideration of his report. I recognize the fact that if he insists on it it is in order at all times, but he can insist upon it after the consideration of the pension cases. I ask him if he will not withhold it until we get these cases out of the way?

Mr. SLATER. I cannot yield. Yesterday I waited not only through the morning hour but until between two and three o'clock, and then was antagonized by a political current, and I apprehend that it will be the same way to-day. I therefore must insist upon a vote on my motion at this time.

The PRESIDENT *pro tempore*. The Anthony rule runs until two o'clock.

Mr. PLATT. The first case on the pension list is—

The PRESIDENT *pro tempore*. But the Senator from Oregon has interposed with his conference report.

Mr. McMILLAN. That conference report is not a privileged question now, as I understand. The report has been made and submitted, and the question is now whether it shall be taken up for consideration.

The PRESIDENT *pro tempore*. That is the very question. The Chair has to put the question to the Senate, and the Senate must decide it.

Mr. McMILLAN. But it is not a privileged question, and the Senator from Connecticut had the floor on the pension cases, as I understand.

Mr. PLATT. I will help the Senator from Oregon to get up his report after the pension cases are disposed of, if he will wait.

Mr. SLATER. The Senator is not in a position to say that. On yesterday he was kind enough to vote down the motion.

The PRESIDENT *pro tempore*. The report was presented and it was not considered before because somebody insisted on its being printed. Now is the first time that it is brought before the Senate. The Chair thinks it is a privileged question; but it is for the Senate to say.

Mr. ALDRICH. I beg pardon of the Chair. The attempt was made yesterday to consider this same report, and the Senate voted it down. This is not the first time it has been brought up.

The PRESIDENT *pro tempore*. The Senate can vote it down to-day.

Mr. McMILLAN. But as a matter of order the Senator from Connecticut had the floor by unanimous consent and was proceeding with the disposition of the pension cases.

The PRESIDENT *pro tempore*. That is true, but he has not the floor continuously. The Senator from Oregon rose after the Senator from Connecticut had sat down and the Senate had agreed to take up the pension cases, and moved a privileged question about a conference report.

Mr. COCKRELL. I should like to know how long a conference report remains a privileged question.

The PRESIDENT *pro tempore*. It was a privileged question when the report was presented and ordered to be printed. The Senator from Oregon asks to take it up.

Mr. COCKRELL. But the same motion was made yesterday and voted down. How can that be made every day?

Mr. SLATER. Certainly, it can be made every day for a month.

Mr. McMILLAN. I do not understand that it is a privileged question. I suppose the report submitted by the Senator from Oregon is no more a privileged question than any other matter. He can submit his motion, I suppose, as any other motion can be submitted; but, as I understand, the order of the Senate was to proceed with the pension cases.

The PRESIDENT *pro tempore*. The rule says that a conference report is privileged. Now this is called up after having been printed, and the Senate may proceed to consider it one day and not another, but it is always in order to ask the Senate to consider it. That is the motion, and it must be decided without debate.

Mr. BLAIR. The presentation of a conference report is always in order, but its consideration is not always in order.

The PRESIDENT *pro tempore*. The consideration of a conference report, in the opinion of the Chair, is always in order. We should never get through the business of the Senate otherwise.

Mr. HARRIS. It is always in order to move to consider it, but a majority of the Senate will determine whether they will or not.

The PRESIDENT *pro tempore*. Certainly.

Mr. PLATT. First, I ask that we may have order in the Chamber. The PRESIDENT *pro tempore*. Senators will please take their seats and suspend conversation. This motion to proceed to the consideration of the conference report is not subject to debate. It must be decided without debate by the rule.

Mr. PLATT. I am aware of that. I only desire to make one more appeal to the Senator from Oregon. He says that yesterday he ran against a political current. I was not aware of any political current which antagonized his conference report, but he certainly is now running against a current which is not political, that is the pension current. I appeal to him once more to wait until we have disposed of these pension cases; otherwise I fear he will be voted down again.

Mr. SLATER. But when we pass them we shall have a political current just as we had yesterday. ["Vote!" "Vote!"]

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the conference report.

Mr. BROWN. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. MORGAN, (after having voted in the affirmative.) I withdraw my vote; I am paired with the Senator from Colorado, [Mr. CHILCOTT.]

The result was announced—yeas 25, nays 30; as follows:

YEAS—25.

| | | | |
|--------------------|----------|------------|-----------|
| Bayard, | George, | Pendleton, | Vest, |
| Brown, | Grover, | Plumb, | Voorhees, |
| Call, | Hampton, | Pugh, | Walker, |
| Cameron of Wis., | Harris, | Ransom, | Williams. |
| Coke, | Ingalls, | Saulsbury, | |
| Davis of Illinois, | Jonas, | Sanders, | |
| Farley, | Maxey, | Slater, | |

NAYS—30.

| | | | |
|-----------------|-----------|------------------|-----------|
| Aldrich, | Frye, | Logan, | Rollins, |
| Allison, | Gorman, | McDill, | Sawyer, |
| Anthony, | Groome, | McMillan, | Sewell, |
| Beck, | Hale, | Mahone, | Sherman, |
| Blair, | Harrison, | Miller of Cal., | Van Wyck, |
| Cameron of Pa., | Hawley, | Miller of N. Y., | Windom. |
| Cockrell, | Hoar, | Morrill, | |
| Conger, | Lapham, | Platt, | |

ABSENT—21.

| | | | |
|------------------|-------------------|-------------------|-----------|
| Butler, | Fair, | Johnston, | Mitchell, |
| Camden, | Ferry, | Jones of Florida, | Morgan, |
| Chilcott, | Garland, | Jones of Nevada, | Vance. |
| Davis of W. Va., | Hill of Colorado, | Kellogg, | |
| Dawes, | Hill of Georgia, | Lamar, | |
| Edmunds, | Jackson, | McPherson, | |

So the motion was not agreed to.

JOHN C. HARGRAVE.

Mr. PLATT. The first pension case on the Calendar is one which was passed over for some reason, I do not know what. It is the bill (S. No. 276) granting a pension to John C. Hargrave, reported favorably, and for some unaccountable reason it has been passed over.

Mr. COCKRELL. My recollection is that that case was reported favorably, and after it was reported favorably it was reopened in the Pension Office and is pending there.

Mr. PLATT. If the Senator knows about it, he can object.

Mr. COCKRELL. I introduced the bill for one of my constituents, and I prefer that it be not acted on.

Mr. PLATT. I merely noticed that it had been passed over.

Mr. COCKRELL. I knew that.

The PRESIDENT *pro tempore*. The bill will remain on the Calendar.

JOSEPH F. WILSON.

Mr. PLATT. The next case is House bill No. 6249.

The bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Joseph F. Wilson, late a corporal of Company E, Eighth Regiment of Illinois Infantry Volunteers, at \$40 per month, in lieu of that which he now receives.

Mr. LOGAN. I move an amendment to make the amount \$50 a month instead of \$40, and if the Senate will give me a minute I think I can satisfy them.

The PRESIDENT *pro tempore*. The Senator has five minutes under the rule.

Mr. LOGAN. I do not want five minutes. I ask the Senate to hear my statement in reference to this man. This man Wilson was wounded in the jaw at the battle of Fort Donelson. I was present in the hospital when his wound was dressed. I was wounded there myself, and was present having my own wound dressed, and saw him. He was shot in the chin and it shattered the jaw-bone, and his whole under jaw-bone, every particle of it, was taken out, and to-day he lives by having a false jaw, and is in the most deplorable condition almost that any person could be. He can eat nothing but soup and things of that kind. I ask that the pension be increased to \$50 a month. I move to strike out "\$40" and insert "\$50."

Mr. BLAIR. There is no objection on the part of the committee. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. BLAIR. The committee agreed to the bill as it came from the House. We are very glad that the addition is made.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE FOSTER.

The bill (S. No. 2080) granting a pension to George Foster was considered as in Committee of the Whole. It provides for a pension to George Foster, late a private in Company C, Tenth United States Cavalry.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH LEEBRICK.

The bill (H. R. No. 219) for the relief of Elizabeth Leebrick was considered as in Committee of the Whole. It proposes to place the name of Elizabeth Leebrick upon the pension-roll for her service as nurse in the Army of the late war, at the rate of \$16 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ALICE J. BENNETT.

The bill (H. R. No. 2524) for the relief of Alice J. Bennett was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alice J. Bennett, widow of Charles N. Bennett, late a private in Company H of the Eighty-fourth Regiment of New York Volunteers, at the rate of \$8 per month, and \$2 per month in addition thereto for each child of Charles N. and Alice J. Bennett until they arrive at the age of sixteen years, respectively.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

STEPHEN D. SMITH.

The bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith was considered as in Committee of the Whole. It proposes to increase the pension heretofore allowed to Stephen D. Smith, of Canaan, New Hampshire, late a private in Company C, Seventh Regiment New Hampshire Volunteers, to \$37.50 per month.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MARY BULLARD.

Mr. MCDILL. Order of Business No. 887 is in the nature of a pension bill, and by an understanding with the chairman of the committee it was to be considered at this time. It is the bill (H. R. No. 2317) for the relief of Mary Bullard.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides for the payment to Mary Bullard, of Iowa, of \$100, being the value of a horse ridden to death by her in obtaining aid to rescue captured Union soldiers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN F. ELLIS.

The bill (H. R. No. 4888) increasing the pension of John F. Ellis, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, after "to," to strike out "fifty" and insert "thirty-six;" and after "month," in line 6, to insert "from and after the passage of this act;" so as to make the bill read:

That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension of John F. Ellis, late of Company H, Eightieth Ohio Volunteers, to \$36 per month from and after the passage of this act, (certificate No. 108466.)

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JAMES BENNETT.

The bill (H. R. No. 6317) granting an increase of pension to James Bennett, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Bennett, late a sergeant of Company L, Second Regiment New York Cavalry, at the rate of \$50 per month, in lieu of the pension now received by him.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

CHARGE OF DESERTION.

Mr. COCKRELL. I would suggest to the Senator from Connecticut that there is a House bill which is of the same nature as the pension bills which is next to the bill just reached on the Calendar, to relieve certain soldiers of the late war from the charge of desertion. It was reported from the Committee on Military Affairs, taken up and discussed, and will lead now to no further debate, and I think it ought to be passed. There are many constituents of every Senator on this floor interested in it.

Mr. PLATT. Will the Senator from Missouri tell me what amendment he proposes in the last clause?

Mr. COCKRELL. I do not propose any, but I will accept the amendment the Senator from Connecticut proposes there.

Mr. PLATT. All right.

Mr. COCKRELL. I have no objection to it, as it does not affect the merits of the bill. The bill I wish taken up is House bill No. 5224.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion.

Mr. PLATT. The question was on an amendment which I proposed. I will change my amendment, and, in place of the words "received a local bounty and," in line 15 of section 4, I move to insert "intentionally;" so as to read, "or who intentionally deserted."

The PRESIDENT *pro tempore*. Is there objection to that amendment? The Chair hears none, and the amendment is agreed to.

Mr. SHERMAN. I should like to have the amendment read. As I understand the bill—

Mr. COCKRELL. The bill now reads: "Or who received a local bounty and deserted." The words "received a local bounty and" are stricken out, and "intentionally" inserted; so as to read "or who intentionally deserted."

Mr. SHERMAN. That is all right. I have no objection to it.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. CONGER. I should like to hear the clause about the twelve months' service read again.

The PRESIDENT *pro tempore*. The Secretary suggests that the whole bill had better be read.

Mr. CONGER. No; only the amendment about twelve months' service.

The ACTING SECRETARY. In line 15 of section 4 the word "three" has been stricken out and "twelve" inserted, and the words "received a local bounty and" have been stricken out and "intentionally" inserted; so that the clause reads:

And provided further, That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than twelve months, or who intentionally deserted, shall be entitled to the benefit of the provisions of this act.

Mr. CONGER. What I want to inquire is whether, if a person has served three years and re-enlisted, it would embrace his whole term?

Mr. COCKRELL. The whole service will be counted.

Mr. CONGER. That is all I wanted to know. Then I am satisfied.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ADELINE A. TURNER.

Mr. PLATT. Now let us go on with the pension cases.

The bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Adeline A. Turner, as dependent mother of Captain Joseph S. Hills, late captain of Company A, Sixteenth Massachusetts Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH J. CAMERON.

The bill (H. R. No. 3414) granting a pension to Sarah J. Cameron was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "Henry" and insert "Harvey;" so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah J. Cameron, widow of Harvey A. Cameron, late a private in Company C, Twenty-fifth Missouri State Troops.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY E. TAYLOR.

The bill (H. R. No. 3733) granting a pension to Mary E. Taylor was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Mary E. Taylor, widow of James Taylor, late an ordnance-sergeant in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA F. PORTER.

The bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter was considered as in Committee of the Whole. It proposes to increase the rate of pension of Eliza F. Porter, widow of Lieutenant James E. Porter, late of the Seventh United States Cavalry, to \$30 a month, in lieu of the pension she now receives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA A. JONES.

The bill (H. R. No. 3601) for the relief of Martha A. Jones was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Martha A. Jones, widow of the late

Oliver P. Jones, who was killed on the "Morgan raid," during the late war, at the rate of \$8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVIN WALKER.

The bill (H. R. No. 3717) granting a pension to Alvin Walker was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alvin Walker.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA JANE DOUGLASS.

The bill (H. R. No. 5985) granting a pension to Martha Jane Douglass was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Martha Jane Douglass, widow of John T. Douglass, late a private in Company B, Third Tennessee Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN V. BOVELL.

Mr. VAN WYCK. From the Committee on Pensions I desire to present a report on the bill (S. No. 1304) granting a pension to Sarah J. Bovell, which should have been upon the list now being considered except that by neglect of my own it was not submitted at the proper time. It is unanimously reported from the committee with an amendment, and I ask for its immediate consideration.

Mr. PLATT. I will say in regard to that bill that the Senator was directed to report it some time ago, but has overlooked it.

The PRESIDENT *pro tempore*. The Senator from Nebraska reports a bill which will be considered now if there be no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John V. Bovell, late captain of Company C, One hundred and fiftieth Regiment Illinois Infantry Volunteers.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting a pension to John V. Bovell."

ANNIE W. OSBORNE.

Mr. BECK. I propose now to proceed with the Calendar.

Mr. PLATT. There are one or two more pension bills.

Mr. BECK. Very well.

The bill (H. R. No. 2906) granting a pension to Annie W. Osborne was considered as in Committee of the Whole. It provides for placing on the pension-roll the name of Annie W. Osborne, widow of John W. Osborne, late a hospital steward in the United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH F. RICE.

The bill (H. R. No. 5018) granting a pension to Elizabeth F. Rice was considered as in Committee of the Whole. It proposes to place on the pension-roll at \$8 a month the name of Elizabeth F. Rice, of Osceola, Iowa, formerly of Mercersburgh, Franklin County, Pennsylvania, widow of Perry A. Rice, who died in Libby prison, Richmond, Virginia, February 28, 1863, having been captured by General J. E. B. Stuart, in a raid through Pennsylvania, on the 10th of October, 1862.

The bill was ordered to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. PLATT. The next bill on the Calendar is House bill No. 3920, relating to some changes in the pension law with reference to their administration, for the benefit of the Pension Office, and I should like to have the Senate pass it at this time if they are so disposed; but if not, I presume I can call it up at another time. I do not think it will occasion any debate.

Mr. MORRILL. I rise to morning business.

The PRESIDENT *pro tempore*. The time for receiving morning business has passed; but the Chair will receive it.

Mr. MORRILL. I wish to introduce a joint resolution to be referred to the Committee on the Census, and then I will move that the Senate proceed to the consideration of House bill No. 5538, commonly known as the tax bill.

Leave was granted to introduce a joint resolution (S. R. No. 105) relative to the registry of deaths, births, and marriages; which was read twice by its title, and referred to the Committee to make provision for taking the Tenth Census and ascertaining the results thereof.

ORDER OF BUSINESS.

Mr. MORRILL. Now I move to postpone the present and all prior orders and take up House bill No. 5538.

The PRESIDENT *pro tempore*. Was there objection to the request of the Senator from Connecticut to take up a pension-law bill?

Mr. PLATT. I trust the Senator from Vermont will allow this bill to be read. I think it will occasion no debate. If it does, I shall call it up at some other time.

Mr. MORRILL. I think the Senator had better call it up at some other time.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to postpone the further consideration of the Calendar until to-morrow with a view of taking up a bill.

Mr. PLATT. I suppose that is in the nature of an objection to my request.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. BECK. What is the regular order?

The PRESIDENT *pro tempore*. The call of the Calendar. The Senator from Vermont moves to postpone the further consideration of the Calendar with a view to taking up a bill.

Mr. BECK. If it is to take up the tax bill I will be with him. If it is to take up some outside bill I will not.

The PRESIDENT *pro tempore*. Will the Senator from Vermont indicate the bill?

Mr. MORRILL. I have already indicated it. It is House bill No. 5538, commonly known as the tax bill.

Mr. PLATT. Now I am bound to say in justice to those Senators who have desired at this time that I should agree to go on with the contested pension cases, in which there are two reports, majority and minority, that I should like to have the Senate spend a little time in the consideration of those cases. I do not want to antagonize the tax bill, but I wish that the Senator from Vermont would allow the Senate to go on with the consideration of some contested pension cases, which, it seems to me, ought to be disposed of, and which I know Senators are very much interested in having considered before moving to take up his tax bill.

Mr. FERRY. I have no disposition to antagonize the tax bill; but I desire to call the attention of Senators to House bill No. 5812, to establish post-routes. The bill has been printed and lies upon the desks of Senator, and I hope they will give such attention to it that when I call it up their knowledge of the correctness of it, or the suggestions which they may make to render it perfect, will hasten the passage of the bill, so that when it is called up it may not take much time, and perhaps we may not be compelled to read the bill in full. I simply want to give this notice because our time is hastening and I wish to economize it as much as possible.

Mr. CALL. I hope the Senate will not agree to the motion of the Senator from Vermont. I have before me a pension bill passed by the House of Representatives for the relief of the widow of a soldier who served through the Mexican war, as I am informed, and who re-enlisted in the Army and died of disease contracted in the service. I am told the family are extremely poor and destitute and very meritorious. I have no acquaintance with the parties whatever, but I think it is in the interest of right and of duty that such a case should be considered. It has been reported adversely by the Committee on Pensions, but I have no doubt that the Senate upon a consideration of the case will pass the House bill. At all events it is entitled to hearing before the Senate. I have been trying to get the case before the Senate for two weeks.

Mr. MORRILL. I should be very glad to give way, but I cannot give way for anything on account of the prime importance of the bill that I shall bring up if the motion which I have made prevails.

Mr. PLATT. The case to which the Senator from Florida alludes will occasion some discussion.

Mr. SLATER. I desire to say that if the cases on the Calendar are laid aside, I shall feel it my duty to again move to take up the conference report I moved this morning.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont to postpone the Calendar. The Chair hears no objection to its postponement.

Mr. MORRILL. Now I move to take up the bill I have indicated.

Mr. SLATER. Pending the motion of the Senator from Vermont, I have a right to make my motion to proceed to the consideration of the conference report on Senate bill No. 126.

The PRESIDENT *pro tempore*. The Chair must put the motion of the Senator from Vermont. The question is on proceeding to the consideration of the tax bill.

Mr. SLATER. Do I understand that the Chair rules my motion out of order?

The PRESIDENT *pro tempore*. The motion first made was to proceed to the consideration of the tax bill, and the Chair must put the question on that motion.

Mr. HARRIS. If the Senate votes down the motion of the Senator from Vermont, then the motion of the Senator from Oregon will be in order, but not until then.

The PRESIDENT *pro tempore*. That is the ruling of the Chair. The question is on the motion of the Senator from Vermont, [Mr. MORRILL.]

The motion was agreed to; there being on a division—ayes 40, noes 2.

The PRESIDENT *pro tempore*. The bill (H. R. No. 5538) to reduce internal-revenue taxation is before the Senate.

CREEK ORPHAN FUND.

Mr. SLATER. Now I make my motion to proceed to the consideration of the conference report on Senate bill No. 126.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to proceed to the consideration of the conference report on the Creek orphan bill. The question is on proceeding to the consideration of that report.

Mr. SAULSBURY. I desire to say that I am with the Senator from Oregon for the consideration of the conference report; but as I observe that the chairman of the Committee on Finance, having charge of the tax bill, antagonizes the conference report, I shall vote with him, and therefore be compelled to vote against the motion of the Senator from Oregon.

Mr. SLATER. I desire to leave the city as soon as I can after this matter is disposed of. It is about the only thing I have on hand.

Mr. MORRILL. Is debate in order?

The PRESIDENT *pro tempore*. No, sir.

Mr. SLATER. I desire to leave the city, if possible, to-morrow morning. I would like to leave even this evening if I could. That is the only matter I have on hand that keeps me here, and I should be glad to get it off my hands.

Mr. HOAR. We all want to leave the city to-morrow morning.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the conference report.

The question being put, there were on a division—ayes 23, noes 21.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. I desire to ask the Senator from Oregon how long the report will take?

Mr. SLATER. It ought not to take five minutes.

Mr. MORRILL. It will take all day.

The Principal Legislative Clerk proceeded to call the roll.

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were here, I should vote "nay."

Mr. VANCE, (when his name was called.) I am paired for the rest of the session with the Senator from Pennsylvania, [Mr. MITCHELL.]

The roll-call was concluded.

Mr. HARRIS. I desire to say that my colleague [Mr. JACKSON] is necessarily absent from the city. He is paired with the Senator from Kansas, [Mr. PLUMB.]

Mr. SEWELL. I desire to announce my pair with my colleague, [Mr. MCPHERSON.]

The result was announced—yeas 27, nays 23; as follows:

YEAS—27.

| | | | |
|--------------------|----------|------------|-----------|
| Bayard, | Farley, | Ingalls, | Slater, |
| Beck, | George, | Jones, | Van Wyck, |
| Brown, | Gorman, | Morgan, | Vest, |
| Call, | Groome, | Pendleton, | Voorhees, |
| Cameron of Wis., | Grover, | Pugh, | Walker, |
| Coke, | Hampton, | Ransom, | Williams, |
| Davis of Illinois, | Harris, | Saunders, | |

NAYS—23.

| | | | |
|-----------------|-----------|------------------|----------|
| Allison, | Dawes, | Hoar, | Morrill, |
| Anthony, | Ferry, | Lapham, | Platt, |
| Blair, | Frye, | McDill, | Rollins, |
| Cameron of Pa., | Hale, | McMillan, | Sherman, |
| Chilcott, | Harrison, | Miller of Cal., | Windom, |
| Conger, | Hawley, | Miller of N. Y., | |

ABSENT—26.

| | | | |
|------------------|-------------------|------------|------------|
| Aldrich, | Garland, | Kellogg, | Plumb, |
| Butler, | Hill of Colorado, | Lamar, | Saulsbury, |
| Camden, | Hill of Georgia, | Logan, | Sawyer, |
| Cockrell, | Jackson, | McPherson, | Sewell, |
| Davis of W. Va., | Johnston, | Mahone, | Vance, |
| Edmunds, | Jones of Florida, | Maxey, | |
| Fair, | Jones of Nevada, | Mitchell, | |

So the motion was agreed to.

The PRESIDENT *pro tempore*. The conference report will be read.

The Acting Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. No. 126) "to reimburse the Creek orphan fund," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the said bill and agree to the same with the following amendments, namely: Strike out, in line 1 of said amendment, the words "fifty-one thousand" and insert in lieu thereof "forty-seven thousand five hundred." Strike out, in line 11 of said amendment the words "Creek orphans" and insert in lieu thereof "Creeks who were orphans on the 24th day of March, 1832." Insert after the word "act," in line 27 of said amendment, the following: "Unless in the judgment of the President it shall be for the best interests of the said orphans or their heirs that the same, in whole or in part, be deposited in the Treasury to their credit, as now provided by law for Indian trust-funds, and the interest thereon only to be paid to the actual beneficiaries under this act." And add at the end of said House amendment the following: "But nothing in this act contained shall be construed to prevent the United States from asserting its right to be reimbursed by the Creek Nation in any future settlements therewith with the further sum of \$106,799.68 expended by the United States out of the Creek orphan fund for the support of loyal Creek refugees;" and the House agree to the same.

JAS. H. SLATER,

H. L. DAWES,

Managers on the part of the Senate.

N. C. DEERING,

D. C. HASKELL,

OLIN WELLBORN,

Managers on the part of the House.

Mr. COKE. As one of the committee of conference appointed on behalf of the Senate, I did not concur in the report just read, and it is necessary that I make a statement in order that the points of difference between myself and the majority of the committee may be presented.

The bill is a bill to reimburse the Creek orphan fund to the following amounts:

1. By value of certain depreciated bonds purchased in contravention of law, with money belonging to said fund, as follows: Tennessee bonds, \$20,000; Virginia, \$3,500; \$9,000, and \$41,800—\$74,300.
2. By the sum of \$68,956.29, taken without authority of law from said fund and applied to the general purposes of the Creek Nation.
3. By the sum of \$106,799.68, taken without authority of law from said fund and applied to the support of loyal refugees of the Creek Nation.

These sums aggregate \$251,055.97. The purpose of this bill is to restore that amount to the Creek orphan fund. Of this amount \$106,799.68 was applied by the Government during the war to the support of the loyal Creek refugees. The Senate bill provided that while the Government of the United States would restore the full sum of \$251,055.97, yet \$106,799.68 of that aggregate having been applied by the Government to the support of loyal Creek refugees during the war, it should be charged against the Creek Nation and recouped from funds now or hereafter in the possession of the Government belonging to the Creek Nation. The House did not concur in the provision providing that the Government should be reimbursed by the Creek Nation. The majority of the conference committee yielded to the House amendment, and have made this report. I do not concur in the report upon that point. The point was very much discussed in the Senate for some five or six days, and the provision was put in the Senate bill upon the maturest consideration; and after the whole subject was thoroughly understood by the Senate and as representing the majority vote of the Senate, I did not feel at liberty to yield the point which had been so maturely considered and determined in the Senate. Besides, Mr. President, I voted with the majority of the Senate, and my convictions are that the provision of the Senate bill which has been yielded by the conference committee on this subject was a correct one.

During the war the Creek Nation divided nearly equally, one-half going with the confederate States and the other half with the Union. The Union people of the Creek Nation are the loyal refugees referred to. They were accompanied into the Union lines by their chiefs. They were the sole representatives of that nation within the Union lines, and the Government found it necessary to take care of them. At that time and under these circumstances the Government used the Creek orphan fund, which it now restores in this bill, for that purpose; but having taken care of these sole representatives of the Creek Nation during the war to be found within the Union lines, the United States claims the right now, as it claimed then, to use funds belonging to the Creek Nation for that purpose. Having reimbursed the Creek orphan fund in this bill the full amount taken from that fund for that purpose, the Senate bill claimed that the Government should be reimbursed this money paid for the support of the loyal Creeks during the war by the Creek Nation. I think it is right. We must judge of this transaction by the circumstances surrounding it at the time the Government took this action. At that time one-half of the Creek Nation was in arms against the Government; the other half was loyal. This loyal half of the Creek Nation, for whose support the Government expended \$106,000, was in legal effect at that time and under the circumstances the Creek Nation. The Government had the right, as it had the power, to deal with them as the Creek Nation, and to advance money needed by them and hold the Creek Nation responsible. As a legal proposition this cannot be questioned. It was so regarded at the time when the money was advanced. If it was right then it is right now; and while it is proper that the Government should restore to the Creek orphan fund the money that it used for that purpose, it is equally proper that the Government should be reimbursed by the Creek Nation this same amount of money. I hope the report of the majority will not be concurred in.

Mr. DAWES. Mr. President, I voted against taking up this conference report, though I had signed it, because of lack of time, and therefore I will endeavor to be as brief as possible now that it is up, and will simply content myself with stating the differences between the two Houses and the principle upon which the conference committee came to the conclusion they have arrived at in their report.

Both Houses have agreed, perhaps without a dissenting voice, that the Creek orphan fund should be reimbursed for moneys improperly used by the United States. Even the Senator from Texas, [Mr. COKE,] who was unable to agree with this report, has stated that it is proper that the Creek orphan fund should be reimbursed the amount thus expended for other purposes, and that, I understand, every one agrees to. That was the purpose of the bill. The purpose of the bill was to reimburse and make whole a trust fund. But a majority of the Senate were of opinion that of the moneys that were thus wrongfully taken from the Creek orphan fund the \$106,000, or about that, which had been expended by the United States for what were called loyal refugees of the Creek Nation during the war should be reimbursed by the Creek Nation to the United States; not that the Creek Nation should reimburse this fund, but should reimburse the United States for this sum; and therefore the Senate, by a small majority, added to this bill, the purpose of which was to reimburse a trust fund, a provision that such amount of the reimburse-

ment as had been paid for loyal refugees should be charged over to the Creek Nation.

It unfortunately so happened, probably by an oversight, that a majority of the conferees on the part of the Senate did not represent this amendment, two out of the three having voted against it. This being the most important amendment, perhaps strictly according to parliamentary law there should have been a majority on the committee composed of Senators favoring the amendment. However, the conferees on the part of the House and of the Senate came to this conclusion—

Mr. COCKRELL. I should like to ask the Senator from Massachusetts if it is not a remarkable instance of two conferees of the three being opposed to the amendment of the Senate which the Senate appointed them to sustain?

Mr. DAWES. I do not know how the conferees came to be appointed. I knew nothing of it myself. The conferees on the part of the House and of the Senate came to this conclusion: that as both bodies were agreed that the Creek orphan fund should be reimbursed, and as one of the bodies by a small majority had put upon the bill an amendment that a certain portion of the money reimbursed should be charged to the Creek Nation, it would be a fair arrangement to reimburse the fund, as everybody agrees should be done, and then to say that nothing in this bill should be construed as interfering at all with the right of the Secretary of the Interior to charge it to the Creek Nation, if on examination of their accounts in his judgment it should be proper so to do.

I know the anxiety of those who feel that it ought to be done to secure it by a positive law; but they forget that the Creek Nation are not heard in this proceeding, that this is to be an enactment in which the Creek Nation are not heard, charging over to them a sum which we admit by the votes of both Houses we had no business to take from the trust fund. We charge it over to them without their having an opportunity to be heard.

There are open accounts to-day between the Creek Nation and the United States, accounts about which they are negotiating, and we have their fund in our hands. If they ought to reimburse the United States for this amount it is in our power to charge it to them, and if by an enactment in which they have no part we charge upon them \$106,000 which we used to take care of loyal refugees, we estop them from being heard and we may do them a positive wrong. This is the basis upon which the conference report is made. It does not preclude what the provision of the Senate bill requires. It expressly sets forth that it shall not, but that if in the adjustment of the open accounts between that nation and the United States it shall hereafter be found by the accounting officers that this sum ought to be charged to them it may be charged to them; but the conferees thought that to enact it by a positive law upon a bill the purpose of which was to reimburse a trust fund was not wise, and that the Senate would so consider if they came to look at the equity and justice of the case. These are the reasons for the conference report.

Mr. SHERMAN. Mr. President, I felt some hesitation about calling the attention of the Senate to the fact that the conference committee was made up in violation of the parliamentary usage, because I have no doubt it was done by inadvertence, but as a matter of course it is rather a novel thing to do. The only difference between the House and the Senate was whether this money, a portion of it—

Mr. SLATER. I would like to call the Senator's attention to the fact that there was another amendment as offensive to some of the Senate as this was, the author of which was the Senator from Massachusetts, [Mr. DAWES,] and which has also been a subject of conference.

Mr. SHERMAN. The only material controversy between the two Houses was whether this money was to be charged to the Creek Nation or whether it was to be paid out of the Treasury of the United States without being so charged. That was the contest in which I participated; and the Senate by a majority, I do not remember how large, decided that it insisted upon that charge; and two of the conferees that we sent to represent us in the contest with the House had voted against the view of the Senate. I have no doubt such a thing might happen by inadvertence, but at the same time it is a reason why the Senate should reconsider the matter and at least be fairly represented before the conference.

I object to this conference report *in toto*. In the first place, the manner in which they get out of this controversy, it seems to me, is simply ridiculous, to use no stronger term. The report abandons the amendment which required this fund to be charged to the Creek Indians, and this is the novel outcome of it:

But nothing in this act contained shall be construed to prevent the United States from asserting its right to be reimbursed by the Creek Nation in any future settlements therewith, the further sum of \$106,799.68 expended by the United States out of the Creek orphan fund for the support of loyal Creek refugees.

As a matter of course the conferees could not surrender the claim of the United States; nor is this such a proposition, as the Senator from Massachusetts says; it is not an authority to the Secretary of the Interior to present the claim to the Creek Nation and to insist on their paying it. It simply says that nothing in this act shall be construed to prevent the United States from asserting its right hereafter against the Creek Nation. As a matter of course that could not be done in any event; so that this is merely of no consequence.

Not only that, this bill as it now stands retains the payment of

interest on sums that have already been paid. It provides for the payment of \$247,000 with 5 per cent. interest on \$176,000 from April 6, 1872. Why that particular date is fixed I do not know. The money was paid long before that; the money was paid during the war at a time when the Creek Nation had forfeited all its rights against the United States by common consent, and had no rights whatever. These treaties were abrogated, null, and void. The loyal portion of this tribe had gone into Kansas; and then by act of Congress we paid them a portion of the money and directed it to be charged to the Creek Nation, and the treaty that was made at the end of the war recognized the validity of those payments. The sections were read before; I have not got them now; but that was the effect of these treaties recognizing the validity of the payments. Now, we propose to pay them not only principal but interest.

Mr. SLATER. We pay interest from the time of the adjudication when it was ascertained in the Department that this amount was due the fund from that date. That is, the date specified in the bill.

Mr. SHERMAN. Suppose we do. We pay interest to no one else, not even to wounded soldiers.

Mr. DAWES. We had a fund in our hands which we bound ourselves to pay interest on, and we paid it out to somebody else. Now, we reimburse the principal, and the Senator from Ohio thinks it is strange that that carries interest.

Mr. SHERMAN. We paid that money to the Creek Indians, to the persons with whom we treated, to the persons named in the treaty, during the war when their rights—

Mr. SLATER. The Government had no more right to pay it to them than to pay it to me.

Mr. SHERMAN. There is the very point in dispute; and the fact that these two Senators, whose opinions are so diverse and opposite to the opinions of the Senate, should have represented the Senate in this controversy is an extraordinary thing. I am bound to say that, though I know the Senators are perfectly honest about this. The Creek Indians forfeited their rights; they had no claim against the United States in 1862. We paid this money over for the support of the loyal Indians; some of them probably were the very orphans embraced in this bill. We paid them the money in the midst of the war; and at the end of the war, when we revived the treaties to some extent, these payments were in substance recognized, as I showed in the debate before; and now, upon a statement made by the Secretary of the Interior, not an adjudication in a formal way, it is proposed to pay them not only the principal sum but the interest. It seems to me there is no hurry about this matter.

There is another clause in the bill, as now arranged, that I think indicates pretty much the reason why it is so strongly pressed upon us. There is a provision that it shall be the duty of the Secretary of the Interior—

To see that said moneys are deposited in the Treasury, as now provided by law, for Indian trust funds, and the interest thereon only shall be paid to the actual beneficiaries under said law, the orphans and their heirs, to the exclusion of all claims by attorneys for fees.

That is all fair enough; it is to go to the Indians; but there is this remarkable exception:

Except such reasonable attorneys' fees as shall be approved by the Secretary of the Interior after the passage of this act.

So that practically we are paying to claim agents, who are represented here as attorneys, not only the principal of a sum that we have already paid but interest on that sum. I think that is an extraordinary claim. If we are going to revive claims of this character there is no end of them. Here the amount involved is \$400,000, the item of \$176,000 with interest at 5 per cent. from a certain date alone making about \$300,000.

It seems to me that this report ought to be recommended to another conference, merely because the Senate as yet has not been represented before the House conferees by gentlemen in favor of the Senate proposition, and, for another reason, because the conference report does not fairly represent the deliberate judgment of the Senate after long debate.

Mr. McMILLAN. I would add as a further reason that the Senate conferee who did represent the views of the majority of the Senate disagreed to this report, refused to concur in it.

Mr. COCKRELL. What motion does the Senator from Ohio make?

Mr. SHERMAN. I am opposed to the report. I would move that we further insist on our amendments and appoint another committee of conference; but the usual way is first to disagree to the report.

The PRESIDENT *pro tempore*. The first question is on the adoption of the report.

Mr. SHERMAN. If the report is not adopted, then as a matter of course the next motion will be that the Senate disagree to the amendments of the House and appoint another committee of conference.

Mr. COCKRELL. I hope the report will not be adopted.

The PRESIDENT *pro tempore*. The question is on the adoption of the report.

Mr. SLATER. Mr. President, I regret that the opposition to this conference report has taken the turn that it has, and I regret further that Senators should fail to look at the fact that the disagreement of the House with the Senate bill was upon more than one amendment, and it would be unreasonable that the conference committee should

be made with a view only to having a majority of that committee composed of the friends of one amendment.

Mr. SHERMAN. What were the other amendments?

Mr. SLATER. The other amendment was quite as important as that and was in relation to whether the fund should now be paid out and closed up, the amendment offered by the Senator from Massachusetts, [Mr. DAWES.] The original bill was amended so that instead of being paid out it should be turned into the Treasury and bear interest. The House disagreed to that.

Mr. SHERMAN. But I do not think that figures in the controversy at all.

Mr. SLATER. It certainly did figure very largely, so largely that I asked the Senate to non-concur with my colleague on the committee in that amendment.

Mr. SHERMAN. I have no recollection about that.

Mr. SLATER. I have a very distinct recollection about it, and the Senator is certainly very forgetful of the debates in this case when he gets up on the floor and makes such statements. It would seem unfair that we must give up all the amendments of the Senate except one in which the Senator from Ohio is interested. Then his side is to be represented and the other side not represented.

The Senator started out in his statement by saying that the suggestion at the close of the bill whereby notice, for that is all that can be said of it, is served on the Creek Nation that hereafter nothing shall be inferred from this bill to prevent the United States from making claim for reclamation of the \$106,000 in future settlements, was ridiculous. If there is anything ridiculous about that, the Senator from Ohio is the author of it, for the amendment was framed with a view to a statement made by him in the discussion that I shall call the attention of the Senate to. In the debate on the bill the Senator said:

Sir, but for that stipulation the Indian treaties would not have been revived in 1866. The revival of those treaties was severely contested in the Senate of the United States because they were not more definite in regard to the sums the payment of which was revived. In consequence of that revival a claim of \$1,900,000 is now pending in the Interior Department for money alleged to be due to the Creek Indians growing out of that treaty.

That is true; there is such a claim, and undoubtedly a large part of it is due to these Indians, but it is to be adjusted hereafter. The Senator continued:

The Senator from Minnesota [Mr. McMILLAN] will offer an amendment that will present the question whether the \$176,000 ought not to be made an offset against any allowance that may hereafter be made to the Creek Indians or any stipulation growing out of the treaty of 1866. That amendment certainly ought to be adopted when it is offered.

When the amendment of the Senator from Minnesota came it did not meet this point precisely; but the amendment suggested by the conference report does meet the proposition of the Senator from Ohio precisely, and serves notice on the Creek Nation that hereafter when this other matter is to be adjusted they may anticipate that this claim for \$106,000 will be presented for reclamation, and there, sir, may properly be presented.

Any inference from the bill now passed is negated in favor of the supposition to have the matter closed up. The Senate bill proposes simply a conversion of an individual fund of individual members of the Creek tribe, not the tribe itself, to some certain individuals under the name and denomination of the Creek orphans. It is not proper and is not necessary to bring in the adjustment of the tribe when the tribe are not here, and as there are other matters pending between the tribe and the United States it is entirely proper that this matter should be remitted to that tribe. I do not think it is necessary to dwell further upon it, and I am willing to vote.

Mr. DAWES. One moment before the vote is taken. I desire to put it on record that the proposition of the Senator from Ohio is, that, having previous to 1872 perverted to other uses a trust fund we were bound to pay 5 per cent. on, he complains that now, having perverted it ourselves, we are required not only to refund the principal, but to pay that interest; so that the proposition is to get clear of the interest by stealing the fund. That is the proposition.

Mr. SHERMAN. If the Senator says I go upon that supposition, I deny it.

Mr. DAWES. I know the Senator denies that, but that is the fair construction. I do not mean to say that the Senator would put his own motion into that language. I should not have got up if he had put it into plain English himself. Here is a trust fund that both Houses declare was a trust fund upon which we were bound to pay 5 per cent. interest. Both Houses have declared that previous to 1872 the United States took so much of it and paid it elsewhere, and both Houses say that that should be restored. The bill says that along with it should come the 5 per cent. we were bound to pay on it, and the Senator says that we never did such a thing as that. I desire to say no more. I record my name on this side, that when I am caught perverting a trust put in my hands I will not whine about paying the interest on that trust.

Mr. BROWN. Mr. President, I want to say a few words before the report is voted on. There seems again to be a misapprehension here as to whether the Creek Nation is due anything to the United States Government. This was a trust fund that the United States was bound to protect; the President of the United States was the trustee; and the fund was misapplied, and the trustee, the United

States, represented by the President, was liable to make good the fund.

That question, as I understand it, the Senate has adjudicated. We determined by a majority when we passed the bill that the fund ought to be paid back to the Creek orphans, but we coupled with it a provision that \$106,000 of it when paid to the Creek orphans should be charged back to the Creek Nation; and that is the main point in controversy. Charged back, why? Because it is alleged that the Creek Nation was in rebellion, and that this amount of \$106,000 was taken from the fund belonging to the Creek orphans and used to pay loyal refugees of the Creek Nation who were in Kansas.

The then governor of Kansas, Governor Crawford, was in the city here a short time ago, if he is not here now, and a very intelligent gentleman who conversed with him told me that the governor said that while we were feeding these loyal Creeks who were refugees in Kansas, there were other Indians of other tribes, and other tramps, who went to live with them and who were fed with them; that a large part of this fund was expended not on loyal Creeks but on a motley mob who were gathered there, they being among the number; and that it was proven to him, then governor, that a large part of all the beef that was fed to them were the cattle of the Creek Nation that were driven there to be fed to them. They were supported, in other words, upon their own meat; their own cattle were used to feed them. Other Indians of other tribes were fed there at the same time; and then the whole amount of \$106,000, much of which dishonest agents may have put in their pockets, was charged up against the Creek orphan fund. The Senate said, the Creek orphans must be paid, but we will charge that amount to the Creek Nation.

If you turn to the treaty of 1866 it appears that there was then a settlement made by the Creek Nation with the United States for its participation in the rebellion. There was, as the letter from the Indian Commissioner now lying on the table shows, \$200,000 of the annuities due to the Creek Nation taken by the United States and applied to the purposes of the United States on account of the conduct of the Creek Nation in rebellion, and \$100,000 more that he refers to taken on account of this feeding of the loyal refugees. That was taken in full settlement of the account between the United States and the Creek Nation growing out of the rebellion.

To sum it up, the cattle of the Creek Nation were taken and used in great degree to feed the refugees in Kansas. Only part of those refugees were loyal Creeks; many of them belonged to other tribes, and some white men were there who were not of the tribes and yet were supported with them. Then \$100,000 is charged up on account of that fact to the Creek orphan fund. We say that cannot be done.

The Senate has decided that question in the passage of the bill, but we say by the Senate's amendment in reference to that matter that the \$106,000 that was used in the way I have spoken of shall be charged back to the Creek Nation. That is not right. Charged back why? Charged back on account of the rebellion of the Creek Nation and its disloyalty during the war. Yet in a treaty after the war was over it paid \$100,000 out of its fund and \$200,000 out of its annuities in settlement of that matter, and it is agreed in that treaty that it is to stand settled and they are to make no further claims on account of these annuities, and the Government takes it in settlement. Yet we propose now to charge back this \$106,000 as an additional sum to the Creek Nation. There is no principle of justice, equity, common sense, or reason upon which it can be done.

I think the committee of conference has gone a long way when it has even left that question open by this report for any future adjudication or adjustment. It has been already adjusted. We have decided that we owe the fund to the Creek orphans. The Creek Nation has settled for its participation in rebellion, and there is nothing due to the United States from the Creek Nation.

The PRESIDENT *pro tempore*. The question is on concurring in the report of the committee of conference.

The report was concurred in; there being on a division—ayes 29, noes 10.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; that it further insisted on its disagreement to the amendments of the Senate to said bill numbered 35 and 36; that it asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GEORGE M. ROBESON of New Jersey, Mr. J. H. KETCHAM of New York, and Mr. J. D. C. ATKINS of Tennessee, the conferees on the part of the House.

The message further announced that the House had passed the bill (S. No. 97) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy.

The message also announced that the House had passed the bill (H. R. No. 2299) relinquishing the title which still remains in the

United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington; in which it requested the concurrence of the Senate.

INTERNAL-REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I insist on the regular order.

The Senate resumed, as in Committee of the Whole, the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation, the pending question being on the amendment proposed by Mr. HARRIS to strike out section 4, and in lieu thereof to insert:

That all taxes and customs duties imposed by laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883, and to a discount of an additional 10 per cent. after the 1st day of January, 1884.

Mr. MORRILL. I ask for the yeas and nays on the amendment of the Senator from Tennessee, [Mr. HARRIS.]

The yeas and nays were ordered.

Mr. BECK. Mr. President, yesterday, when I had the honor to address the Senate, I was misled somewhat as to the dates of certain amendments that were offered, not having the records before me at the time. I said the first amendment looking to the reduction of tariff taxation was offered by the Senator from Kansas, [Mr. PLUMB,] and I said it was on the 7th day of July, the day after the bill was reported. That statement was correct, but not absolutely so; it was the first amendment offered after the bill was reported; but when my attention was called to the fact that I had offered an amendment looking to a reduction of tariff taxation on Bessemer steel before that time it occurred to me that it was so, and I so admitted. It turns out that I did offer such an amendment on the 28th of June, and yet my first statement was correct, because the first amendment offered looking to a reduction of tariff taxation was offered by the Senator from Kansas when the bill was first referred. I have the RECORD now of June 29, 1882, containing the proceedings of June 28. It reads thus on page 33:

HOUSE BILL REFERRED.

The bill (H. R. No. 5538) to reduce the internal-revenue taxation was read twice by its title, and referred to the Committee on Finance.

On the same day, page 37, the following occurred:

Mr. PLUMB. I offer an amendment to the internal-revenue bill, and move its reference to the Committee on Finance and that it be printed.

Mr. BECK. Let the amendment be read. I desire to know what it is.

The Acting Secretary read the proposed amendment, as follows:

"That the imposition of an increase of 25 per cent. upon the import duty on the products of cane imposed by section 3 of the act of March 3, 1875, being chapter 127 of the statutes of 1875, be, and the same is hereby, repealed, and the duty on the products of cane imported into the United States after the passage of this act be restored to the rate prevailing before the passage of said last-mentioned act."

Mr. PLUMB. That is intended, I will say to the Senator from Kentucky, to repeal the 25 per cent. import duty imposed on sugar by the law of 1875 and restore it to the duty that prevailed before the passage of that act.

The amendment was referred to the Committee on Finance, and ordered to be printed.

Mr. BECK. I should like to offer an amendment to the same bill. I did not know amendments to it were being offered now. Let it be referred to the Committee on Finance after being read.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky to the revenue bill will be read.

The Acting Secretary read as follows:

"That from and after the passage of this act the tariff duty of \$28 per ton on Bessemer-steel rails shall be reduced to \$14 per ton."

The amendment was referred to the Committee on Finance, and ordered to be printed.

So I was strictly accurate as to the fact, but not quite accurate as to the date of the first introduction. When the bill was reported from the committee the Senator from Kansas, on the 7th of July, before any other amendment was offered looking to tariff taxation, there being nothing on that subject in the bill, offered in the Senate his amendment relative to the sugar tariff, and I, either that day or the next—I have not looked that up—laid before the Senate the amendment I had offered for the reduction of the duty on Bessemer-steel rails. I did not expect the debate to come up yesterday, or the Senator from Ohio to put the questions that he did, and not having the date before me I was a little confused.

Mr. SHERMAN. I beg pardon of the Senator; it was the Senator from Vermont, [Mr. MORRILL.] I said nothing about the date of the amendment, for I did not remember about the date. The Senator from Vermont made the statement.

Mr. BECK. The Senator from Vermont happened to find the amendment that I had offered to the bill, but he did not see the amendment offered by the Senator from Kansas, which was on the same page of the RECORD and only a few lines above mine. Of course it escaped his observation, although it was three times as long and much more prominent than the one I offered when he challenged the accuracy of my statement.

I was criticised quite sharply on yesterday, too, by divers gentlemen, the Senator from Massachusetts [Mr. HOAR] among others. He seemed to congratulate the country on the fact that he could make much political capital by opposing anything that I advocated, and when any blunder was about to be made by his party he insisted that I always relieved them by doing some very foolish thing, or offering some very unreasonable proposition. Perhaps he may make votes in Massachusetts, but I doubt whether he will in other sections of the country. I desire now, since I am on the floor, to say a few

words relative to his position. The Senator from Massachusetts yesterday used these words:

Mr. President, there never came out of a lunatic asylum a proposition so monstrous, so indefensible, so destructive as that which is proposed by this party, equal in numbers to one-half the American Senate, as the condition upon which they will permit the burden of thirty or forty millions of taxation to be lifted from the shoulders of the American people.

Why, look at the absurdity of their position in another point of view. There are thirty-five amendments pending, proposed on that side of the Chamber, of tariff legislation in this bill, as I understand, going over, in addition to this 10 per cent. reduction, every item of dutiable article. Such a bill they propose to send down to the House of Representatives on the 1st of August, or thereabout, after the two or three weeks of discussion which it will require shall be over in the Senate.

That is all I care to read from his speech. As I said yesterday, we are obliged to wait until revenue bills come to us from the House of Representatives. The Senate has no constitutional power to originate tax bills; it has no power to consider anything in regard to taxation till some measure comes from the House, and if we part with this bill now without making the proper reductions of tariff duties, reducing such as ought to be reduced, the Senate is not only powerless for the remainder of this session but powerless for the remainder of this Congress, unless we take the desperate chance of the House the next short session sending us another bill. Therefore, I insist if the Senate proposes to do anything to give relief to the people, or to consider any legislation in regard to tariff taxation, it is compelled to act now or abandon its power to act at all. It is for that reason, having the bill before us and knowing as well as I know anything that no other tax bill will ever come to us, I am seeking to make proper amendments to the bill now under consideration.

Complaint was made yesterday by the Senator from Massachusetts and others relative to the character of amendments that we are proposing. The Senator from Massachusetts [Mr. HOAR] insists that the reduction of 10 per cent. now and the proposed reduction of 10 per cent. in a year from now is a monstrous proposition, and that we are by making it seeking to deprive the country of the benefit of the reduction of twenty or thirty million dollars that the little House bill proposed. I have looked with some care, and I find that the proportion of bankers and of bank capital in the New England States as compared with the great States of the Southwest is nearly as five to one, and the relief is nearly as five to one to those individual men, and I have no doubt that to the patent-medicine men it is five or ten to one. The only relief that is given is to those individuals, and is in the interest of a section, and not of the whole country.

I have looked again at the bill which was brought before the Senate by the committee or the caucus, I care not which—and I do not speak of the caucus with the contempt which Republican Senators used to speak of the Democratic caucus when we had power in this Chamber. I read their speeches on that subject over some days ago, and threw them aside again as useless and worthless, the speeches made by the Senator from Vermont, [Mr. EDMUNDS,] the then Senator from New York, Mr. Conkling, and other distinguished Senators on the other side, in which they spoke of the caucus as being an unknown thing in the Republican party. It was called by the then Senator from New York, an ecumenical council, and it was said we were not free to vote as we pleased because caucus dictation had ordered us to vote in a particular way. We never went half the length that the Republican caucus did the other day, which ordered the Committee on Finance to bring in the amendments it did; but I will say for that caucus that it did a very decent and a very sensible thing.

Among other things it took up the Plumb amendment, as I said yesterday, adding, to please the Senator from Ohio, the polariscope to it, which however did not meet with much favor in the Senate. It took up the McKinley bill from the House of Representatives, which was reported there on the 16th day of January. That bill sought to impose additional duties on cotton-ties, raising the tax on them from 35 to say 70 per cent., and added additional duties upon steel blooms and other articles, raising them from 30 per cent. to about 75 per cent. When the caucus got hold of the McKinley bill and made it a part of their amendments to the bill before us, Senators will observe that both the caucus and the Senate Finance Committee adopted all that part of the McKinley bill which increases the duty upon cotton-ties from 35 to 70 per cent. *ad valorem* and added to the taxes of the Southern people about \$680,000, under the pretense of giving relief, but left off all that portion of the McKinley bill which raised the tariff taxation on steel blooms and steel rods from 30 per cent. to 70 or 75 per cent. That was done for what I suppose were very satisfactory reasons to that party, and I propose to show how unworthy they are of support in this body.

The New York Herald of this morning contains an article which I believe has a great deal of truth in it. The Senator from Massachusetts perhaps can tell how much if anything there is in it that is not true. It was written by a very intelligent man, one well advised as to the facts. I will read it:

SPURIOUS TAX REDUCTION—HOW SENATOR HOAR LOOKS OUT FOR FAVORED CONSTITUENTS.

The Senate took up to-day once more the bill which pretends to reduce taxes, but which, in fact, has been so manipulated that it makes very trifling reductions in some taxes while it shrewdly and needlessly raises the duties on other articles. The dispute to-day in the Senate was mainly concerning which party was to blame for the failure of this sham bill.

Senator HOAR, who is very fond of a jibe, insinuated that Senator BAYARD had opposed the bill because he had some neighbors engaged in the manufacture of matches who did not want the match stamp abolished. Mr. HOAR added that so far as the Republican party was concerned, if the bill should fail he would have no regrets, but he would be sorry for his constituents and the suffering people.

Now, the advantage to the public of abolishing the match stamp is an open question. That is to say, there is room for an honest division of opinion on the question whether matches will be cheaper by taking off the stamp tax and surrendering \$3,000,000 of revenue. It is believed by many persons who have looked into it that the revenue thus surrendered would go into the pockets of the match manufacturers. But as Senator HOAR attacks Senator BAYARD's motives in hesitating to abolish this stamp tax, he cannot complain if his own relations to and interests in another part of the bill are explained to the public.

Mr. HOAR's principal constituent is the Washburn and Moen Manufacturing Company, whose great wire works are at Worcester, where Mr. HOAR lives, and for whose interests, as is well known to members of both Houses, he has always sedulously cared. Although this company makes every kind of wire-work its chief product for the last two years has been barbed fence-wire and wire bands for baling cotton and hay. The raw material used by the company in the manufacture of these articles is steel-wire rods, which, as the law now stands, are subject to a duty of 30 per cent. ad valorem.

The McKinley bill, which is the basis of the Senate's amendment to the House revenue bill, proposed to raise the duty on steel-wire rods to 2½ cents a pound, which would be about 120 per cent., instead of 30 as now. It is also proposed to raise the duty on cotton and hay bands. When this McKinley proposition appeared in the Senate in the form of an amendment to the revenue bill, it is a suggestive fact that the duty on bands was raised while the duty on wire rods was left unchanged at 30 per cent. Thus it will be seen that Mr. HOAR's favorite constituents got the benefit of an increased duty on their product, while their raw material is still procurable by them at a rate which is utterly unprotective. The interests of the Washburn and Moen Company, Mr. HOAR's constituents, were thus guarded at both ends.

The enormous value of this little attention to their interests will be seen when it is known that the Washburn & Moen Company will produce this year at least 40,000 tons of barbed fence-wire, and that the whole consumption is estimated at at least 60,000 tons, on all which, as owners of the patent, they get a royalty of \$12.50 per ton, in addition to the enormous profits incident to getting their raw material at 30 per cent. duty and selling it in the form of wire protected by a 75 per cent. duty. This is the price which the farmers of the country are paying to Mr. HOAR's constituents, and this explains why even the proposition to reduce the tariff all around only 10 per cent. was so stoutly resisted by Mr. HOAR, because it would only reduce the raw material which this company buys 3 per cent., while it would take 7½ per cent. off the finished product which they sell to the farmers.

Mr. HOAR. Will the Senator explain as he goes along how a reduction of 10 per cent. would only reduce the raw material 3 per cent.?

Mr. BECK. It will reduce the duty on iron rods, which is now 30 per cent., only 3, whereas it reduces the duty on barbed wire, which is 75 per cent., 7½ or 9 per cent. The statement is absolutely true, and this statement, let me tell the Senator, when he comes to analyze it, had better be very carefully looked into before it is contradicted. The Herald article continues:

This is another case, like that of the Bessemer-steel works, where the profits to the capitalists are made by a cunning arrangement of the tariff so great that they exceed the whole amount earned by the workmen engaged in it.

Other remarks are made, but I do not care to read further. I do not know that the Senator from Massachusetts, in his great desire to relieve from taxation, had anything to do with so arranging the McKinley bill as to produce this result, but the fact remains that the McKinley bill, which sought to impose a tax upon all these different classes and increase them up to 70, 75, or 100 per cent., when it came to the Senate and got into caucus was put in a shape that did so arrange it as to tax the Southern man who has to use the cotton-tie on his cotton-bale from \$700,000 to \$800,000 more than he has to pay now, and left the steel rods, the material out of which the barbed fence-wire is made, which all of the men in the West have to use, down to 30 per cent., leaving the Washburn and Moen Company, with their wire at the lowest rate, and keeping up that tariff of 75 per cent. upon the finished barbed wire the farmer has to buy.

Mr. VEST. Besides paying a royalty.

Mr. BECK. And then they pay twelve and a half dollars a ton royalty because of the patent held by these gentlemen. The difficulty we have all along the line is the same as with the Bessemer-steel men, who are protected by an English patent, and now I understand they have some adjuncts and English patents to continue their monopoly by patent besides a tariff protection of over 100 per cent., which is simply robbery, and comes out of the pockets of every man who takes his wheat or corn or products to market, or who travels over the railroads of the country—making, as I have proved before on this floor, the men of this country who have anything to ship or have occasion to travel to pay to the railroad men, in order to give to the men of the United States the same profit that the men in Mexico and the men in Canada had, at least 33 per cent. more than others ask, in order to enable the American railroad owner to realize the same profit which the Canadian and the Mexican owners of railroads do, because of the tariff on Bessemer steel; yet when we seek relief and expose this little personal bill we are charged—

Mr. HOAR. I wonder if the Senator from Kentucky would permit me to reply to one point right here in a word.

Mr. BECK. I would rather finish what I am going to say, but I rarely decline to be interrupted. I would rather yield for a question, however.

Mr. HOAR. I merely wanted to interpose a denial to what the Senator has said. I wish to say to the Senator from Kentucky that in regard to the Washburn and Moen Wire Manufacturing Company it is true that its owners are my near neighbors, my constituents, in the city where I dwell. Its great force of skilled laborers make up a very important part of the population of my State. I suppose more

than twelve thousand persons, I mean the laborers and their families, derive their support from this industry, and are very largely paid, having the pay of skilled laborers. I wish to say further that I should deem it, and do deem it, as a part of my duty here to look out carefully and properly as I may in all lawful and righteous ways for that as for every other industry in Massachusetts, no more and no less.

Mr. BECK. The Senator has done that well. I agree to that.

Mr. HOAR. In making the allusion which I made to the Senator from Delaware [Mr. BAYARD] yesterday, as I said afterward, I had not a thought of imputing to that honorable Senator any other motive than the natural motive which leads a man to look out for the constituency which send him here. I had not a thought of alluding to him when I rose. I made a general statement that I believed the provisions of this tax-reduction bill had the support of every Democrat, every Senator, substantially in the body. When I had made that general statement it crossed my mind that the Senator from Delaware disapproved of the reduction of the tax on matches, and I qualified it by saying except the Senator from Delaware, who thinks that his neighbor match-maker, &c., whatever I said; I do not remember the language. That was the way it came about.

In regard to the article which the Senator from Kentucky has read, I have not heard from any person connected with the Washburn and Moen Manufacturing Company this winter upon any tariff question whatever. I do not believe that any proposed reduction in the tariff which has been alluded to here in debate affects them in the least. The provision in the bill relates to "manufactures, articles, vessels, and wares made from hoop, band, or scroll iron, or of which hoop, band, or scroll iron shall be the component material of chief value, there shall be levied, collected, and paid the same duty or rate of duty as that imposed on the hoop, band, or scroll iron from which they are made."

I am not very well informed of the details of any manufacturing industry, not so well as I wish I was; but I do not suppose that they manufacture anything from hoop, band, or scroll iron. If they do it is unknown to me. I do not believe that the reduction of the tariff 10 per cent. all around would have the slightest effect on that institution. As the Senator has well said, they are protected by patents, very largely the result of the inventions of persons in their employ, some of them the inventions of Mr. Washburn, the original founder, although those have almost all expired I suppose by this time, and by the skill and capacity of the class of laborers that they have established; and they can defy foreign competition, as I said before. While I suppose the entire abolition of duties would injure them very much, it never occurred to me to think of them, and does not now, in connection with any tariff proposition that I made this session. The whole thing is a pure piece of idle and ridiculous malice so far as it imputes any such motive to me, if I heard the article read correctly, as is imputed in the newspaper that the Senator read.

Mr. BECK. Nobody charged that the Senator was written to by these gentlemen during the session or at any other time. Everybody assumes that he knows enough about the effect of the tariff.

Mr. HOAR. My denial goes a great deal further than that. I say not only that I have not been written to but I say that the matter never crossed my mind, and it does not now. I have not the slightest belief that that institution is in any way interested in any pending tariff proposition whatever, unless it should be to some general proposition to repeal altogether all duties 10 per cent.

Mr. BECK. I have no suggestion to make except that I believe every fact stated in that article relative to the effect of the duties upon that establishment in Worcester is substantially correct, leaving out the Senator altogether, who cuts a very small figure, as I do, in this great question.

He seemed to think that it was an extremely important thing to show that two years ago I had made a great mistake on this floor in some speech, and he had been able to make political capital out of it. I might have told him of a very able speech he at one time made during the Belknap trial, out of which perhaps some capital was made on the other side. But all that is very trashy in discussing a question of this sort; the remarkable fact remains that under a bill to reduce taxation and to give relief only two industries, and those seriously affecting the men of the Southern States, sugar and cotton-ties, could be found in all the list of tariff duties (except a little false pretense of reducing the duty from \$23 to \$20 a ton on Bessemer steel, which was forced on them) on which tariff taxation could be reduced. When they had voluntarily thrown into the Senate a proposition for the reduction of tariff taxation it is very remarkable when the McKinley bill was before them and it had been long pending in the House, and its provisions were well understood, that they should strike everything else out of it except what injured the South. I have that bill before me, and I will read it:

Be it enacted, &c., That hereafter on all iron or steel, and on all manufactures, wares, vessels, and articles of iron or steel, (excepting steel rails,) or of which such metals, or either of them, shall be the component part or material of chief value, whether wholly or partially manufactured, there shall be levied, collected, and paid no less rate of duty than the duty or rate of duty imposed upon said goods, or any part or material of said goods, in any of the forms which it or they last existed prior to their passing into the form or article on which the duty is to be levied.

It is, I repeat, very remarkable that they should strike from that

bill all that it applied to except cotton-ties, and under the pretense of giving relief from taxation should double the cost of cotton-ties by raising the tax from 35 to 70 or 75 per cent., and strike out all else, so as to relieve the Washburn and Moen Company, who are protected first by a patent that gives them a royalty of twelve dollars and a half a ton and by a 75 per cent. protective tariff on their product. It is a strange coincidence. Somebody knew about it in that caucus. The Senator from Massachusetts [Mr. HOAR] may not be well advised, but there were well-advised men in the Republican party that night when they concocted this scheme, arranged these items so skillfully, and brought the measure before the Senate. That was not an accident; it did not happen that way. It was done for a purpose, and it was done to take all the money they could wrongfully or forcibly out of the pockets of these men in the South who are baling their cotton and have to bale it, and out of every man who puts a hoop-band on a beer-barrel or a pork-barrel or anything else, and instead of paying as now 35 per cent., making them pay 75 per cent. duty to a few men living in Massachusetts, protected by patents, claiming pay for royalty, and then making the Government of the United States coerce out of its citizens 75 per cent. more than the article is worth to enrich them at the common expense of all the farmers of the country, and when 71 per cent. of all that cotton has to be sent to foreign markets to compete with the products of pauper labor—that I believe is the patriotic way of expressing it—

Mr. DAWES. I should like for the Senator to be a little specific. Who are those gentlemen in Massachusetts who are benefited by hoop-iron?

Mr. BECK. Was not the Senator here a moment ago when I read the article from the Herald? I will send it to him.

Mr. DAWES. I do not care about the Herald.

Mr. BECK. I hope the Senator will read the article about the Washburn and Moen Company of Massachusetts.

Mr. DAWES. What have they to do with hoop-iron in fencing?

Mr. BECK. They have to do very largely with wire fence.

Mr. DAWES. Oh, with wire fence; but the Senator spoke of hoop-iron. Because they make wire fence, the Senator thinks they are interested in hoop-iron.

Mr. BECK. My impression is, though I do not know, because this article may not say so, that they are large manufacturers of hoop-iron. Still I am not sure.

Mr. DAWES. The Senator ought to know. The Senator seems not to know; and I would suggest to him that it would improve his speech considerably if he would be better informed about the subject of which he is speaking.

Mr. BECK. It seems the Senator from Massachusetts wants to come to the aid of his colleague. Either one of those distinguished gentlemen can do enough scolding without backing each other.

Mr. DAWES. All I ask of the Senator is to state the facts.

Mr. BECK. I beg pardon; I have here the information that I believe to be true.

Mr. DAWES. What is it about? Is it about anybody in Massachusetts having anything to do with hoop-iron?

Mr. BECK. It is this; I read again:

Mr. HOAR's principal constituent is the Washburn and Moen Manufacturing Company, whose great wire works are at Worcester, where Mr. HOAR lives, and for whose interests, as is well known to members of both Houses, he has always sedulously cared. Although this company makes every kind of wire-work, its chief product for the last two years has been barbed fence-wire and wire bands for baling cotton and hay.

Is that true or not true?

Mr. DAWES. It is not true.

Mr. BECK. I undertake to say now, in the face of that denial, that it is true; and I expect to be able to furnish the proof.

Mr. DAWES. I do not suppose the Senator means to state what is not so, and I do not intend to. I state it according to my information.

Mr. BECK. The Senator's information is not half as good as the information of the man who wrote this article. Let me ask the Senator this question—

Mr. DAWES. Will the Senator allow me to say that his information is precisely like that which he read from a newspaper the other day.

Mr. BECK. No, it is not, if the Senator will allow me.

Mr. DAWES. The Senator does not assume to communicate anything but what he reads from the New York Herald.

Mr. BECK. I asserted in the beginning that the gentleman who wrote this article was a well-informed man, of the accuracy of whose statements I had no doubt. I know who wrote this article. I did not know who wrote the other article. No man who knows the writer of this article will pretend to assume that he says anything that he does not believe to be true; and therefore I believe it.

Mr. DAWES. I will not take any issue with the Senator on that point, any more than I would that he would state himself what he did not think was so. I do not think the Senator would do it; nor do I think the Senator would indorse anybody who would.

Mr. BECK. Then why am I contradicted as to a statement of fact when the Senator does not know but what it is true? I ask him this other question: do those gentlemen obtain a royalty for the patent of twelve dollars and a half per ton in addition to the 75 per cent.

protective tariff on each ton of barbed wire they make? Do they or do they not?

Mr. DAWES. Mr. President—

Mr. BECK. Does the Senator know whether they do or not?

Mr. DAWES. Will the Senator let me have the floor long enough to answer him?

Mr. BECK. I want an answer to that question.

Mr. DAWES. My colleague has stated the exact fact about the wire fence.

Mr. BECK. No, he has not. He did not know.

Mr. DAWES. So far as I know they are the exact facts. I will simply add that by means of their ingenuity and their enterprise they have furnished every farmer of the West and of the South with a material to make a fence of for one-third what they could otherwise have made their fence for; and the complaint is that by their enterprise and their ingenuity they have prospered in conferring a greater blessing upon the farmer on the prairie and in the South than any other men in the country. That is the complaint.

Mr. BECK. The Senator has failed to answer whether it is true that they received a royalty of twelve dollars and a half a ton on their barbed wire for fences. He knows they have a protective duty of 75 per cent. upon other rods. If they are furnishing these wires cheaper than the farmers of the West could get them anywhere else, why should all the people of this country pay 75 cents to keep anybody else from competing with them?

Mr. DAWES. The duty upon wire has nothing to do with the cost of a wire fence. They own the patent because they made the patent, and it is just as much theirs as the gentleman's horse is his. There is no more right to say that they shall not set a price upon their own work than that the Senator from Kentucky shall not set a price upon his own horse. One is earned as much by his industry as the other is. So far as they are concerned, you may take all the duty off you please of the wire; nobody else can make that barbed wire then, because nobody else had ingenuity enough to invent that method. Does the Senator want to get it away from them without paying them for it?

Mr. BECK. I hope somebody will move an amendment, on the suggestion of the Senator from Massachusetts, to strike off the 75 per cent. duty on barbed wire for fencing in the West, and make it free, and allow those gentlemen to rely on their patent, and see what it is worth to them.

Mr. DAWES. There is not any such thing in the tariff as barbed wire.

Mr. BECK. Such an amendment I will endeavor to offer at the proper time.

Mr. DAWES. Nobody makes it abroad.

Mr. BECK. I should like to hear the Senator advocate it when the proper time comes.

Mr. HOAR. These people supply the South American market at the same price they do the American. Foreigners cannot compete with them.

Mr. BECK. That is a good argument to show that the 75 per cent. tariff upon barbed wire ought to be taken off, and that it ought to be a free article.

Mr. DAWES. There is not any 75 per cent. on barbed wire. The Senator cannot find it except in the New York Herald.

Mr. BECK. What is there?

Mr. DAWES. There is not a penny, so far as I have ever heard of it.

Mr. BECK. On steel wire, such as is used for fence, there is a duty of 24 cents a pound.

Mr. DAWES. That is not what a barbed fence is made of.

Mr. BECK. I believe the Senator from Massachusetts, who used to be chairman of the Committee on Ways and Means, and was at one time well advised, in his zeal to aid his colleague has forgotten what little he ever did know.

Mr. WILLIAMS. The hour has arrived at which the cattle bill was set aside to be taken up. I do not want to interfere with my colleague, who is on the floor, and with the understanding that bill shall be taken up when he is through I will not press it now. Still, I want that understanding.

Mr. HOAR. That bill does not displace the previous order.

The PRESIDING OFFICER, (Mr. HAWLEY in the chair.) Does the Chair understand that the hour of two o'clock was fixed by a vote of the Senate?

Mr. WILLIAMS. It was fixed by a vote of the Senate yesterday.

The PRESIDING OFFICER. The Chair understands that the bill was postponed until two o'clock to-day.

Mr. HOAR. Which is a very different thing.

Mr. WILLIAMS. I do not want to interfere with my colleague, who is on the floor.

Mr. HOAR. Does the Senator propose to let anybody reply to his colleague?

Mr. WILLIAMS. I will agree to an understanding that some Senator may reply to him, and then I shall be allowed to call up the bill.

Mr. BECK. I hope my colleague will not seek to protect me by a flank movement, as the Senator from Massachusetts does his colleague.

Mr. WILLIAMS. I suggest that the understanding be that after my colleague concludes and somebody replies to him then the cattle bill shall be taken up.

The PRESIDING OFFICER. That will be, the Chair supposes, in the discretion of the Senate.

Mr. BECK. I will now read the tariff on steel wire from Heyl's Digest:

Steel not less than one-fourth inch in diameter, valued at 7 cents per pound or less, (1038,) 24 cents per pound.

The same valued above 7 cents and not above 11 cents per pound, (1038,) 3 cents per pound.

The same valued above 11 cents per pound, (1038,) 34 cents per pound; and

Steel less than one-fourth inch in diameter and not less than No. 16 wire gauge, (1039,) 24 cents per pound; and less or finer than No. 16 wire gauge, (1039,) 3 cents per pound.

This is the wire they make barbed wire from, as I understand. That is what Heyl's Digest gives as the tariff duty.

But I have shown, I think, that this question has been brought before the Senate by gentlemen on the other side on the amendment offered by the Senator from Kansas, and next by the caucus order. These amendments as to wire and ties are of a very remarkable character. As a good deal has been said against our action in seeking to take off 10 per cent. now and 10 per cent. in a year from the 1st of January, I desire to read a few extracts from the speech of Mr. Banks, of Massachusetts, on the 7th of May, 1878, in the House of Representatives, then speaking for the manufacturers of New England as to what could have been properly done in regard to a horizontal reduction of this character.

The Senator from Delaware [Mr. BAYARD] yesterday read the yeas and nays of the House of Representatives, showing that the reduction of 10 per cent. upon all those classes of articles in 1872 not only met with the assent of both the present Senators from Massachusetts, then members of the House but that it passed with only three dissenting voices in the Senate of the United States, and when a conference committee was called on the disagreement the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio [Mr. SHERMAN] represented the Republican party in the Senate, and the present chairman of the Committee on Ways and Means, Mr. KELLEY, of Pennsylvania, and the Senator from Massachusetts, [Mr. DAWES,] then chairman of the Committee on Ways and Means, represented the Republican party in the House, and it was then agreed to as a proper thing to do, and as the least that could be done. In 1878, when the Democratic party came into power in the House, and when it was believed that some earnest effort would be made to reduce taxation, Mr. Banks, of Massachusetts, a member of the Committee on Ways and Means, used this language:

Therefore, sir, when I was placed by the honorable Speaker of the House upon the Committee on Ways and Means, and was notified by the chairman that we were to consider a bill for the reduction of the duties upon imports, I said to the people whom I represent: "It is better for you to consider the condition of the country, ascertain what is necessary for the full security and protection of the interests in which you are engaged, and make a statement, if you please, to the committee of the House, setting forth what you think will be expedient, necessary, and just for the Government and yourselves." Now, sir, these gentlemen did not act upon this question as extremists, but as judicious friends of American industry and the Government which they serve and honor. These papers which I hold in my hand bear the official signatures of the authorized representatives of one hundred and twelve manufacturing corporations and firms of New England, in which they themselves suggest and consent to reduction of duties upon an extended and complete list of articles of foreign manufacture which come actively and directly in competition with the industries in which they are engaged, rising from 10 to 20, 30, 40, and 50 per cent. upon the present schedule of duties upon such importations. More than a hundred and twelve corporations and firms of cotton and woolen manufacturers alone, of their own choice, and after repeated conferences, in which all the interests of the textile fabrics of this country were considered, high and low, made this proposition. They are not to be regarded or condemned, therefore, as extremists, fanatics, or corruptionists upon the subject of American manufacturing industry. They embrace and represent the entire manufacturing interest of New England, where the manufacture of American cotton fabrics originated.

But if it is thought to be necessary to reduce duties or taxes, they are willing to take their share of whatever disadvantages may follow, and they voluntarily recommended the retention of the frame-work of the present tariff, and consented to and advised a reduction of duties affecting the industry in which they are engaged from 10 to 50 per cent., leaving only one branch of their industries unchanged, and that one the most delicate, complicated, expensive, and novel of all their products.

Now, sir, how can the honorable gentleman from New York, [Mr. Wood,] the chairman of the Committee on Ways and Means, state, as he stated in his speech the other day, that nobody opposes this bill except friends of the extreme doctrine of protection? As it was with the cotton manufacturers, so it is with the woolen manufacturers. They consented to and in a certain sense recommended, as of their own accord, a reduction of duties of from 23 to 25 per cent. And as regards that still more delicate and less firmly established branch of industry, the manufacture of silk, for which the people of this country have long struggled, an industry which has given wealth to the most prosperous and richest states of the globe, this, too, came forward after anxious deliberation and made what the chairman called a most liberal proposition in the way of reduction of duties with which they had been and are now protected by the Government.

Mr. HOOKER. Will the gentleman allow me to ask him why these interests asked a diminution of the tariff?

Mr. BANKS. Because their attention had been called to the subject. It was their duty to make known to the Government what they desired. They found when they brought their representative men together from all parts of the country that the duties could be reduced and they could still pursue their vocations with more or less success, and like honest and honorable citizens they made that declaration to the Government. And so did the wool-growers from California to New England. They assembled in the State of New York for the same purpose, and after long and anxious conference one with another and with the woolen manufacturers they agreed, as did the silk manufacturers, to what extent they would recommend a reduction of the duty.

The following is a schedule of the reductions proposed by New England manufacturers. The plan proposed by New England manufacturers in the schedule to which I have referred, and which I have not time to read at length, as I should

like to do, suggests reduction of duties on the various fabrics of their manufacture substantially as follows:

1. On all manufactures of cotton except jeans, denims, &c., not bleached, colored, or printed, &c., and not exceeding one hundred threads to the square inch, present rate 5 cents, 54 cents, 54 cents specific, and 10 per cent. ad valorem, a reduction of 50, 45, 45, and 27.27 per cent., and 10 per cent. ad valorem.
2. On finer and lighter goods of like description and present duties nearly the same a reduction of 40, 36.35, 18.18, and 20 per cent. ad valorem.
3. On goods of like description of higher qualities, present duty nearly the same, 20, 18.18, and 20 per cent. ad valorem.
4. On jeans, denims, drillings, gingham, &c., bleached, stained, or printed, a reduction of 50, 46.15, 30.75, and 10 per cent. ad valorem.
5. On similar goods of lighter and finer descriptions a reduction of 28.57, 20, 15, and 5 per cent. ad valorem.
6. On cotton thread, yarn, warps, &c., 20 per cent. ad valorem.
7. On spool thread of cotton a reduction of 30 and 35 per cent. ad valorem.
8. On cotton cords, gimps, galloons, and cotton laces, present rate 35 per cent., a reduction of 5 per cent. ad valorem.
9. On cotton shirts, drawers, hosiery, &c., present rate 35 per cent., a reduction of 5 per cent. ad valorem.
10. On cotton velvet, present rate 35 per cent., a reduction of 5 per cent. ad valorem.
11. On cotton braids, insertings, lace, trimmings, bobbinet, and all manufactures of cotton, at present rate, 35 per cent. ad valorem.

The last is the only exception made in relation to the proposed reduction of duties; they are, braids, laces, trimmings, or bobbinets, comparatively new, delicate, difficult, and expensive fabrics; and other manufactures of cotton not otherwise provided for in the schedules of the manufacturers they propose shall remain at present rate, 35 per cent. ad valorem.

That shows that they proposed from 20 to 50 per cent. reduction of their own motion, and yet we are told now, though that was proposed by General Banks in 1878, four years ago, when we as a people are more prosperous now than we were then, when bank notes, gold and silver, and silver certificates each and all are at par, when we propose to take off 10 per cent. on the 1st day of January and leave another year to run before we even ask to take off the second 10 per cent., so as to give the tariff commission a chance to report and a right to recommend any changes, a right at the next session to show why the second 10 per cent. would be too much on some things, as it may be, for surely nobody denies that the first is too much, when we go or seek to go back to the law of 1872, which was passed with universal favor, and which was rendered necessary by men of all parties because the income tax and internal-revenue taxes, the tax on manufacture and everything else, had been removed—now we are told, in the language of the Senator from Massachusetts yesterday:

There never came out of a lunatic asylum a proposition so monstrous, so indefensible, so destructive as that which is proposed by this party, equal in numbers to one-half the American Senate.

This sort of stuff is said in regard to the proposition we are now discussing, and doubtless will be as to the other which we have given notice shall follow, of reducing all taxation down to an average of 50 per cent. ad valorem. I should like to see a vote recorded upon that, and to hear some reason why men should receive higher protection of more than 50 per cent. than the goods are worth. We are called revolutionists and lunatics, and it is said the proposition is so absurd that we are to be held up to the scorn of the American people for proposing it.

I am willing when the yeas and nays are called to record my vote, as I hope to have an opportunity to do, in favor of the amendment of the Senator from Tennessee, notwithstanding the denunciation of the Senator from Massachusetts.

Mr. HOAR. Mr. President, I wish to detain the Senate only a moment. In the first place I wish to have read the amendment prepared by the Senator from Kentucky [Mr. BECK] to this bill, as he offered it on the 8th of July.

The Acting Secretary read as follows:

Amendment intended to be proposed by Mr. BECK to the bill (H. R. No. 5538) to reduce internal-revenue taxation, namely:

Add as a new section the following:

"SEC. —. That all taxes and customs dues imposed by the United States under the laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883, and to a discount of an additional 10 per cent. after the 1st day of July, 1883."

Mr. HOAR. Now read the pending amendment.

The Acting Secretary read as follows:

SEC. 4. That all taxes and customs duties imposed by laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883, and to a discount of an additional 10 per cent. after the 1st day of January, 1884.

Mr. HOAR. By whom is that moved?

The PRESIDENT *pro tempore*. The Senator from Tennessee [Mr. HARRIS] moved to strike out section 4 and insert what has just been read.

Mr. HOAR. Now, Mr. President, the Senator from Kentucky and the Senator from Delaware yesterday proposed to support this proposition, which I characterized as so monstrous and destructive of the industries of the American people, by citing the example of the act of 1872. I rose to reply to the Senator from Kentucky, but—

He who fights and runs away
May live to fight another day.

They cite the example of a proposition voted for by a large portion of the Republican party in the other House and in this in the year 1872. What was that proposition? It was a proposition which did not take the entire list of dutiable articles, but it selected out from them a certain number—it is true a large number, but a number—of the most important articles, and on the 8th day of June it

enacted once for all that on the 1st day of the following August, some seven weeks thereafter, there should be a single and simple reduction of 10 per cent. on the duties upon these enumerated articles. Do not these Senators see the difference between that proposition and this? This postpones the taking effect of the first reduction till the 1st day of January, in the year 1853, five months, nearly six months from the time when that amendment was originally proposed.

Then it couples it with another further reduction at the end of twelve months thereafter, and, not enumerating certain imported articles, it takes every article upon the tariff list—brandy, diamonds, foreign wines, high-priced and costly silks—all those articles of luxury which are used only by the wealthy and favored classes, and even although they are articles which are not the product of manufacture anywhere, or, if they should be manufactured anywhere, are not the products of manufacture in America for which any protection is to be designed.

But, in the next place, the fatal objection to this policy is in its graduation of the reduction and making the reduction in two distant periods. Suppose you were to repeal altogether the tariff on some article manufactured here and manufactured abroad also, this article of barbed wire. You instantly repeal the tariff on the product which the manufacturer has to buy as his material and at the same time the protection of the product which the manufacturer sells as his finished article. He instantly once for all adjusts his business to the new condition of things. The duty affecting what he buys, if you take it off altogether, the article which he buys is no more affected by the duty than the article which he sells.

That is one thing. That is the ordinary case of the repeal or reduction of duty, and that is what the manufacturers throughout the country, the New England manufacturers more especially, indicated that they were willing to have done; but here every man who desires to manufacture any article whatever, every proprietor of a workshop or a manufacturing establishment throughout the length and breadth of this land, has got between now and the 1st of next January to purchase material protected by heavy duties. I suppose that on an average in most of these manufacturing establishments the process of manufacture extends through months. He has to give his notes, incur his obligations on that basis; but on the 1st of January down comes the duty.

In the first place, before that time his orders are to be reduced to the lowest possible amount, because every buyer knows that if he waits till after the 1st of January he can purchase the article cheaper by the amount of the duty if the duty increases the price to the full extent. So every manufacturer of steel rails, every manufacturer of cottons or woollens in any form of clothing, knows that every buyer will reduce his buying to the lowest possible limit until after the 1st of January, the manufacturer on the other hand having to purchase all the material for his manufacture at a high rate of duty. That to happen once is enough to strike dismay into every manufacturing establishment which is in the least affected by this proceeding; but it has been done once. These men, crippled, embarrassed, some of them bankrupt, how are they to hope to revive their industry after the 1st of January? No; there stares in the face of every one of them seeking to recover from this first blow a repetition of the same blow which is to take effect within the brief space of twelve months thereafter.

Is the Senator from Kentucky so driven for a device and a pretext for this monstrous proposition that he fails to see that he has to resort to the example of a simple reduction of duties on certain important enumerated articles which was to take place within the space of six or seven weeks from the passage of the act? That is all, Mr. President, that I wish to say upon this point.

Mr. DAWES. Mr. President, the Senator from Delaware [Mr. BAYARD] yesterday, and the Senator from Kentucky [Mr. BECK] to-day, alluded to a 10 per cent. reduction which was made of the tariff in 1872. That was simply one feature of a tariff bill which passed in 1872; and those gentlemen made no allusion to any other features of it. I desire to call the Senate's attention to the fact that that tariff bill carried on to the free list more than two hundred different articles that had been dutiable before, some of them of the most important character, entering into the consumption of the country, and relieved from duty, more largely than any other tariff bill that I have knowledge of, except the tariff bill of 1857, raw materials entering into the manufactures of the country in many particulars, and also all articles that entered into the construction of ships. It was provided by a system of drawbacks that articles imported to go into the construction of ships should be admitted free of duty.

The tariff bill of 1872 was more advanced in relieving the burdens of taxation that came from tariff duties than any other for a long time. The 10 per cent. reduction, which applied horizontally also to a large portion of the customs duties in that tariff bill, grew out of the difficulty that we find ourselves in at this time, an attempt in Congress to revise and remodel the system of tariff. The Senator from Delaware more strongly than anybody else has brought to the attention of Congress the inherent difficulty in an intelligent and just and proper revision of a tariff in the way proposed by the Senator from Kentucky and by others, and the Senator from Delaware co-operated with others who had had experience like him in this work in an honest effort to raise a commission of intelligent experts who would do bet-

ter work upon the reduction of a tariff than it was possible to do in a Committee of the Whole in the House, or even in this body of more deliberation and less numbers.

The reduction of 10 per cent. upon a large portion of the duty-paying goods in 1872 was the result of a demonstration in the House of Representatives of the impossibility of taking up the tariff in detail, item after item, and bringing out a result that was fair, intelligent, and just, as well to the Government as to all the industries affected by customs duties, and it was a substitute adopted in the House by the House as a whole to a bill that had been the result of weeks and months of labor in the Committee on Ways and Means; and when it came out before the House it was of such an incongruous character, here and there with duties so far above the proper line, and here and there duties so far below, as to convince the House of Representatives upon a vote that it were better to take the substitute of a horizontal reduction of 10 per cent. announced at the time by the mover of it, and understood by the House that adopted it to be but a temporary measure, to be followed afterward by a more deliberate and carefully prepared revision of the whole tariff.

It was found impossible in a Committee of the Whole, after the experience of one of the ablest parliamentary leaders that has been in our time in that House, to succeed in that attempt, after two months' labor in the Committee on Ways and Means and then six weeks in the Committee of the Whole House—an attempt which fell at last of its own weight. After that experience and after the Committee on Ways and Means out of which came that tariff bill had undertaken the same work and were just embarking upon a like sea of labor, without tide and without compass almost, the House of Representatives took upon itself to say that one man at his desk could prepare and offer what it were better to take as a substitute for the whole thing, temporary in its nature, and its character so avowed, and it was adopted. That is the history of the tariff of 1872.

The revulsions of 1873 and the consequent depression of business in this country, and the tide of importations coming in bankrupting the country, when we were buying two dollars' worth where we were producing and selling only one, placed us in a position that rendered it necessary for us in 1875 to cast upon temporary relief again, and the impossibility without some such aid as was contemplated by the Senator from Delaware in his tariff-commission bill of a revision in 1875 was just as great as in 1872. It was a practical difficulty; nothing else. The practical difficulty was upon the House of Representatives of that day just as it was in 1872, and the device, temporary in its character, to restore the duties that were cut off in 1872, was resorted to. If it was resorted to with any idea of its being a permanent system it was a great mistake on the part of any one who voted for it with that notion. I think I myself moved it in the House of Representatives; I am not sure. At any rate, I had something to do with it.

I know, so far as I have any knowledge of the purpose and object of it, that it was temporary in its character, and all those who had anything to do with tariff revision, or attempted tariff revision in those years, felt as we feel now, that it is high time the tariff should be revised; but feeling—as the Senator from Delaware did, leading me, and I most happily following him in his tariff-commission bill—that no permanent revision of the tariff could come that did not come from a broad and intelligent view not only of the present wants of the Government but of its future demands, and of the industries of the nation, the influences upon which it is impossible to ignore in the construction of any tariff, we were unable to do more than we did. These considerations everybody felt the force of in 1875 as well as in 1872, and in 1867 when the tariff of 1867 was adopted.

But we have been unable until recently to bring Congress up to the conviction that it was next to impossible to construct such a tariff under the rules and influences and impulses of a Committee of the Whole, but that it must come from quiet study and deliberation of wise and comprehensive statesmanship and expert knowledge. It is to that that I have longed to see the tariff committed; it is to that I hope it has been committed in the tariff commission now considering it. And, sir, from the tariff measures of 1872 and 1875 can be deduced no other lesson but the lesson that compels us to take the tariff commission as the only method promising to give us a proper adjustment of tariff duties to the wants of the Government and to the business prosperity of the country.

The Senator from Kentucky a moment ago produced from the speech of a late colleague of mine in the House what he said was a fair representation of the entire manufacturing interest of New England, in which they submitted to the Committee on Ways and Means of that day a plan which is now indorsed by the Senator from Kentucky. What they said was, that so far as they were concerned a reduction of the tariff, if the wants of the Government would justify it, they would cheerfully submit to; and he says they represented the entire manufacturing interests of New England. I will enter into no controversy with him upon that question. If that be so, I trust the Senator from Kentucky will give over arraigning New England for demanding more protection. I trust the Senator will remember what the Senator from Illinois told him a few days ago, that there is a stronger demand for protection in the West and in the Southwest and in the United States than there is in New England. New England is reaping the results of a protective tariff in this, that she has earned an honest living by means of having furnished to her the

market of New England. She has been enabled to plant herself in her manufacturing interests more firmly than the newer States of the country, and it is true, as the Senator from Illinois said, that there is less demand for protection in New England than in other parts of the country. Other parts of the country are profiting by New England's example, and are coming to understand that whatever is manufactured for America should be manufactured in America, and whatever labor is to be performed for Americans should be performed in America, so far as in the nature of the case it is possible for it to be done.

That is the theory under which New England has prospered. To that great truth the West and the Middle States and the South are waking up, and when New England tells the Committee on Ways and Means that she does not demand an increase of protection it is quite time that the Senator from Kentucky should turn his guns upon other sections of the country.

Mr. BAYARD. Mr. President—

Mr. BECK. The Senator will allow me to say a word.

Mr. BAYARD. Very well.

Mr. BECK. When I closed the remarks which I made, the Reporter came to me as soon as I had sat down, asking me for the extracts I had read. I read from a bound volume which I did not wish destroyed, and having a copy in the committee-room I stepped out for a moment, and only for a moment, to get it, and I believe I was back before sixty seconds, handing it to him. But the Senator from Massachusetts, [Mr. HOAR,] replying to me, was polite enough to announce to the Senate, that it might go on the permanent record that I had run off rather than hear his reply, using the language, as I am told—

For he who fights and runs away
May live to fight another day.

I was gone less than sixty seconds, just to get for and hand to the Reporter a paper which he wished to use. It was so kind in the Senator to do it that I thought I would explain.

Mr. BAYARD. Mr. President, the amendment before the Senate proposes a reduction of 10 per cent. of the existing tariff taxes on the 1st of January next and a year after that time a further reduction of 10 per cent. I confess my amazement at the extravagance of language used in regard to this proposition upon a bill professing to reduce taxation and made in the hearing of the Senator from Ohio who has so impressively stated the necessity for a reduction of the burdens of taxation. I say I confess my amazement at the language which was used by the Senator from Massachusetts [Mr. HOAR] who spoke yesterday. He declared:

Mr. President, there never came out of a lunatic asylum a proposition so monstrous, so indefensible, so destructive as that which is proposed by this party, equal in numbers to one-half the American Senate, as the condition upon which they will permit the burden of thirty or forty millions of taxation to be lifted from the shoulders of the American people.

I pass by the other fling as to the "stump speeches" made on this side of the Chamber on this subject. Whatever those speeches may be, I do not think they will be ranked among thinking men to-day or among those who shall hereafter read the history of this debate as "stump speeches;" but I believe they will be described as honest and earnest and respectful methods of treating an important public question.

During the year ending the 30th of June, 1882, there was received into the Treasury from customs duties very nearly \$220,000,000. If the horizontal reduction now proposed of one-tenth should be applied to that sum there would be a lifting of public burdens of taxation to the amount of \$22,000,000, much more than double all that has been suggested by the bill which came to us from the House, and much more than the amendments added by the Senate, despite the almost united opposition of the gentlemen on the other side of the Chamber.

Now, it is proposed that 10 per cent. of this taxation shall be taken off at the end of the present year, and as much more a year later, and that is denounced in the extravagant language I have quoted. Why, Mr. President, not only have I shown that the very gentlemen who use this language, but those distinguished and experienced legislators in whose presence I now speak, who were in 1872 and are to-day my respected colleagues upon the Committee on Finance, voted for this very reduction at a time when the scale of tariff duties was much lower than it is to-day. If any application of this strong language, of these violent words were just to-day, *a fortiori* they were much more applicable when those gentlemen set their hands to reports and recorded their votes in favor of a similar reduction of the tariff in 1872.

The Senator from Massachusetts is a good special pleader, and he pleaded a very special and I may call it a most attenuated plea when he said there is so great and disastrous a difference between reducing a tariff the reduction to take effect two months after the law, and a reduction to take effect five months after the passage of the act; that the reduction to take effect five months after the passage of the act is a monstrous and dangerous proposition, an act of lunacy, but that the proposition to make that reduction go into effect two months after is wholesome, wise, and judicious, because had he thought otherwise of course he would not have voted for it, in 1872, nor would his present associates. But, Mr. President—

Mr. HOAR. The Senator—

Mr. BAYARD. Let me get through.

Mr. HOAR. The Senator states his facts wrong. It is not two

months, but four. It is six weeks as against five months, and two reductions and not one.

Mr. BAYARD. I wish to be precise.

Mr. HOAR. I supposed you did.

Mr. BAYARD. The law of 1872 was approved on the 6th of June. The Senator voted for it on the 20th of May. It provided for a horizontal reduction of the revenue of 10 per cent. on the 1st day of August thereafter. I said two months. I mean now to be precise, it was two months lacking six days. To-day we discuss this bill on the 4th of August, and we propose to make it effective on the 1st day of January next, less than five months. So it seems that a prospective reduction having two months to run is a safe, beneficent, wise measure, but if we extend it to five months it becomes absolutely fatal to business prosperity. Surely gentlemen cannot afford to stand upon such flimsy pretenses. I leave them to their self-condemnation, and nothing could be more severe.

But what is the history of the reduction of the tariff? It has been done over and over again. Mr. Clay was the great father of the American system, the protective system *par excellence*; and in 1833, when he proposed his compromise tariff bill, how was the reduction of that protective tariff to be accomplished? I read the provisions of the act of March 2, 1833:

From and after the 31st of December, 1833, in all cases where duties are imposed on foreign imports by the act of 14th July, 1832, or by any other act which shall exceed 20 per cent. on the value thereof, one-tenth part of such excess shall be deducted; and from and after the 31st day of December, 1835, 1837, 1839, respectively, a further deduction of one-tenth of such excess shall be made; and from and after the 31st of December, 1841, a further reduction of one-half of the remainder of such excess; and from and after the 31st of December, 1842, the residue of such excess shall be deducted.

Now, what becomes of all this pretended fear and mock apprehension of a prospective change in the present tariff in the face of such a bill as this proposed by Henry Clay and supported by Daniel Webster, and the object and effect of which was not only to allay an intense political excitement but to benefit the trade and business of the country? In the face of this wise system of graduated prospective reduction, to speak of it as being what it was described yesterday by the Senator from Massachusetts—I scarcely remember all his epithets, but they were wild and extravagant in the extreme—if it is so disastrous to postpone the reduction for five months, what is to be said about a reduction postponed for nine years? Here is a gradual reduction proposed by Mr. Clay and enacted into law of 10 per cent. biennially from 1833. The first reduction was from the 2d of March, 1833, until the 31st of December following, that is to say four months longer than the time prospectively given for the reduction in the amendment now before the Senate, and then a further reduction of 10 per cent. postponed for two years, and again for four years, and again for six years, eight years, and finally nine years before the tariff would be brought to an average in no case exceeding 20 per cent. ad valorem upon imported merchandise. The present tariff is much beyond 45 per cent. on the average list, and in many cases absolutely prohibitory.

Now, Mr. President, I am perfectly willing to let the tariff amendments of Clay and Webster go before the country alongside of our proposed reduction and the speeches of the Senator from Massachusetts to accompany them and those of the Senator from Vermont likewise, because he spoke very much in the same vein. When I hear gentlemen get up here and in the face of history use such extravagant epithets in regard to this proposition, I stand amazed and it cannot fail to diminish the weight of their utterances before the country.

Mr. President, a prospective change has one important result; it gives to men engaged in business a reasonable opportunity to adjust their affairs to the proposed changes. Since we have been considering the subject of taking off stamp taxes we have had from the parties concerned a prayer that there might be postponement, and at one time a bill was reported here from the Finance Committee that postponed the operation of the reduction of taxes until May, 1883, and that was upon the application of the parties engaged in these various trades.

I am aware that every change made in the tax law will work inconvenience somewhere, and that there will be of course in view of a reduction of the taxes a disposition to reduce the stock of merchandise which has been taxed to as low an amount as possible in order that the new purchasers may come in under the lower rate of duty. There is no doubt of that, but *per contra* you have the man who has bought and paid for large amounts of taxed merchandise at the higher rate, who naturally desires that they shall enter in consumption and that he shall get back from his purchaser the amount of tax which he had previously paid the Government.

Let us consider for a moment what the effect of this proposed reduction would be upon the single industry which has been brought into this debate, how I scarcely know, but I believe it was read from a paper here to-day—the industry of making barbed wire for fences. This is an invention of very modern date. It is a beneficial invention and one of the most important to agriculture of which I have knowledge. I am not sure that it will not rank with some of the best of the labor-saving machines of agriculture. There are large districts in this country, almost limitless districts, where wood for fencing cannot be had. There are none where wood may be ever so plentiful to which the barbed wire is not preferable, because it is cheaper, more easily erected, and infinitely more enduring.

Here is an object not only of the most widespread and important consumption demanding the largest supply, but one which actually makes it possible for agriculture to be carried on in many districts where without it it cannot be for want of the inclosure of the fields where grain is to be tilled. In a case like this, what is obviously the duty of the legislator? To give to the husbandman, to give to the agriculturist, who is after all the very foundation of the prosperity of all other classes, as much facility and as little obstruction in obtaining these necessities for agriculture as legislation will permit. A law that is framed to prevent his having the advantage of this benefit is greatly to be regretted; and unless a vested interest is to be invaded it ought to be modified as much as possible in the interest of agriculture.

Now, I am aware as well as the Senator from Massachusetts of the constitutional right of property in patented inventions. I am not here to lessen their rights in any respect; but the case is different as to foreign patents not the result of the inventive genius of our own countrymen, such as the patent for making Bessemer steel, for which his title has been given the inventor, and which all men feel is well earned and honorable to him. That patent, the fruit of English invention and intelligence, has been purchased by a few Americans and brought to this country and has excluded thousands from carrying into general use and profit the result of Sir Henry Bessemer's valuable invention. I do not know anything of the history of the patent connected with the barbed wire fence. I assume it to be an American patent, although I do not know the fact, but still there is that protection which the law gives the patentees and which no one can rightfully invade. The royalty, as I understand, is \$12.50 for every ton of barbed wire fence made and used in the United States.

But what is the condition of the tariff on that subject? Upon the steel wire of which the fence is made there is a duty—

Mr. DAWES. The fence is not made of steel wire.

Mr. BAYARD. It must be.

Mr. DAWES. It is not.

Mr. BAYARD. The barbed wire is made from steel wire and the duty upon that under our tariff is 3 cents a pound and in addition thereto 20 per cent. ad valorem.

Mr. DAWES. The Senator speaks as if he knew.

Mr. BAYARD. I am not a manufacturer of it, but I am greatly mistaken if I do not state the precise facts; and now I ask the Senator from Massachusetts, because my object is to get at the facts, what is the duty upon the wire of which the barbed-wire fence used in fencing is made? What is the duty upon it?

Mr. DAWES. I am mistaken if it is made of steel at all. I do not profess to have any personal knowledge. I am mistaken very much if it is made of steel. It is iron wire, as I understand, galvanized iron wire.

Mr. BAYARD. Oh, no; it must be made of steel.

Mr. GEORGE. I can state to the Senator from Massachusetts—

Mr. DAWES. The Senator from Vermont [Mr. MORRILL] knows everything on these subjects, and I will appeal to the Senator from Vermont.

Mr. BAYARD. The Senator from Vermont is an expert on the tariff subject, and I think he knows that this is steel wire, and that it pays 3 cents per pound duty on the wire imported and an additional duty of 20 per cent. ad valorem. I have made a calculation of that duty.

Mr. DAWES. I am quite confident the Senator is mistaken, but I will not say positively, because I have no positive information.

Mr. BAYARD. I never aver a thing as within my own knowledge when it is not.

Mr. GEORGE. Will the Senator from Delaware allow me a word?

Mr. BAYARD. Certainly.

Mr. GEORGE. I have purchased a good deal of that wire, and it is always sold to me as steel wire.

Mr. BAYARD. I never heard it doubted until the Senator from Massachusetts said it was not.

Mr. DAWES. I do not speak from positive knowledge, but that is my belief about it.

Mr. BAYARD. I must say that I am a little shocked when I find that a gentleman whose constituents are so largely engaged in this very manufacture, with the large experience of my friend from Massachusetts, so long the chairman of the Committee on Ways and Means of the House, actually does not know what is the rate of duty upon this very article that we are discussing, or even the material of which it is composed; and I want to say that I take to myself great blame. It is only one feature of what I have constantly felt; I make the admission with all frankness, of the difficulty of dealing here in legislation with regard to things in which my detailed knowledge is so imperfect. I never heard or doubted until the Senator from Massachusetts stated it, that the wire of which these fences were made was a steel wire, and was manufactured in this country out of wire rods imported at a duty of 30 per cent. ad valorem.

Mr. BROWN. If the Senator from Delaware will permit me, I will say that I have bought a great deal of that wire, and a great portion of it is galvanized iron; the greatest part of it.

Mr. HOAR. I should like to contribute my impression to this matter, and say to the Senator from Delaware very frankly that I may have made a mistake, and it is possible he may be right. I do

not know, but what I understand about it is this: I understand that this is a product of a kind of iron which is imported in blooms, and it is subjected to the Bessemer process, and the result is that the ingot produced, or whatever you call it, has some of the qualities of steel and some of the qualities of iron. It is malleable and is capable of taking on very small temper. It has been assessed in the custom-house for the last few years as steel, the Department going on the ground that although it did not possess all the properties of steel and was capable of a very low temper, yet that it was commercially known as steel. They therefore exacted a duty upon it as steel, until about twelve months ago a suit was brought in the circuit court of the United States by Mr. Charles Levi Woodbury, and they were about six weeks in trying the case, and the jury decided that it was iron. I remember a blacksmith's testimony during the trial. The importers recovered in the suit against the Treasury Department. This is my understanding of the history of the thing, and at the same time I admit that I may be somewhat mistaken.

Mr. BAYARD. Fortunately for us all, and I think still more so for the country, the tax upon this article is not now before the Senate except by way of illustration. If it were, it would be seen that we were dealing with an important subject in a very ignorant way.

Mr. SHERMAN. The Senator asks for information, and I have turned to Heyland and find that the kind of wire he speaks of is made not only of iron but of steel and of galvanized iron.

Mr. BAYARD. I have the tariff here, and was about to read the rates, and I have made the calculation:

Steel wire less than one-fourth of an inch in diameter and not less than No. 16 wire-gauge, 2½ cents per pound, and in addition thereto 20 per cent. ad valorem; less or finer than No. 16 wire-gauge, 3 cents per pound, and in addition thereto 20 per cent. ad valorem.

I was told this morning by a gentleman who bought a number of tons of the wire rods which are imported at a duty of 30 per cent. ad valorem, and out of which this barbed wire is made, that they can be bought in New York laid down there at about \$56 a ton. Now what is the duty that may be called the true criterion? That is to say, it is not a raw material; it is advanced to one stage of manufacture, what are called in our tariff wire rods, or if it be the steel bloom referred to by the Senator from Massachusetts it is subject to a duty of 45 per cent. ad valorem. If the duty is 3 cents a pound we have at once \$67.20 a ton duty. If there be 20 per cent. ad valorem added we have about \$20 more of duty, making the duty per ton about \$87.20, which is more than 100 per cent. ad valorem upon the wire used for fencing. This wire sells in New York, as I am told, to-day without barbs at 4½ cents per pound or \$100.50 per ton; with the barbs on it sells for 8 cents, which is \$179 a ton.

Now, what is the reduction proposed upon that 3 cents duty? Ten per cent.; and what is one-tenth of three cents? Less than one-third of 1 cent per pound upon a manufacture that has now a protective duty of over 100 per cent. ad valorem, and we are told that that is one of the illustrations of ruin and disaster that is to take place on the 1st day of next January, and possibly a second reduction similar in amount on the 1st day of January following. If both reductions should take place upon this steel wire there is little more than the half of 1 cent per pound at the end of eighteen months that will be deducted under this horizontal proposition.

The present duty is of course absolutely prohibitory, and as the Senator from Kentucky [Mr. BECK] has shown the McKinley amendment was not allowed to interfere with so valuable a monopoly, which is sustained in the present tariff at the cost of every farmer in the United States.

Mr. President, I did not intend to take any further part in the discussion, but I was, I confess, amazed to hear such violent epithets hurled at so manifestly moderate a proposition. I said in the speech I made here a week or two ago on the general subject of the tariff that I was exceedingly desirous that those classes of our citizens who were engaged in manufactures should themselves take in hand the duty of reform, simplification, and reduction of tariff duties, and that desire I most sincerely repeat. I do not wish this question dealt with ignorantly or intemperately. I do not wish it dealt with hastily. I do not wish those whose capital, skill, and experience have been directed to manufactures to stand away and let those less well acquainted and less enlightened deal with this subject in their absence or in disregard of their interests.

The reduction of taxation is accepted as being necessary; all agree to that. Then the question is how should it take place. My own belief is that the tariff is to-day in a very large degree a tariff of prohibition and obstruction much more than of real protection either to capital or labor. I believe it to be to-day the chief reason why our merchant marine is in the dilapidated condition that we find it. Ships are nothing but instrumentalities of commerce. Commerce must be based upon as unrestricted trade as the interests of the country can allow. Our system of tariff duties as it stands is so out of date, so incongruous, so excessive, so obstructive, as I pointed out before, that I believe it has crippled our ocean commerce, and I believe that it has a very dangerous and a very intimate relation with the alarming condition of things which we witness in the labor movement all over the country. Shut off from all markets but our home market, what are we to do when the supply of our manufactures is in excess of the demand? To cease labor,

to stop production, and that means to create idleness among our laboring classes with all its attendant demoralization and distress.

When I see what I fear by the vote I shall see, those gentlemen who represent those sections of the Union in which the largest amount of capital is invested in manufactures standing in obstruction of a measure so moderate as this, I confess that I feel surprised, that I feel disappointed, and for the sake of the welfare of this country I feel disheartened. But still I have no other means of influencing their votes or their action, and desire to have none other than a fair, frank, and mutually respectful discussion of the topic. If in the face of the facts that we witness, if in the face of the tariff legislation of this country which I have laid before you, you shall refuse to accede to so moderate a measure of reduction of taxation as this, then I only fear that hereafter there will come a sterner grapple which you will find yourselves less able to control than if you walked in the path of a moderate and just reformation and reduction of the tariff, which I believe to be demanded by every just consideration of the interest of every class of our countrymen.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 929) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri;

A bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury;

A bill (H. R. No. 5740) for the relief of the heirs of Major D. C. Smith;

A bill (H. R. No. 6111) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6520) in relation to land patents in the Virginia military district of Ohio;

A bill (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States;

A joint resolution (H. R. No. 288) to continue the provisions of a joint resolution to provide temporarily for expenditures of the Government; and

A joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the following acts and joint resolutions:

An act (S. No. 1845) to authorize the Postmaster-General to extend the mail service in certain cases, and for other purposes;

An act (S. No. 979) regulating fees and the practice in extradition cases;

An act (S. No. 602) for the relief of the heirs and legal representatives of Hyacinthe Robert Agnel, deceased;

An act (S. No. 1435) for the relief of Albert Elsberg, administrator of Gustave Elsberg, deceased;

An act (S. No. 740) to establish ports of delivery at Kansas City and Saint Joseph, in the State of Missouri;

A joint resolution (S. R. No. 90) making an appropriation to defray the expense of printing the memorial cards to accompany the additional number heretofore ordered of the memorial address on the late President Garfield; and

A joint resolution (S. R. No. 73) providing for the publication at the Government Printing Office of certain information in aid of the Society of the Red Cross.

The message also announced that the President had this day approved and signed the following acts:

An act (S. No. 997) for the relief of Ella Carroll, formerly Ella Long;

A joint resolution (S. R. No. 6) authorizing Lieutenant-Commander Charles Dwight Sigsbee, United States Navy, to accept a decoration from the Emperor of Germany, and also authorizing Joseph R. Hawley to accept decorations from the Governments of the Netherlands, of Spain, and Japan; and

A joint resolution (S. R. No. 102) authorizing the Secretary of War to deliver to the Society of the Fifty-first Regiment Pennsylvania Veteran Volunteers the stand of colors presented to it by citizens of Norristown, Pennsylvania.

NAVAL APPROPRIATION BILL.

Mr. HALE. Mr. President, I present the conference report on the naval appropriation bill.

The PRESIDING OFFICER, (Mr. SEWELL in the chair.) The report will be read.

The Acting Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 30, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 19, 20, 21, 23, 24, 25, 27, 31, 57, 67, 68, 70, 71, 73, and 76, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "Nor deprive of such appointment any graduate who may complete the six years' course during the year 1882;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "Hereafter there shall be no promotion or increase of pay in the retired list of the Navy but the rank and pay of officers on the retired list shall be the same that they are when such officers shall be retired;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Hereafter only one-half of the vacancies in the various grades in the line of the Navy shall be filled by promotion until such grades shall be reduced to the following numbers, namely: rear-admirals, 6; commodores, 10; captains, 45; commanders, 85; lieutenant-commanders, 74; lieutenants, 250; masters, 75; ensigns, 75; and thereafter promotions to all vacancies shall be made, but not to increase either of said grades above the numbers aforesaid;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with amendment as follows: After the word "of," where it occurs in said amendment, insert the words "and heard upon;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with amendments as follows: Strike out the words proposed to be inserted by said amendment, and strike out all of lines 5 to 12, inclusive, on page 6 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with amendments as follows: In lieu of "seventy" insert "twenty;" and on page 12 of the bill, in line 20, after the word "ferriages," insert the words "rent of officers' quarters at League Island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: On page 16 of the bill, in line 19, after the word "twenty," insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with amendments as follows: Strike out of the words proposed to be inserted by said amendment the word "board" and insert in lieu thereof the word "bureau," and add at the end of said amendment the word "to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with amendments as follows: Strike out the matter proposed to be inserted by said amendment and insert in lieu thereof the following: "All such stores and supplies as shall be found by boards of appraisers to be unserviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury. And no old material of the Navy shall hereafter be sold or exchanged by the Secretary of the Navy, or by any officer of the Navy, which can be profitably used by reworking or otherwise in the construction or repair of vessels, their machinery, armor, armament, or equipment; but the same shall be stored and preserved for future use. And when any such old material cannot be profitably used as aforesaid, the same shall be appraised and sold at public auction, after public notice and advertisement shall have been given according to law, under such rules and regulations and in such manner as the said Secretary may direct. The net proceeds arising from the sales of such old material shall be paid into the Treasury. It shall be the duty of the Secretary of the Navy annually to report in detail to Congress in his annual report the proceeds of all sales of materials, stores, and supplies made under the provisions of this act, and the expenses attending such sales;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: On page 34 of the bill, in line 12, after the word "duty," insert the words "after October 1, 1882;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 74 and 75, and agree to the same with amendments as follows: Strike out the words proposed to be inserted by amendment numbered 75, and strike out, on page 34 of the bill, in lines 16 to 19, inclusive, the following words: "And all other officers when not at sea shall be placed on leave of absence or waiting orders or on furlough, as the Secretary of the Navy may direct;" and the Senate agree to the same.

Upon amendments numbered 35 and 36 the committee are unable to agree.

EUGENE HALE,

JOHN A. LOGAN,

H. G. DAVIS,

Managers on the part of the Senate.

GEO. M. ROBESON,

J. H. KETCHAM,

JNO. D. C. ATKINS,

Managers on the part of the House.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of this conference report?

The question being put, it was determined in the affirmative.

Mr. HALE. Mr. President, the general features of this agreement I will explain briefly. When the bill left the Senate there were several essential points of difference on this long-contested bill. The first was the provision in relation to the monitors. The Senate took very decisive action there against any attempt that would involve the Government in the completion of the monitors beyond launching them. When that question went to the House, the House saved us a great deal of trouble by agreeing at once to the Senate proposition with an amendment of not much account, which the Senate at once accepted, and that cause of difference disappeared. So on that great subject, which assumed much importance in the debate, the House has assented to the Senate view, has receded and taken it out of the controversy.

The next thing that we were confronted with was the antagonism of the House and the Senate upon the reductions in the line of the Navy. The Senate had very squarely expressed itself as opposed to the striking out, the annihilation of the grade and rank of commo-

dore. The lower part of the line was left in controversy between the two Houses on the question of lieutenants, where the Senate had agreed to the House reduction, only modifying the number. That has been arranged by a compromise which restores the commodores, ten in number, and distributes all of the reduction agreed upon through the different grades, so that promotion will not be stopped. The reduction is small, being as follows:

Rear-admirals from 10 to 6, a reduction of 4; commodores from 25 to 10, a reduction of 15; captains from 50 to 45, a reduction of 5; commanders from 90 to 87, a reduction of 3; lieutenant-commanders from 80 to 72, a reduction of 8; lieutenants from 280 to 250, a reduction of 30, instead of 80 as the House proposed; masters from 175 to 150, a reduction of 25; ensigns from 100 to 75, a reduction of 25; leaving the reduction small on the upper grades and retaining commodores to the number of 10. That is the agreement of the conference.

The next antagonism that was found was in the clauses relating to the sale of ships and the sale of stores and supplies. Upon that the House receded in relation to ships.

Mr. BAYARD. What is the number of that?

Mr. HALE. There are several amendments on that point; the Senator will find them all in section 2.

Mr. BAYARD. I did not wish to interrupt the Senator.

Mr. HALE. I am very glad to be interrupted, because I wish that there shall be a complete understanding. If any Senator has a question, instead of being disturbed by it I shall be glad to have him ask it.

Upon those two questions the House recede with reference to the sale of ships, and that is left precisely as the Senate fixed it, that any old and useless ships are to be appraised, reported upon, and the report submitted to Congress before any action. Upon the sale of old supplies and stores and materials the Senate recede, but under safeguards as to public advertisement and providing that everything shall be done in open public sale. Only those materials that are perishable can be sold.

The next question was as to the retired list and the duty to which officers shall be assigned when not at sea. Upon that the House has assented to a proposition proposed by the Senate conferees making all provisions as to retired pay apply only as to the future, not cutting down the retired pay, but providing that hereafter officers upon the retired list shall have the rank and pay to which they are entitled at the date when they shall be retired.

Mr. ROLLINS. Right here I want to ask the Senator this question: Does he not know that that is the law now?

Mr. HALE. I do not think this changes the law.

Mr. ROLLINS. Not at all. If this bill is intended to make any amendment in that direction, or any reform whatever in that direction, this is a complete retreat. The only thing in this amendment that changes existing law is that hereafter there shall be no promotion on the retired list, whereas as the law now stands promotion may take place on the retired list, but not to carry pay with the promotion as a necessary consequence; and in this compromise which has been effected by the committee of conference that is the only thing that there is. They completely ignore all attempts to reform the retired list in all directions; and to that extent I want to express my disapproval of the action of the committee of conference; and right here it is as proper as anywhere to call attention to this matter. All these important questions are referred to six gentlemen, three Senators and three Representatives—

Mr. HALE. Does the Senator desire to occupy further time?

Mr. ROLLINS. No, sir.

Mr. HALE. Let me say here that the conferees did not desire to interfere with the present pay that any retired officer enjoys, but they did want to put a stop to what has been an abuse in the past where first a naval officer will get promoted without pay and then will come in and claim because he has got promoted that he ought to get pay and will get special legislation. The Senator from New Hampshire may depend on it that this evil is largely removed by the provision in the clause reported by the conference that there shall be no promotion after an officer is retired. You will not have him then claiming because of the promotion that he ought to have special legislation to give him pay consonant with his increased rank, and in that regard it is a reform, but it does not strike at the pay which any officer is enjoying now. That has been a feature all through, that we have not attempted in the Senate, and the committee has not attempted, to interfere with what any officer is enjoying now. That I believe and we believe would be a hardship. The officer has become accustomed to the salary that the law fixes and gives him; and to ruthlessly reduce that would be a great hardship, and we have not gone to that extent.

Mr. ROLLINS. I want to inquire, then, what was the object of the Appropriations Committee in calling public attention to this abuse on the retired list? Why did they parade before the country the fact that the first officer on this list which they presented here had his pay increased while on the retired list from \$1,738 a year to \$4,500 a year? Why did they call public attention to that and denounce the Committee on Naval Affairs for not correcting these evils; and then when we came into the Senate of the United States and proposed an amendment looking to a correction of this evil why did the Committee on Appropriations make the point of order on it, and then when we have made some little progress looking in the direction of

reform by adopting the amendment of the Senator from Kansas, [Mr. PLUMB,] and that amendment is submitted to a committee of conference, that committee takes out of it everything that is of any consequence looking in the direction of reform?

Mr. HALE. I utterly and totally decline to be drawn into any controversy or any war of words about these two committees. The committee of conference has fairly tried to represent not their own sentiments but the sentiments of the Senate which voted upon certain issues and which we tried to bear out in the committee, and I can only say, as I have just said, that upon this question of the retired pay we believe that this clause will work to prevent abuse in the future.

Mr. ROLLINS. The Senator must know that all these abuses have crept in by special acts, and there is nothing in this compromise which is effective to prevent the passage of special acts of Congress to promote men upon the retired list.

Mr. HALE. Upon the question of the duty to which officers should be assigned who were not at sea the conference agreed upon this: in the original amendment as reported it was provided that the Secretary of the Navy should assign in certain cases officers upon furlough duty. The agreement which has been reached is that that part of that clause which provided that officers not at sea might be assigned to shore duty when the Secretary could certify what their duty was is left, and all the rest is stricken out, and it is left precisely as the law is to-day, and the discretion must remain with the Department undoubtedly, rarely to be exercised in putting officers upon furlough pay, which is one-half not of the sea duty but of leave pay. That is the way that is left.

We believe these to be very fair and equitable adjustments, and we arrived at them in a spirit of fairness and compromise, the committee, as I have said, trying to represent not always their own feelings but where they have been voted upon the sentiments of the Senate, as, for instance, in the restoration of the rank of commodore.

Upon two other questions the committee was unable to agree, namely, in reference to the navy-yards and in reference to the provision which is found in amendment numbered 35. The committee could not agree on amendments numbered 35 and 36. The conferees of the House of Representatives in reference to the authority to shut up the yards temporarily and dispose of the perishable property, not in any spirit of arrogance I am bound to say, and not in menace, declared that that was a subject upon which they could not yield, they believing that the lessening of the navy-yards was a foundation reform in the bill, that we have too many now, and that some of them ought to be temporarily shut up with no power to transfer the large property, but only perishable property. They insisted upon that, and although the conferees on the part of the Senate as is shown by the debate agreed with them, still being constrained by the vote of the Senate until the further action of the Senate the Senate conferees did not feel themselves justified in giving away the action of the Senate and declined to submit to the claim of the House conferees, and upon that we report a disagreement, and also upon the amendment numbered 36, providing that the Secretary of the Navy is authorized to report as to certain additional lands and water-front contiguous to the navy-yard at Norfolk.

I ask first that the report be adopted disposing of all this bill except the questions of the navy-yards and the additional facilities for the Norfolk yard, and that the Senate insist upon its amendments numbered 35 and 36 and appoint a further conference, unless the Senate upon motion of some gentleman shall recede from them and adopt the House action.

I am bound to say in frankness, not to be reproached hereafter, that to my mind there is very little prospect that the House conferees will yield upon these points. They were very firm; but all we can do is to have another conference, and it may be that we can agree upon some compromise in reference to the navy-yards that will be satisfactory to both the House and the Senate.

Mr. President, I move the adoption of the report.

Mr. SEWELL. I desire to ask the Senator from Maine how that leaves the navy-yards now?

Mr. HALE. The navy-yards, of course, are not affected until the passage of something in this bill that touches them.

Mr. SEWELL. There is a disagreement on the part of the conference committee.

Mr. HALE. Of course it leaves the navy-yards as they are.

Mr. BAYARD. I wish to ask the Senator about the amendment he last spoke of, No. 35, on page 16. It relates to the navy-yards and the suspension of work and the removal of material. The conferees of the respective Houses have disagreed.

Mr. HALE. They could not agree, and have reported the disagreement.

Mr. BAYARD. Will the Senator be kind enough to state the counter-proposition made by the House?

Mr. HALE. The House conferees made no proposition; but we found them very firm. They stated that they believed the shutting up of some of these navy-yards was a cardinal reform proposition of more importance than anything else on this bill; that we had spent too much money on these navy-yards; and they claimed that if they repudiated any political power or right to give up a portion of these navy-yards, certainly the party in the minority ought to accept it, and they were ready and willing to do that, and would not make any counter-proposition.

Mr. BAYARD. Does their idea include the absolute dismantling and removal of the plant from the navy-yards?

Mr. HALE. Not at all; nothing but the temporary shutting up of the perishable property and stores. This is a bill that only runs for a year.

Mr. BAYARD. The language of the bill which we struck out included not only perishable stores, but included "property," which is a very general term.

Mr. HALE. The Senator will remember that we inserted the word "perishable" on my motion.

Mr. BAYARD. As it appears here the whole thing is stricken out.

Mr. HALE. "Perishable stores and property" it was made to read, and then it was all struck out; but if we ever come to an agreement it will be with the limitation applying only to perishable property and stores, for the Senate adopted that amendment on my motion.

Mr. BAYARD. I hesitate very much in setting up my judgment upon subjects on which I have not by any means the knowledge I would desire against that of my associates who have more carefully studied the question, and I believe it will be admitted that I seldom do so. I generally yield my opinion to others. But it seems to me this bill has rather proceeded upon a general theory that we are not to have a navy hereafter. Everybody admits that we have none now excepting the *personnel*. That we have of a very honorable and able character. But the question is as to the future construction of a navy. Whether the Government shall have navy-yards of its own, where vessels shall be constructed, or whether it shall adopt the system of building them by private contract, is a very broad question, and one that I apprehend is not to be answered in a breath, and ought not to be decided at once.

I referred the other day to the historical fact that we have had four consecutive Secretaries of the Navy inside of eighteen months, and that not one of those gentlemen had by his prior pursuits the slightest special knowledge of the post to which he was called. There was no reflection either upon their characters or capabilities, but there was the statement derived from their general public repute of what their pursuits had been before they were called to this very important position requiring such special technical and scientific knowledge. Now, it is not unjust to any one of those four men to say that his opinion in regard to naval matters was not of great value. They had not time to form it; they had not experience to give it; and there was no committee of either House specially charged with the consideration of matters pertaining to the Navy that had made any report to either House. There was a candid and I think a very instructive and honorable speech made by the chairman of the Committee on Naval Affairs in the other House; but from the Naval Committee here we heard nothing except a general protest against the structure of this bill. The Senate decided, however, that they would not either commit the bill to the Committee on Naval Affairs or send it back to the Committee on Appropriations, and they proceeded to pass upon it. The only question is whether this amendment which it seems the House committee are especially positive about shall be receded from by the Senate. The House proposed to insert:

Provided, That if the Secretary of the Navy shall find that work at all the navy-yards now maintained cannot be carried on with advantage to the service and economy to the governments for the amounts in this act appropriated for the maintenance of and civil establishment at the navy-yards, he shall not make any deficiency for these purposes, but he shall suspend work at those yards where he finds it can best be dispensed with, and shall close such yards and transfer all perishable stores and property therefrom to other yards for use therein, and report the facts and the reasons governing his action to the next session of Congress; and at the yards so closed only such officers and employes shall be retained as are necessary to preserve and take care of the property of the Government, and all other persons shall be transferred or discharged: *Provided further*, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard for the Bureaus of Equipment and Recruiting and Ordnance, and that work may be continued in the rope-walk in the Boston navy-yard: *And provided further*, That nothing herein shall be held to interfere with the permanent improvement of any navy-yard as now authorized by law, or the expenditure for such purpose of any money appropriated by Congress therefor.

I objected to that clause, and the Senate sustained the objection by a very positive vote. A part of the language, I thought, was entirely unnecessary; that was as to the question of work at the various navy-yards; that, I apprehend, the Secretary of the Navy must direct from the very character of his office. He may order a ship to one point or another point, and no law is necessary to give him such authority. It is inherent in his office; he is the head of the Department, and of course he must have the control of such things. What I did object to was to any measure that looked to this sudden and hasty abandonment of any navy-yard.

If we are to have ships they have yet to be built. Whether they are to be built by the Government at its own yards or built by private contract is a question of the future. As far as this bill is concerned, it contemplates the building by contract, simply because the Government has no yards equipped properly for the building of a ship, certainly not an iron ship, which is the only one that hereafter, I think, will be constructed.

Part of my objection to this clause would be removed if the language were used which the Senator from Maine says was inserted in the former bill, but which finds no place in this print, to the effect that no permanent demolition of these yards should take place, that no portion of the plant should be removed, so that it simply would

be for the next year a cessation of work, taking care that the capacity for future work should not deteriorate or be lessened. If that can be secured, the greater portion of my objection will be withdrawn.

Mr. HALE. As I have said, I have no doubt that upon that point the House conferees will yield, and on that basis I believe we can come to an agreement.

Mr. BAYARD. May I ask the Senator this: Does not the text which the Senate struck out provide for a permanent closing of yards by the Secretary, he to make report of his action under this clause at the next session?

Mr. HALE. Undoubtedly.

Mr. BAYARD. And in the mean time the plant or permanent property may be removed.

Mr. HALE. There is no question about that as the bill stood. We have done the best we could. I consulted with several gentlemen who were opposed to the committee in the debate, and the result was acceptable to them. I think time will show that we have got at a good result. I move the adoption of the report.

Mr. BAYARD. I understand that putting men on furlough has been stricken out.

Mr. HALE. That is stricken out.

Mr. CALL. Before the report is adopted I wish to express my decided opposition as one of this body to any retirement from the position taken by the Senate in the amendment of this bill. The establishment of a policy by the Government on so important a subject as the means of reconstructing the navy and the destruction of the navy-yards essential for the repair and construction of vessels by legislation adopted in haste and upon an appropriation bill is, in my opinion, extremely unwise; and the amendments made by the Senate in that direction, especially in regard to the navy-yards, I think ought to be adhered to.

The PRESIDENT *pro tempore*. The question is on the adoption of the report of the committee of conference.

The report was concurred in.

Mr. HALE. Now I move that the Senate further insist on its amendments Nos. 35 and 36, and agree to the further conference asked by the House.

Mr. PLUMB. Let me ask the Senator what is the amendment No. 35?

Mr. HALE. That is the amendment in reference to the navy-yards.

Mr. PLUMB. I move that the Senate recede from its amendment on that subject.

Mr. BAYARD. I hope the Senator from Maine will not agree to that.

Mr. HALE. I hope the Senator from Kansas will not make that motion, because there are certain things we can put into the bill that will make it certain that it covers nothing but perishable stores, and only applies to those things that will make it satisfactory to everybody.

Mr. PLUMB. I withdraw the motion.

Mr. WILLIAMS. The Senator made some statement which I did not hear fully. The House bill as it came here abolished the grade of commodore.

Mr. HALE. The House bill struck it out absolutely on a graduated scale.

Mr. WILLIAMS. It destroyed the grade as the commodores died; as the offices became vacant they were not to be filled, and in that way the grade was to be extinguished; but there was a proviso in the House bill that this should not take effect until the 1st day of next July. I understand that the conference committee propose to reduce the number of commodores to ten instead of twenty-five.

Mr. HALE. Yes.

Mr. WILLIAMS. Is the proviso of the House bill struck out?

Mr. HALE. That was not in the bill when it went to conference.

Mr. WILLIAMS. Yes; we restored the House proviso.

Mr. HALE. No; it was all struck out; that was not before the conference.

Mr. WILLIAMS. With that proviso in, I should be perfectly willing to vote for the bill.

Mr. HALE. We cannot get that in now.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate insist on its thirty-fifth and thirty-sixth amendments and agree to the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HALE, Mr. LOGAN, and Mr. DAVIS of West Virginia were appointed.

EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I hope that will not be done. I shall ask for the yeas and nays upon the motion.

Mr. CAMERON, of Pennsylvania. I hope it will be done.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Pennsylvania.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Mississippi [Mr. LAMAR] on all questions.

The roll-call was concluded.

Mr. PLUMB, (after having voted in the negative.) I overlooked the fact that I am paired with the Senator from Tennessee, [Mr. JACKSON.] I withdraw my vote.

Mr. LAPHAM. On this question I am paired with the Senator from Florida, [Mr. JONES.]

Mr. SAULSBURY, (after having voted in the affirmative.) I voted inadvertently. I am paired with the Senator from Michigan, [Mr. FERRY.] I do not know how he would vote on this question. I therefore withdraw my vote.

Mr. WINDOM, (after having voted in the negative.) I am paired with the Senator from West Virginia, [Mr. DAVIS,] and forgot it at the time. I withdraw my vote.

The result was announced—yeas 28, nays 24; as follows:

YEAS—28.

| | | | |
|-----------------|----------|------------|-----------|
| Bayard, | Coke, | Harris, | Pugh, |
| Beck, | Farley, | Hawley, | Ransom, |
| Brown, | George, | Ingalls, | Slater, |
| Butler, | Gorman, | Jonas, | Vest, |
| Call, | Grover, | Maxey, | Voorhees, |
| Cameron of Pa., | Hale, | Morgan, | Walker, |
| Cockrell, | Hampton, | Pendleton, | Williams. |

NAYS—24.

| | | | |
|------------------|--------------------|------------------|-----------|
| Aldrich, | Conger, | McDill, | Platt, |
| Allison, | Davis of Illinois, | McMillan, | Rollins, |
| Anthony, | Dawes, | Mahone, | Saunders, |
| Blair, | Frye, | Miller of Cal., | Sewell, |
| Cameron of Wis., | Harrison, | Miller of N. Y., | Sherman, |
| Chilcote, | Hoar, | Morrill, | Van Wyck. |

ABSENT—24.

| | | | |
|------------------|-------------------|------------------|------------|
| Camden, | Groome, | Jones of Nevada, | Mitchell, |
| Davis of W. Va., | Hill of Colorado, | Kellogg, | Plumb, |
| Edmunds, | Hill of Georgia, | Lamar, | Saulsbury, |
| Fair, | Jackson, | Lapham, | Sawyer, |
| Ferry, | Johnston, | Logan, | Vance, |
| Garland, | Jones of Florida, | McPherson, | Windom. |

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened.

HEAVY-ORDNANCE INVESTIGATION.

The PRESIDENT *pro tempore* appointed Mr. LOGAN, Mr. CAMERON of Pennsylvania, Mr. ANTHONY, Mr. HAMPTON, and Mr. JONES of Florida, the select committee authorized by the resolution of the Senate of the 2d instant to take into consideration the subject of heavy ordnance and projectiles for the armament of the Navy and the sea-coast defenses.

COMMITTEE REPORT.

Mr. KELLOGG, from the Committee on Commerce, to whom was referred the bill (S. No. 1943) making an appropriation for rebuilding the light-house at Southwest Pass, Vermillion Bay, Louisiana, reported it with amendments.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the House had agreed to some and disagreed to other amendments of the Senate to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, and agreed to others with amendments; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 219) for the relief of Elizabeth Leebrick;
 A bill (H. R. No. 2317) for the relief of Mary Bullard;
 A bill (H. R. No. 2524) for the relief of Alice J. Bennett;
 A bill (H. R. No. 2966) granting a pension to Annie W. Osborne;
 A bill (H. R. No. 3717) granting a pension to Alvin Walker;
 A bill (H. R. No. 3601) for the relief of Martha A. Jones;
 A bill (H. R. No. 3733) granting a pension to Mary E. Taylor;
 A bill (H. R. No. 5018) granting a pension to Elizabeth F. Rice;
 A bill (H. R. No. 5985) granting a pension to Martha Jane Douglass;
 A bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith;
 A bill (H. R. No. 6317) granting an increase of pension to James Bennett;
 A bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner; and
 A bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter.

TARIFF-COMMISSION TESTIMONY.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 350 additional copies of the testimony taken before the tariff commission be printed for the use of the commission.

SAINT LOUIS COLLECTION DISTRICT.

Mr. VEST. I move that the Committee on Finance be discharged from the further consideration of the bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, "collection of duties on imports," which came over from the House yesterday, and that it be referred to the Committee on Commerce. It was referred to the Finance Committee by mistake.

The PRESIDENT *pro tempore*. The change of reference will be made if there be no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. I move to proceed to the consideration of the sundry civil bill.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. ALLISON. I move that the Senate disagree to the amendments of the House to our amendments and insist on the amendments of the Senate disagreed to by the House, and ask for a conference on the disagreeing votes.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed the conferees on the part of the Senate.

INTERNAL REVENUE AND TARIFF DUTIES.

Mr. SHERMAN. Now I hope we shall have a vote on the pending amendment to the tax bill.

The PRESIDENT *pro tempore*. The bill (H. R. No. 5538) to reduce internal-revenue taxation is before the Senate. The question is on the amendment of the Senator from Tennessee, [Mr. HARRIS,] which is to strike out section 4 of the bill and insert what will be read in lieu thereof.

The Acting Secretary read as follows:

That all taxes and customs dues imposed by the laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883, and to a discount of an additional 10 per cent. after the 1st day of January, 1884.

Mr. MORRILL. I believe the yeas and nays have been ordered.

The PRESIDENT *pro tempore*. They have been ordered.

Mr. HARRIS. Mr. President, before the question is taken on that amendment I shall ask for a division of the question, taking the vote first upon the reduction that is to take place on the 1st of January next; and inasmuch as that amendment has been the subject of a good deal of criticism, while I dislike exceedingly to take up or to consume a particle of the valuable time of the Senate at this late hour of the session, I shall desire to assign at least some of the reasons that induced me to offer it.

Mr. PENDLETON. If it be not inconsistent with the wishes of the Senator from Tennessee, I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I yield to the Senator from Ohio on that proposition.

Mr. MORRILL. I hope not.

Mr. PENDLETON. There are manifest reasons why we should do so.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate proceed to the consideration of executive business.

Mr. MORRILL. Of course this motion is intended to be hostile and to extinguish further consideration—

Several SENATORS. No debate.

Mr. PENDLETON. Of course it is not for any purpose of that kind.

Mr. HARRIS. The patent-medicine men and the banks can wait one day more before they get that relief which the Senator from Vermont is so anxious to extend to them.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. ROLLINS. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. LAPHAM, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

The roll-call was concluded.

Mr. DAVIS, of West Virginia. My colleague [Mr. CAMDEN] is paired with the Senator from Wisconsin, [Mr. SAWYER.]

Mr. SAULSBURY, (after having voted in the affirmative.) I am paired with the Senator from Michigan, [Mr. FERRY.] I do not know how he would vote on this question, and I withdraw my vote.

Mr. HAMPTON. My colleague [Mr. BUTLER] is paired with the Senator from Maine, [Mr. FRYE.]

Mr. HARRIS. My colleague [Mr. JACKSON] is paired with the Senator from Kansas, [Mr. PLUMB.]

The result was announced—yeas 23, nays 27; as follows:

YEAS—23.

| | | | |
|-----------|------------------|------------|-----------|
| Bayard, | Davis of W. Va., | Jonas, | Slater, |
| Beck, | Farley, | Maxey, | Vest, |
| Brown, | Gorman, | Morgan, | Voorhees, |
| Call, | Groome, | Pendleton, | Walker, |
| Cockrell, | Hampton, | Pugh, | Williams. |
| Coke, | Harris, | Ransom, | |

NAYS—27.

Aldrich,
Allison,
Anthony,
Blair,
Cameron of Pa.,
Chilcote,
Conger,

Dawes,
Hale,
Harrison,
Hawley,
Hoar,
Ingalls,
Jones of Nevada,

Logan,
McDill,
McMillan,
Mahone,
Miller of Cal.,
Miller of N. Y.,
Morrill,

Platt,
Rollins,
Saunders,
Sherman,
Van Wyck,
Windom.

ABSENT—26.

Butler,
Camden,
Cameron of Wis.,
Davis of Illinois,
Edmunds,
Fair,
Ferry,

Frye,
Garland,
George,
Grover,
Hill of Colorado,
Hill of Georgia,
Jackson,

Johnston,
Jones of Florida,
Kellogg,
Lamar,
Lapham,
McPherson,
Mitchell,

Plumb,
Saulsbury,
Sawyer,
Sewell,
Vance.

So the motion was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House insisted on its disagreement to the amendments of the Senate to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; insisted on its amendments to certain amendments of the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FRANK HISCOCK of New York, Mr. BENJAMIN BUTTERWORTH of Ohio, and Mr. J. C. S. BLACKBURN of Kentucky, managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes; and it was thereupon signed by the President *pro tempore*.

INTERNAL REVENUE AND TARIFF DUTIES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. HARRIS. Mr. President, the whole people recognize and appreciate the fact that the present rate of taxation is excessive, and so far as I know every Senator on this floor on both sides of the Chamber recognizes the duty of giving relief from excessive taxation. In the effort to give such relief as the present condition of an overflowing Treasury justifies, it would seem to me that the first and the most important question to be considered is to whom this relief shall be given. Shall it be extended to the whole people or simply to a class or a few classes of the people? That question must first be determined, and we can then intelligently extend such relief as an overflowing Treasury resulting from excessive taxation enables Congress to grant at this time.

The bill as it came to us from the House proposes to relieve banks, bank depositors, proprietors of patent medicines, perfumery, &c., and the manufacturers of, and dealers in, and perhaps to some small extent the consumers of friction matches; and there the measure of relief, as proposed to be extended by the action of the House, stopped. There is a very small class of persons interested in or benefited by this reduction of taxation.

The object of my amendment was to extend that relief, not to these three or four classes of persons exclusively, but to extend it as near as possible to the whole American people. I understand that we can reasonably and fairly afford to reduce the revenues at least to the extent of from forty to sixty million dollars; and instead of confining that relief to the owners of bank stock, the people who fortunately have bank deposits and have to use bank checks to utilize those deposits, to the patentees of medicines, cosmetics, perfumeries, &c., and to the manufacturers and dealers in, and possibly to some small extent the consumers of, friction matches, I thought a general reduction upon the entire tariff list that would reach every consumer in America would be more equitable, more just, and the relief more generally felt and appreciated than to single out a few classes, however meritorious, needing the relief much less; other classes that would be benefited by a general reduction of tariff taxation, as is provided by the amendment I have proposed.

Now, Mr. President, in contrasting these classes that it is proposed to relieve by the bill as it came from the House with other classes, and vastly the more numerous classes, let us look for a moment and compare the banks, the bank depositors, the proprietors of patent medicines, and the manufacturers of and dealers in friction matches on the one hand and the entire people who are interested in the tax imposed by existing laws upon salt, the tax imposed by existing laws upon all the manufactures of iron, upon all the manufactures of steel, upon all the manufactures of cotton, and upon all the manufactures of wool.

How will the bankers, patent-medicine men, and manufacturers of matches compare in numbers to the consumers of salt, which is taxed by your present laws from 40 to 55 per cent.? Manufactures of iron taxed from 35 to 60; manufactures of steel range from 45 to 76 per cent.; manufactures of cotton range from 35 to 60 per cent., while the manufactures of wool are taxed from 60 to over 100 per cent.

Now, I beg Senators to pause for one moment to consider what proportion of the American people are interested in or benefited by taking the tax off bank capital or the two-cent stamp tax off bank checks. Will it average one in 10,000 of the 52,000,000 of the American people? What proportion of the people of this country are particularly interested in or benefited by reducing or relieving altogether from taxation patent medicines and nostrums of that character?

I undertake to say that the whole American people, now numbering about 52,000,000 are interested in and benefited by a reduction in the tax upon salt, upon iron, and the manufactures of iron; upon steel, and the manufactures of steel; upon the manufactures of cotton and the manufactures of wool. The cost of the tools of the mechanic and the day laborer, the implements of the farmer, are all more or less dependent upon the tax imposed upon iron and steel and manufactures of iron and steel.

The whole people are interested in and benefited by the reduction of tax upon manufactures of cotton and wool, the rich as well as the poor, because these articles are to a large extent consumed by the whole people, constituting a large proportion of the clothing of the rich, and almost entirely the clothing of the poor; for, however poor the man, he and his family must have blankets, flannels, and either cotton or woolen clothing, and if the relief that we are now able to extend in the reduction of revenue shall be given to a general reduction on the whole list of articles taxed by our present tariff laws, every individual in America will be benefited to a greater or less extent by that reduction, while if you consume or swallow up the forty or fifty or sixty million dollars that we are able now to reduce taxation by relieving bank capital, bank depositors, patent medicines, perfumery, and friction matches, as included in the bill as it came from the House, I undertake to say that there is not more than one in ten thousand of the American people that will be benefited by that reduction of taxation.

Hence I say that if the object of this bill be, or if the object of Senators be to give a real relief to the people by the reduction of taxation, they should apply that reduction to those articles that enter into universal consumption, those articles that affect the interest of and reduce the cost of those commodities that every American citizen, rich or poor, is compelled from necessity to use and consume, and for that reason I offered the amendment that is now pending, which proposes to reduce taxation upon all the articles on which there are now tariff duties imposed to the extent of 10 per cent., taking effect the 1st day of January, 1883, and an additional 10 per cent. to take effect upon the 1st day of January, 1884, which in all will only amount to a reduction of 20 per cent. But that amendment, as I said before, has been severely criticised. The Senator from Massachusetts thinks it could have emanated from no source other than a lunatic asylum, nor could it be advocated or supported by any one who is not a fit subject for such asylum.

Mr. HOAR. I did not say that.

Mr. HARRIS. I so understood. I did not hear the Senator say it, but I have heard other Senators refer to it as a remark of the Senator from Massachusetts. But whether the Senator from Massachusetts used language such as I have heard attributed to him or not, certain it is that the Senator from Vermont, [Mr. MORRILL,] the Senator from Ohio, [Mr. SHERMAN,] the Senator from Massachusetts, [Mr. DAWES,] and the Senator from Illinois [Mr. LOGAN] have all criticised the amendment with more or less severity, and have all proclaimed that the adoption of an amendment such as this would utterly prostrate and destroy the great business interests of the country.

Mr. HOAR. As the Senator has referred to me I desire to say that at some time I wanted to put him a question, and perhaps it would be as agreeable to him before he enters on his argument for me to put it now, if he has no objection.

Mr. HARRIS. I will hear the question.

Mr. HOAR. The question I wish to put is this: Are you yourself in favor of reducing by 20 per cent. the present tariff on French brandy, diamonds, and champagne?

Mr. HARRIS. Is that your question?

Mr. HOAR. That is my question.

Mr. HARRIS. If time were allowed us to go through item by item the vast list of articles that are taxed under our tariff laws I should discriminate so as to leave the highest rate of duties upon articles of luxury that they would bear—that rate which would produce the largest amount of revenue. Upon the articles of brandy, champagne, diamonds, and every other article of luxury, not of absolute necessity to the entire people, I should endeavor to raise the largest amount of revenue possible; but situated as we are here, on the 4th day of August, when we have spent over eight months of the session, and when we have had no opportunity until about one month ago to have any voice in respect to tariff taxation, the Senator from Massachusetts knows, as every intelligent Senator—and certainly there are none other than intelligent Senators—that it is utterly impossible for us now in the expiring days and hours in this session to go through the tariff list item by item, revise and adjust it in a satisfactory manner. Therefore this is the only method by which we can effect a reduction of excessive, unjust, and oppressive tariff taxation at this session.

The Senator from Massachusetts, I doubt not, as every other Senator, will admit that, taking our present rates of duty as a whole they

are excessive, an unjust exaction upon the industry and necessities of the people and as this is the only method practical at this time to reduce that excessive taxation, the only method that we can adopt at this hour by which we may give some small measure of relief to the whole people and take at least one short step in the direction of correcting what is universally admitted to be a wrong, let us take that step even though it may not correct all of the evils, absurdities, and gross wrongs that are perpetrated upon a whole people by a system that we find ingrafted upon the statute-books of the country.

Mr. MORRILL. When the Senator says that is the only method which is left, I ask him if he prefers the method which he suggests of taking off 20 per cent. on articles of luxury as well as necessity in preference to the method that he repudiates and proposes to supersede by striking out and inserting his amendment. The section that he proposes to strike out is a section that reduces the duty on sugar, a necessity of life. That would reduce the cost of sugar 25 per cent. to the extent of thirty-seven pounds per capita for every man, woman, and child in the country, and thus cheapen the cost of the breakfast table.

Mr. HARRIS. Mr. President, I remember very well the eagerness with which my friend from Vermont seized upon this reduction, a tub to the whale, upon one single item, and that a product of the State of Louisiana, to strike off 25 per cent.; but while that other article of even more universal consumption and absolute necessity, salt, as well in the cabin of the poor as in the palace of the rich, is taxed from 40 to 60 per cent., I have never yet heard the Senator from Vermont or other Senators on that side of the Chamber complain or propose to relieve the 52,000,000 of people who use more or less of salt every day and every hour of their lives.

Now, I am quite ready to reduce the tariff on sugar. I am not hunting classes, I am not hunting specific and sectional articles. If we were going over the tariff item by item I should undertake to discriminate so as to impose the very highest tax on articles of luxury, such as were named by the Senator from Massachusetts, that they would bear, that duty which would produce the largest amount of revenue. And after raising from these luxuries the largest amount of money that could be raised upon them, I would abolish the tax upon salt, reduce the tax upon sugar, reduce the tax upon the manufactures of wool, that every poor laborer in the land is compelled to use, whether he is financially able to do so or not; I would reduce the tax on cotton goods, because they enter into the consumption and constitute a large proportion of the clothing of the entire people.

I would utterly repudiate the entire theory of the Senator from Vermont, the Senator from Ohio, and the Senator from Massachusetts, in selecting the two articles of sugar and Bessemer steel as the only ones upon which duties are to be reduced, while they propose to increase to the point of doubling the duties on other articles in order to compel 52,000,000 of people to pay bounty year by year at the rate of from 40 to over 100 per cent. You have no right under the Constitution to levy a duty except for revenue. It is from the revenue power only that your right to levy a duty is derived, and whenever your duty exceeds the revenue point you not only violate the Constitution but perpetrate a gross injustice and a wrong upon the whole people for the benefit of a very small but much favored class.

My friend from Massachusetts desired to know if I was willing to reduce the tax of 10 per cent. on the 1st of January, 1883, and 10 per cent. more on the 1st of January, 1884, upon brandies and wines and diamonds. The Senator certainly knows what that immense reduction would amount to upon that article of luxury known as diamonds. Will the Senator inform me what the present tax is on those diamonds as fixed by himself and his friends by the present law? It is only 10 per cent. My amendment would reduce to 9 the first year and finally to 8 per cent.

Mr. HOAR. Does the Senator ask me if I know?

Mr. HARRIS. I take it for granted the Senator knows.

Mr. HOAR. I understood the Senator to inquire. I understand that the tax is 10 per cent., which is as high as it is safe to put upon an article which is so easily smuggled about the person.

Mr. HARRIS. Yes, Mr. President—

Mr. HOAR. The Senator proposes to reduce it 20 per cent.

Mr. HARRIS. Which will amount to 2 per cent. You have put it at 10 per cent., and I propose, in order to give relief from exorbitant taxation upon articles in universal use and of prime necessity, to put it down to 9 per cent. next year and 8 per cent. the year following.

But, Mr. President, I do not care to consume time in pursuing this line of inquiry. I should like to know, however, how it is that the Senator from Vermont, the Senator from Ohio, the Senator from Illinois, and the Senator from Massachusetts, all in 1872, did not see the fatal consequences of a horizontal reduction of 10 per cent. upon tariff duties. At that time, when the average rate of duties was lower than now, the record shows that each of those Senators, without the apprehension of the utter ruin of all the business interests of the country that they now predict, voted to reduce 10 per cent. upon the duties then imposed by law.

No danger was apprehended then, no ruin to the industrial interests of the country was apprehended or declared then. No ruin followed, nor did Mr. Clay and Mr. Webster see the danger of horizontal reduction in 1833 when the compromise tariff of that year

was passed. Under the pretense, however, of the necessity of providing for a sinking fund in 1875 the act of 1872 which reduced duties 10 per cent., and for which the Senators from Vermont, Massachusetts, Ohio, and Illinois voted, was repealed and the former rate of duties restored. Now my amendment proposes not only to restore the act of 1872 but to go on the 1st of January, 1884, one step further and reduce, on identically the same principle, 10 per cent. more of the rate of duties that every Senator I imagine will admit on the whole are too high, excessive, and unjust.

Mr. President, I have endeavored to show that if my amendment is adopted such relief as it affords to the poor extent to which it goes will be for the benefit of the entire people of the United States; while if the reduction is made as the bill provided as it came from the House, or as the bill provided as it came from the Committee on Finance of the Senate, the reduction, amounting perhaps to forty or fifty millions of dollars to the Treasury, will benefit only a very small class of people, and a class least needing relief.

I deny that any interest in this country is going to be seriously prejudiced by the adoption of the amendment I have proposed. I deny it upon the high authority that has been cited here to-day by the Senator from Kentucky, who quoted from a speech of Hon. Nathaniel P. Banks delivered in the House on the 7th of May, 1878, in which Mr. Banks asserted that he had requested the manufacturers of his country to advise the Committee on Ways and Means as to the extent of reduction of duties which in their opinion would be proper, that he then held in his hand the petitions or statements of the representatives of one hundred and twelve leading manufacturing corporations and companies, in which they asserted that they could very well afford to stand a reduction of from 10, 20, 30, 40, up to 50 per cent. upon the entire line of articles manufactured by them.

Therefore I say, and I feel that I say it upon very high authority when I say it on the authority of General Banks, a member of the Committee on Ways and Means of the House of Representatives, representing a Massachusetts district, and his assertion was based upon the declaration of the accredited representatives of one hundred and twelve of the leading manufacturing corporations and companies of the State of Massachusetts—upon this high authority I feel fully authorized to say there is no serious evil to result to any of the industries of the country from the reduction proposed, while the benefit to the extent of the reduction proposed will extend to the entire people; and for that reason I offered the amendment, and for that reason I think it ought to be adopted.

But I will not consume at this late hour of the evening and late day of the session more of the time of the Senate in further discussion of the question.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee, [Mr. HARRIS,] who wishes a division. The amendment is to strike out section 4 and insert what will be read.

The Acting Secretary read as follows:

That all taxes and customs dues imposed by the laws now in force for the collection of duties on imports from foreign countries shall be subject to a discount of 10 per cent. after the 1st day of January, 1883.

Mr. HARRIS. It is on that branch of the amendment that I desire the first vote, being a reduction of 10 per cent., taking effect the 1st day of January, 1883.

Mr. SHERMAN. Has the Senator from Tennessee any objection to striking out the whole of the fourth section and dropping it? I suppose we are all willing to do that.

Mr. HARRIS. My amendment is proposed as a substitute for the section.

Mr. SHERMAN. Could not a division be taken, so that the question may first be on striking out? I imagine we will all agree to that now.

Mr. HARRIS. I do not think we all agree to that. I am not in favor of striking it out myself unless by inserting some such provision as this.

Mr. SHERMAN. I desire myself to follow the suggestion made by the Senator from Vermont [Mr. MORRILL] to strip this bill of everything relating to the tariff.

Mr. HARRIS. I should be unwilling to strike out the fourth section unless it is connected with a distinct reduction of the line of tariff duties.

The PRESIDENT *pro tempore*. A motion to strike out and insert cannot be divided.

Mr. MORGAN. Mr. President—

Mr. BECK. I do not propose to interfere with the Senator from Alabama, but there seems to be so much ignorance on the other side as to what are the rates of duties that when the Senator from Alabama is through I have a paper, prepared at the Treasury Department, not very long, only forty-five or forty-six pages, being the tariff duties, which I propose to have read from the Secretary's desk, so that gentlemen will understand what they are voting on.

Mr. MORGAN. Mr. President, I have had the honor of being a member of the Senate for now nearly six years, and this is the first opportunity that has been presented since I have been here to lay before the people of the United States a subject that concerns their most material interests and welfare. I will not berate either of the national parties—

Mr. COCKRELL. Will the Senator from Alabama yield for a moment?

Mr. MORGAN. Yes, sir.

Mr. COCKRELL. I desire to ask the Senator from Vermont, in charge of this bill, if he anticipates or desires or intends to force a night session? It is now ten minutes after six o'clock; we have been here seven hours. I think that under the circumstances and in view of the condition of the weather it is best to adjourn, and I desire frankly to ask the Senator what his purpose is?

Mr. MORRILL. If the Senator has any proposition to submit as to when we may have a vote upon the whole question, say to-morrow at one o'clock—

Mr. ALLISON. Five o'clock.

Mr. COCKRELL. I say in reply to that that I have no proposition to make in regard to fixing the time of voting upon this question. I have not discussed it and will not discuss it unless I am forced to do so. But we will come to a vote just as soon as a fair and reasonable discussion can be had. I want to know if the Senator undertakes to force a vote to-night. That is the question. If the Senator intends to force a vote to-night, let us know it.

Mr. MORRILL. I desire a vote on this question. I take it that there is no indisposition on the part of the other side of the Chamber to vote for an amendment proposed by a Senator on that side.

Mr. COCKRELL. There is no disposition to avoid a vote at all.

Mr. MORRILL. I think they ought not to shirk such a vote as that. We are ready without further debate to vote upon that proposition.

Mr. COCKRELL. I have no doubt of that. That is not the proposition. I want to know when Senators are here on the floor after six o'clock, and when they desire to discuss this question in all fairness and sincerity, whether you intend to force us to a night session in order to try to force a vote on the question whether we are willing or not? That is the point on which I want to be informed and I think the information ought to be given honestly, because I will meet it honestly when you tell me what you are going to do.

Mr. SHERMAN. I have had enough experience with night sessions not to care for them or to wish for them; they are very seldom productive of good; but the majority of the Senate feel that they ought to have a vote on this bill some time. If the Senator will fix any day next week, so far as I am concerned, any day at all, on which a final vote can be had on the question of whether to repeal or not to repeal all taxes, I promise to stay here by him and not have any limited debate, taking the time we need on the question; but name a day or promise that within a certain time we shall have a vote. If you intend to say to us that you will defeat us by physical exertion and prevent us from having a vote on the bill, we can understand that. We do not want such a controversy. I do not. I am getting too old for that. Twenty years ago I should rather have liked it than otherwise; but now I rather shun such contests. But if Senators can give us any assurance that at any time, any day they name, a vote can be taken, I believe the Republicans on this side of the Chamber, feeling the importance of passing some bill of this kind, would stay here until any day next week you might name.

Mr. COCKRELL. I will answer the Senator with perfect candor. There is no disposition on this side of the Chamber, so far as I know, to avoid any responsibility at all. We met on the first Monday of December last. We have been in continuous session now until the 4th of August—over eight months. You have had control of the majority of the Senate and of the House.

Mr. SHERMAN. Not at all.

Mr. COCKRELL. You had the privilege of bringing this bill in in January or in March or at any other time. You have brought it here at the heels of the session, passed by the House of Representatives after they had fixed the day for final adjournment, and now you ask us to forego an honest, full, and free discussion in order to gratify your views upon this matter.

We shall come to a vote just as soon as this question has been fully and fairly discussed; but I say to you in perfect candor, as every Senator here knows, we shall not profit by a night session. You have all had experience of night sessions. The Senator from Vermont knows that if he forces a night session he will not get a vote on this bill by eight o'clock in the morning, and why shall we do it?

We have been throwing no obstacles in your way. The discussion has been legitimate. There has been no unnecessary consumption of time. The Senator from Tennessee [Mr. HARRIS] has made a fair and free discussion of the pending proposition, and a reasonable one. The Senator from Alabama [Mr. MORGAN] wants to speak, but no Senator desires to be forced into a discussion of this question after six o'clock. I appeal to the Senator from Vermont, in all fairness and justice, that he should allow us to adjourn to-day and go on with this bill to-morrow. We have not delayed taking it up.

Mr. RANSOM. On the contrary, we voted to take it up.

Mr. COCKRELL. We will go on just as long as you want to stay here, in the regular order, and discuss this matter, and dispose of it.

Mr. HOAR. Will the Senator from Missouri allow me to inquire of him, without now asking him to fix a time, whether he is willing to express an opinion as to how long that discussion will occupy?

Mr. COCKRELL. I cannot tell to save my soul how much time the Senator from Kentucky and the two Senators from Massachusetts will consume. They have consumed all of to-day.

Mr. HOAR. I asked the Senator a courteous question, and he replies with a fling or a sneer.

Mr. COCKRELL. No, I do not; I say I cannot tell you. If I could tell you how many Senators would speak, I would do it. I do not expect myself so say a word, as I have not spoken on the bill. I am not asking for the consumption of time, and I do not propose to do it except in a certain emergency. I say to you in all candor that you are not going to have a vote to-night. That is all there is about it. If Senators are simply to come to contravening each other, there are some men here who are just as contrary as ever were born.

Mr. HOAR. Is the Senator willing to give an opinion as to the probable length of the debate, as he would upon any bill he introduced, and say that he thinks a certain time will be sufficient?

Mr. COCKRELL. I cannot tell about that. I say in perfect candor that I cannot tell the Senator. If I could I would.

Mr. HOAR. Does the Senator think we can finish this bill in a week?

Mr. COCKRELL. I have no idea.

Mr. HOAR. Or in a month?

Mr. COCKRELL. I have no idea, none in the world. I tell the Senator with perfect frankness that I do not know of any Senators who expect to speak except what I have learned just now, and that is the Senator from Alabama, who has taken the floor, and I believe the Senator from Florida, [Mr. CALL,] who was going to take the floor at the same time. If anybody else is going to make a speech, I do not know it.

Mr. HOAR. Does the Senator think they can get through in three weeks?

Mr. COCKRELL. We have had no caucus action on the matter. It is all individual merely.

Mr. SHERMAN. Does the Senator think we can get through with this question by debating it all day to-morrow and reaching a vote some time before midnight?

Mr. COCKRELL. I cannot tell that now.

Mr. SHERMAN. Is there a desire to reach a vote upon it?

Mr. COCKRELL. I say in perfect frankness that you know you cannot have a vote to-night, and there is no use, after being in session for eight months, to keep the Senate here all night and have a real row, which you will have, and then accomplish nothing, which is the result of every night session I have ever seen here.

Mr. SHERMAN. Is there a willingness on the part of that side of the Chamber that we shall have a vote some time to-morrow, any time before midnight?

Mr. SAULSBURY. The Senator from Ohio must know, with thirty-five or forty amendments already pending, and nearly as many to be proposed to the bill, in order to get the bill in proper shape, it would be utterly impossible to make any arrangement.

Mr. SHERMAN. Then I understand the statement of the Senator from Delaware is that it is the purpose of the Democratic party to defeat the bill.

Mr. SAULSBURY. If you adopt our amendments without any hesitation we will vote to-night; but if you do not adopt our amendments we want to convince you that you are wrong, and make you, by argument and reason, come to our views on this question.

Mr. SHERMAN. I understand all this amounts to a declaration on the part of the Democratic party that they will not allow a bill for the reduction of taxes to pass at this session.

Mr. SAULSBURY. You have put to us the alternative of taking your bill, which you have conceived in caucus and brought here, or having nothing. We now present to you another alternative, to take the bill that we want or you take nothing.

Mr. SHERMAN. I understand that we propose to take the bill sent to us by the House of Representatives, at a late day, I am sorry to say, and so far as the reproach made by the Senator from Missouri on the House of Representatives is concerned, I do not think it was in order. Still the bill came to us at a late hour, but since it came the Committee on Finance have diligently pursued it and reported it here and presented it with no amendment, so as not to excite debate. After that, upon the hostile demonstration of Democratic Senators, we proposed certain amendments, and I think we did wrong in doing that, but we are now willing to withdraw those amendments. You talk about the caucus. We have abandoned the caucus propositions, withdrawn them, and let the question stand on the bill as it came from the House; and now I am told by the Senator from Delaware that they do not intend to allow us to pass the bill at the present session.

Mr. SAULSBURY. I did not say that. I say we want you to adopt our views. I will say to the Senator from Ohio that our bowels of compassion have been yearning towards our brethren on the other side; for we know the very embarrassing position in which the Committee on Ways and Means of the other House have placed them by sending this bill here at all. We know that they feel they have been put in a very wrong and false position by the action of the other House in sending this bill here, and they are trying to parry the effect. We understand it; the country understands it. We have been engaged here in a farce for the last ten days on this question, and the country knows it. It would have been a comedy if it had not been so near the end of the session and such inclement warm weather. It would have excited the risibilities of the whole country to see the anxiety with which the Republican side of this Chamber were endeavoring to relieve themselves from the false position in which they had been put by the introduction of this

"little joker" in the other House, and which passed that body and was sent to the Senate.

We understand the embarrassing position you are in, gentlemen; and our bowels of compassion, I repeat, have been yearning toward you. We would gladly relieve you if we could; but it is the position in which your own friends have put you, and you must excuse us now, after you have sent us this bill here.

If you want to do something for the country, relieve the oppressed people from taxation; and if we can hitch it onto your little bank bill, and your patent-medicine bill, and your perfumery bill, we will hitch on a bill which will grant substantial relief to the oppressed industries of the country; and we think we shall thereby have been doing a valuable work for the country. We are willing to stay here with you until the 1st day of October to accomplish such a purpose.

Mr. CAMERON, of Pennsylvania. Will you vote on it?

Mr. SAULSBURY. You hear the thundering voice of the people coming up from every quarter, from the State of Pennsylvania as well as other quarters, demanding that you shall accede to the just propositions made on this side of the Chamber, and we call upon you to relieve yourselves now from the rebuke which you will obtain in the November elections if you do not do your duty to the people of this country whom you have oppressed in the past by taxation and whom you now refuse to relieve, while you step forward with this little bill and propose to relieve the bankers of the country and men who have money in the banks, ourselves in fact, for we all keep little bank accounts. It is proposed to relieve ourselves from the onerous duty of a 2-cent stamp upon every check when we draw money from bank, while to the men and women who are laboring from morn till night for the necessities of life you refuse utterly to extend any relief.

Mr. HAWLEY. Mr. President—

The PRESIDING OFFICER, (Mr. PLATT in the chair.) The Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. I yield to the Senator from Connecticut; I yield to everybody.

Mr. HAWLEY. I am very much obliged to the Senator. I know the other side are willing to prolong the discussion. The Senator from Vermont, it seems to me, made a very reasonable proposition that we should take the bill as it came from the House abolishing the direct taxes upon everything except whisky, tobacco, and beer, and even reducing the tax upon tobacco from 16 to 12 cents, providing also for a rebate. He asked the other side if they would agree not to pass it, but to take a vote upon it now, and saying that if it be a proposition that gives no real relief to the country, a proposition upon which they could make good points in the campaign, one upon which they could damage the Republican party, we should be exceedingly gratified to make the test and have them take a vote on it. We do not ask them to pass it; we ask them to defeat it if they dare. We ask them only to take a vote, but they say it is not reduction enough.

Mr. President, how much is reduction enough? As the bill came from the House it took off about \$26,000,000 of taxation, of that, to the American people, odious taxation, taxation that comes into every man's house and taxes him a cent for his little box of matches, &c. I need not specify. We have been made familiar by the four hundred and fifty or five hundred or six hundred repetitions of the Senator from Kentucky [Mr. BECK] with the exact details of that little bill. If \$26,000,000 is not enough, suppose we add the reduction upon tobacco from 16 cents to 12 cents, which is about six million more, making \$32,000,000. Is not that about enough reduction to make, when we have been obliged by Democratic deficiencies, deficiencies made by Democrats, and by the necessity of a pension bill passed in a Democratic Congress, when we have—

Mr. RANSOM. Mr. President—

Mr. HAWLEY. No, not a word. When we have been under the necessity of increasing the appropriations so largely, is it not about enough to make \$32,000,000 reduction in view of the uncertainty of the future? Now they find fault with us that we did not bring in these reductions earlier. No man could have told last December just exactly what revenue we were to have. It has turned out to be a wonderful surplus, a magnificent surplus. We are startled ourselves to think that our surplus revenue has been \$150,000,000, and that we are enabled to reduce our indebtedness to that extent. It is too much. I am sorry, not that we are able to do it, but I am sorry that there is not a disposition to reduce our taxation.

As matters go on now, with the increase of importations, I am very much afraid that the surplus revenue may be \$175,000,000, or perhaps \$200,000,000 next year. There is no reason in taxing the people of the country to that extent. There is no sense in it; there is no justice in it, and we stand here to beg you to-day not to make a reduction but to beg you to let us have a vote upon it, and if the vote will hurt us before the people we rejoice to make the challenge. Try it. We do not ask you to do it.

You say you have not discussed this question. There is not a point in the bill, there is not a point in the whole subject, that has not been discussed over and over and over, and hammered and bored and drilled and pounded into the American people for years and years past. You began it when the taxes were first imposed by denouncing the match tax and all direct taxation as the oppression, the egregious oppression and torment of a Republican majority.

We invite you not to remove them; we dare you to vote on the subject. That is where you stand to-day, and if \$32,000,000 be not enough—

Mr. MORGAN. I should like to know if this debate is to be taken out of my time?

Mr. HAWLEY. No; the gentleman's time is eternal; we all know that. If \$32,000,000 is not enough, please name your figure. About how much ought to be taken off? Will you add sugar? We will add any amendment that will take several millions more. I do not think you ought to go above about \$32,000,000. It is a little dangerous, with our excessive appropriations, but if you think \$40,000,000—

Mr. RANSOM. Will the Senator from Connecticut allow me to interrupt him?

Mr. HAWLEY. Just wait. I am stealing my time now. I do not want to be responsible for—

Mr. RANSOM. The Senator from Alabama allowed you to interrupt him. Will you not permit me to ask one question for information?

Mr. HAWLEY. Oh, yes; you are a good—

Mr. RANSOM. I am very much in earnest in this subject, if the Senator from Connecticut will believe me. I understand the Senator to say that he thinks the reduction of revenue ought to be about \$32,000,000.

Mr. HAWLEY. I did not make the figure. I am anxious to accommodate.

Mr. RANSOM. I understood the Senator just now to say that he thought it would be safe to reduce it \$32,000,000.

Mr. HAWLEY. Yes, I do.

Mr. RANSOM. With the present large expenditures you do not think it safe to go beyond that now?

Mr. HAWLEY. I did not say with certainty.

Mr. RANSOM. The Senator said that was his impression at this moment. Then you will reduce it by this bill \$32,000,000. That is all the reduction you propose?

Mr. HAWLEY. I propose what is agreeable.

Mr. RANSOM. Then you do not mean to touch the tariff. You have by the reduction of internal revenue made all the reduction you propose, and the result will be your enormous tariff will be left untouched, unreformed, for you have just said that \$32,000,000 is the amount you thought may be safely reduced. That being done, according to your opinion no other reduction can take place and the tariff must stand just as it is.

Mr. HAWLEY. I do not see the question the Senator was going to ask. No, we tried to begin upon the tariff, and in order that there might be no argument about it we took up two or three things that nearly the whole world agreed upon. But that would not suit them. Now, in August, after eight months of session, they wish to open the whole illimitable subject, though a handsome majority of the Senate has voted to commit the tariff in general to a commission for a report that will come in in December to be acted upon. In the mean time we offer just as much reduction as any safe business man in this world ought to attempt at present.

I submit it to bankers, to business men, the statisticians, and the statesmen of the United States and the world over if from thirty-five to forty million dollars reduction is not as much as is safe to try to make in the present condition, with the uncertainty about us, the possibility of great wars, and the enormous appropriations that we have made. I submit that question to the American people at the polls, and upon it I invite and challenge debate.

If \$32,000,000 is not enough, name your figure, take five or eight million dollars more; I will not quarrel with you about a little trifle of that kind. Americans have got over bothering about eight or ten million dollars, especially after the river and harbor bills we have agreed to. I will agree to all the reduction any business man will say can safely be made, but I ask no favor of any kind. Do I beg you? No, I do not; I dare you to have a vote without any further debate.

Mr. COCKRELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. MORGAN. I yield to the Senator from Missouri because he is a man who will not take a dare by banter offered to him and is always on the floor when it is made; and I am glad to see him.

Mr. COCKRELL. I want to disclose to the Senate a little secret and let the Senate know what has inspired the deep devotion and earnestness of my good friend from Connecticut.

Mr. HAWLEY. What is it?

Mr. COCKRELL. I will read it to you.

Mr. HAWLEY. Good.

Mr. COCKRELL. There was a committee appointed to investigate certain charges. Upon that committee was the Senator from Connecticut, and the distinguished Senator from Minnesota [Mr. WINDOM] was the chairman of it, and I happened to be a lay member of that committee. On the 31st day of May, 1882, before the Windom investigating committee, as it was called, there was a very distinguished Republican summoned. His name was Henry B. Miller, of Chicago, largely engaged in the whisky business. You will find that on page 20 of the testimony. Now turn to page 57 of the

testimony taken before that committee, when Mr. Miller was under examination, and you will find this:

Mr. COCKRELL. We are getting away with about \$150,000,000 of it this year in paying debts.

The question was the heavy revenues that the Government was receiving. The witness, this Mr. Miller, replies:

Well, your debts will be paid at this rate in about three years, and you cannot pay any more unless you go on Wall street and buy bonds at a premium. Now, I do not suppose we ourselves would have asked for a reduction, but we could not help it.

The friends, this witness says, of internal-revenue relief would not have asked a reduction, but they could not help it.

There were three or four bills introduced in Congress for the reduction of the tax, and we preferred to take charge of that ourselves, because this agitation was hurting our business. Then the tariff men—of course there is so much money coming in, and the tariff men do not want to take it off the tariff, and as I have always been educated in that doctrine, as a Henry Clay Whig, I am in favor of a protective tariff. I have always advocated a reduction of the tax on whisky.

Q. For the benefit of the tariff?

A. Yes.

Q. You made a kind of a combination with the tariff men?

A. Oh, no; they seduced us and then went back on us. After they seduced us they jilted us.

Q. When they got the tariff-commission bill through they were not so much in favor of the reduction of internal-revenue taxes?

A. Oh, no; they were tearing everything to pieces for the reduction of internal-revenue taxes until they got what they wanted, and then they left us out in the cold.

Now you see the reason of the earnestness and devotion of the Senator from Connecticut. He is trying to make the world believe in the honesty and sincerity of these men who are favoring a reduction of the internal-revenue taxes of the country, so that the tariff cannot be touched. They combined with the whisky men, then jilted the whisky men, and now the elections are coming on they fear their power, and they are tearing themselves to pieces with earnestness, with devotion, just as my good friend from Connecticut has done, to convince the whisky men of the country that they were honest and sincere.

Where does the demand for the reduction of internal-revenue taxes come from? From what source? From those who favor a high protective tariff, and the sole and only object under the shining sun is to take off an amount of internal-revenue taxes so that the tariff cannot be touched. There, in a nutshell, is the whole object and aim of this matter. It is not to benefit the tax-payers of this country; it is not to benefit the yeomanry who toil, and by their toil and sweat earn their daily bread.

You refused right here in the Senate to vote a tax off the producers of tobacco. You are not seeking to benefit them, and now you undertake to parade yourselves before the country as in favor of reducing taxation when it is only to convince the allies you made last fall and jilted, the whisky men, that you are honest and sincere in your first combination.

You can all readily see why the Senator from Connecticut is so earnest. He saw this investigation. He saw the attitude that the friends of this measure were placed in by this testimony of "Buffalo" Miller, as they call him. He lives in Chicago, I believe.

Mr. LOGAN. He used to live in Chicago. He lives in Springfield, Illinois.

Mr. COCKRELL. He formerly lived in Chicago.

Mr. LOGAN. Yes; a distiller there.

Mr. COCKRELL. Here was the combination, and when the tariff-commission bill got there they deserted and abandoned the ally they had prostituted, and when the fact is made known and this jilting is published then my good friend from Connecticut is trying to do away with the whole force and effect of it.

The Senator talks about reducing the taxes \$32,000,000. What is the effect of that reduction of taxation? It is to leave in existence that amount of interest-bearing bonds, the hoarded wealth of the country. The past year by the surplus revenue we paid off \$150,000,000. What was the effect of that? We forced \$150,000,000 of idle, inactive, burdensome, interest-bearing capital out of its hiding place into the avenues of business in this country. Now you propose to prevent a reduction of the bonded, interest-bearing debt of the country; yes, reduce the taxes so that we cannot pay off the bonds.

Over \$400,000,000 are now due and payable at the option of the Government. If we pay at the rate we have paid the past year we can pay them off in three years. Yet you are clamoring for a reduction of taxes, not to benefit the tax-payers of this country, but to keep on the high protective tariff. That is the alpha and the omega, the beginning and the end, of this matter. If there is no reduction of the kind you propose, the country is not hurt, the country is benefited; the laboring, toiling masses are benefited in this country. If there be no reduction of the kind you propose we shall pay off a larger amount of this interest-bearing, burdensome debt, and we shall force every dollar that is paid off from its hiding-place into the channels of commerce and business in this country. There will be railroad development; there will be public enterprises all over the country; there will be manufacturing establishments put up here and there; there will be ocean commerce; there will be the establishment of steamship lines from your eastern coast and from

New Orleans and other places; the idle, unemployed capital of the country will seek investment in that way.

Mr. President, we are perfectly willing as soon as these matters can be fairly and legitimately discussed to vote upon them; but knowing that the Senator from Connecticut had been present on that committee and heard this exposed, I could not forego the opportunity and the pleasure of presenting to the world the motives which inspired his earnestness and his devotion.

Mr. HAWLEY. I have seldom listened to a speech that has given me more unalloyed pleasure. I do not refer alone to the courtesy and kindness of the gentleman, with whom my personal relations are unexceptionable, but to the perfect simplicity with which he has fallen into a bottomless trap. Does the Senator desire high taxation that we may make a very heavy reduction on the debt annually? Does he desire to make a great payment on the debt every year?

Mr. COCKRELL. I hold to that doctrine which has always been taught and practiced by that party to which I have the honor of belonging, the payment of the national debt honestly and justly and as rapidly as possible; no standing debt in this country. The people want no bonded aristocracy.

Mr. HAWLEY. As honestly as some of the gentleman's Democratic States have paid their State debts?

Mr. COCKRELL. That, the Senator knows, does not refer to my State.

Mr. HAWLEY. No, I am happy to say it does not.

Mr. COCKRELL. My State needs no apology or vindication by the side of any State in this Union in anything.

Mr. HAWLEY. I am happy to say it; and certainly mine does not, which has just renewed some of her debts at a rate of 3.16, selling a 3½ per cent. twenty-year bond at 105. My State does not need it.

Mr. COCKRELL. We borrowed money in Missouri at 2½ per cent. when you gentlemen would not let us fund United States bonds for the Treasury at 3 per cent.

Mr. HAWLEY. I do not think the Senator will say that they borrowed at 2½.

Mr. COCKRELL. I do, and the record will show it.

Mr. HAWLEY. I will show that my State has made a loan at the lowest rate known among our States. But we will postpone that discussion.

The Senator introduced me to a stranger to-night, Henry B. Miller. I have been trying to remember Henry B. Miller. I had an old friend named Miller in college who went to Chicago and began the practice of law, but I think his name was not Henry B., nor is he a distiller.

Mr. LOGAN. Call him "Buffalo Miller," and then everybody will know him. That is the name he goes by.

Mr. HAWLEY. I do not know "Buffalo" Miller, though I have heard of Buffalo Bill. I think there is not a Republican among the distillers. I never heard Henry B. Miller's testimony to a supposed bargain made with high-tariff men. Probably I was absent from the sub-committee that morning. I never heard of it. If I had heard Henry B. Miller say there was a bargain with protectionists that direct taxation should be abolished in order to secure a high protective tariff, I should not have believed Henry B. Miller, because I should probably have heard of such a treaty before Miller testified of it. I have the credit of belonging to a high-tariff region.

The gentleman was never so mistaken in his life as when he supposes that he can get a vote in all New England for taking off all direct taxes. I tell him candidly I do not know a newspaper, a stumper, or an individual, high or low, who believes in taking them off. About the only persons in the United States whom I have heard of as advocating an abolition of all direct taxes are the Senator from Kentucky [Mr. WILLIAMS] and the Senator from North Carolina, [Mr. VANCE.] The Senator from North Carolina said yesterday:

Do you want to give any relief to the American people? Then why mock the common sense of mankind in this way? Give us a total abolition of the internal-revenue system. It is a remnant of the war. Wipe it all out and lay your duties upon the products that are imported in this country in such a manner that they will yield the necessary revenue. Wipe it all out and then your banks and bank capital may go; then your patent medicines also may go.

He proposed to us that if we would take all the tax off whisky and beer and tobacco we might have the tax off banks and banking, matches, checks, &c. That is a most extraordinary proposition; that is the proposition of the wildest protectionists that I have heard of in any section of the country. We received from direct taxation last year \$146,000,000. If we should abolish all direct taxation we have got to add \$146,000,000, or nearly that, to the duties upon imports. Will the gentleman be so kind as to take the list and tell me how that tax is to be imposed without making a very high and an exceedingly protective tariff, not a prohibitory tariff, because you must get your revenue; but I defy any statistician to levy an additional \$146,000,000 without vastly increasing the list of articles upon which the duty has been levied. Yet our Secretaries of the Treasury, our Republican economists, have always advised to reduce as soon as possible the number of imported articles taxed, and we have been very glad to do it. But if we follow the only men in this Chamber who have advocated an abolition of all direct taxation, we have got to restore the great number of articles taxed under a war tariff and on many things to increase the present duty.

There are no such extreme and fanatical protectionists in New England as the gentleman seems to intimate. I will not vote for the entire abolition of direct taxation, nor can the gentleman find a wise government or a wise head of finance in any foreign country that is in favor of taking all duties from whisky and tobacco. They are the legitimate plunder of the tax collector, the legitimate plunder of the exchequer in every government of the world. They all get a large part of their revenues from them. We should be immeasurably and insufferably foolish if we abolished those taxes. I am against it. The gentleman made no point against me in that respect.

I close, with my thanks to the Senator from Alabama for the time he has granted me, by again inviting and more than inviting those gentlemen to have a vote even upon their whole thirty-five proposed amendments without another word of debate. I could not teach them anything; I see that is useless. I think they believe they know it all; and indeed each side thinks it knows it all already; and let us vote on all the propositions in succession.

Mr. MORGAN. It would be very ungracious in the Senator from Connecticut to demand a vote at this moment after having occupied the floor so long.

Mr. HAWLEY. I beg the Senator's pardon. I am willing to yield.

Mr. MORGAN. The Senator has occupied a whole hour and more of time that I had intended to take to inform not the Senate of the United States so much as my own constituents of the real situation of the case before the country, for if I get them to understand it, that will be entirely satisfactory to me. I do not expect in anything I have to say to change any vote here, to change any opinion, to alter anybody's course, but I do expect to inform the people I have the honor in part to represent here of the grounds of our action and what it is we propose to do.

I was remarking about an hour and a half ago, when some of the Senators interrupted me, that since I had had the honor of a seat in this body I had never before had the opportunity of considering the subject of the tariff; and while I do not profess to be entirely competent to deal with that broad and very comprehensive subject, there are some features of it which concern the people whom I have the honor to represent which I believe I do understand as they understand them, and on which I feel as they feel, and which I desire to relieve against as they desire that they shall be relieved against.

No man ought to expect to be heard in speaking over a tariff which comprehends 2,000 articles of taxation, except to say that any country must be very badly tax-ridden which finds among its industries and among those things that the people are compelled to consume in order to live and have civilization a list of 2,000 articles of taxation.

I do not know that any one statement could be made which would point more directly upon the good sense and the statesmanship of the age in which we live than the fact that we have now after twenty years or more a tax list which covers over 2,000 articles of taxation. We might as well expect health in the human body with 2,000 distinct diseases preying upon it at the same time as to expect health in the body-politic with so broad and enormous a list of taxable articles as we have in our country.

I have not the slightest responsibility in the world for the existence of this system in its present form, or rather in its present deformity. I may justly say, I think, that the Democratic party has no responsibility for its existence in its present form; but I am not here this evening for the purpose of vindicating the conduct of the Democratic party or of berating the conduct of the Republican party upon this question, for since we have dismissed from our contemplation some subjects which heretofore have been a great grief to the country and which we have been compelled to get rid of in the best way we could, I rejoice at the fact that there is not only liberty of thought but liberality of thought in all parts of this great country upon this very important topic of tariff taxation.

In witnessing the division of opinion which has occurred and been exemplified by Senators here in the offering of amendments and in the votes given on this question, I have recognized the approach of a period in our history when the American Senate and House of Representatives and when the entire Federal Government will address itself to the consideration of this proposition, that we are here as the agents and representatives of the people of the United States, and that we desire to do them all the good that we can in our legislation.

I recognize and I welcome the approach of that period in our history when the Congress of the United States, and the Executive too, are no longer to devote their attention simply and purely to the maintenance of the political ascendancy of one party over another party, but when they will remember that there are some interests of the people of this country which even rise above party consideration and which demand at our hands that, forgetting our divisions to some extent, we should contrive for the people of the United States such measures as are just and equitable, such measures as comport with the genius of our institutions, and such measures as will bring profit and honor to the country, not disgrace and distress. So, sir, I welcome this tariff discussion in the Senate of the United States.

Mr. PENDLETON. (at six o'clock and fifty-five minutes p. m.) It is very apparent that there is not a quorum of the Senate here; and

with the consent of the Senator from Alabama I move that the Senate do now adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

Mr. MORRILL. I ask for the yeas and nays.

Mr. PENDLETON. Let us see if there are enough Senators present to call for the yeas and nays.

The PRESIDING OFFICER. Is the call for the yeas and nays seconded? [Counting.] The yeas and nays are ordered. There is a sufficient number up.

Mr. PENDLETON. I ask to have a count. There is not a fifth of the members present seconding the call that I see.

The PRESIDING OFFICER. That is a matter which the Chair must decide.

Mr. PENDLETON. Certainly the Chair must decide it, and I submit humbly to the Chair that he ought to decide it according to the fact.

The PRESIDING OFFICER. The Chair has no doubt whatever that more than one-fifth of the Senators present raised their hands to second the call.

Mr. LOGAN. How did the Senator from Ohio get the Senator from Alabama off the floor?

Mr. PENDLETON. He yielded for a motion to adjourn.

Mr. MORGAN. It was an act of politeness on my part.

The PRESIDING OFFICER. If the Senator from Ohio doubts that a sufficient number has seconded the call for the yeas and nays, the Chair will put the question again.

Mr. PENDLETON. I do not make any question with the Chair.

The PRESIDING OFFICER. The Chair will try it again. Those who second the demand for the yeas and nays will stand or raise their hands. [Counting.] A sufficient number is up, and the yeas and nays are ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. COCKRELL, (when the name of Mr. CAMERON, of Pennsylvania, was called.) My colleague [Mr. VEST] and the Senator from Pennsylvania [Mr. CAMERON] are paired.

Mr. BAYARD, (when the name of Mr. DAWES was called.) The Senator from Georgia [Mr. BROWN] is paired with the Senator from Massachusetts, [Mr. DAWES.]

Mr. CONGER, (when Mr. FERRY's name was called.) My colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. RANSOM, (when Mr. FRYE's name was called.) The Senator from Maine [Mr. FRYE] is paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. BAYARD, (when Mr. HAMPTON's name was called.) The Senator from South Carolina [Mr. HAMPTON] is paired with the Senator from Nevada, [Mr. JONES.]

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.]

Mr. MORGAN, (when his name was called.) I am paired with the Senator from Iowa, [Mr. ALLISON.]

Mr. PENDLETON, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.]

Mr. RANSOM, (when Mr. VANCE's name was called.) My colleague [Mr. VANCE] is paired with the Senator from Pennsylvania, [Mr. MITCHELL.]

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If I were not paired, I should vote "nay."

The result was announced—yeas 9, nays 15; as follows:

| YEAS—9. | | | |
|--------------------|-------------------|-------------------|------------|
| Bayard, | Coke, | Jonas, | Voorhees, |
| Beck, | Davis of W. Va., | Maxey, | Walker. |
| Call, | | | |
| NAYS—15. | | | |
| Aldrich, | Harrison, | Mahone, | Rollins, |
| Blair, | Hawley, | Miller of Cal., | Sherman, |
| Chilcott, | Logan, | Morrill, | Windom. |
| Conger, | McMillan, | Platt, | |
| ABSENT—52. | | | |
| Allison, | Ferry, | Ingalls, | Pendleton, |
| Anthony, | Frye, | Jackson, | Plumb, |
| Brown, | Garland, | Johnston, | Pugh, |
| Butler, | George, | Jones of Florida, | Ransom, |
| Camden, | Gorman, | Jones of Nevada, | Saulsbury, |
| Cameron of Pa., | Groome, | Kellogg, | Saunders, |
| Cameron of Wis., | Grover, | Lamar, | Sawyer, |
| Cockrell, | Hale, | Lapham, | Sewell, |
| Davis of Illinois, | Hampton, | McDill, | Slater, |
| Dawes, | Harris, | McPherson, | Vance, |
| Edmunds, | Hill of Colorado, | Miller of N. Y., | Van Wyck, |
| Fair, | Hill of Georgia, | Mitchell, | Vest, |
| Farley, | Hoar, | Morgan, | Williams. |

The PRESIDING OFFICER. The Senate refuses to adjourn; but no quorum has voted.

Mr. COCKRELL. I ask the Senator from Vermont if he will consent to an adjournment? It is now seven o'clock, and it must be apparent to him, as it is to us all, that nothing can be done to-night.

Mr. ROLLINS. I object to debate.

The PRESIDING OFFICER. Debate is not in order.

Mr. COCKRELL. Nothing can be done; there is no quorum, and we shall have to sit here, I suppose.

The PRESIDING OFFICER. The only thing in order is a call of the Senate.

Mr. ROLLINS. Let us have a call of the Senate.

The PRESIDING OFFICER. If any Senators desire to negotiate with reference to the matter of adjournment, the Chair by unanimous consent will allow it. Otherwise a call of the Senate will be ordered. The Secretary will call the roll of the Senate.

Mr. MORRILL. It seems to be obvious that the other side of the Chamber are determined to leave us without a quorum—

Mr. GROOME. Both sides.

Mr. COCKRELL. I protest against any such assumption. For every absent Democrat there is an absent Republican.

Mr. ROLLINS. They persistently refuse to allow us to vote until we find ourselves without a quorum.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. DAVIS, of West Virginia. But it is not in order for the Senator from Vermont to make a speech.

Mr. CONGER. I ask for a call of the Senate, so as to see, after these remarks, who is absent and who is present.

Mr. HAWLEY. I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll.

The Principal Legislative Clerk proceeded to call the roll.

Mr. COCKRELL, (when the name of Mr. CAMERON, of Pennsylvania, was called.) The Senator from Pennsylvania [Mr. CAMERON] and my colleague [Mr. VEST] are paired, and are absent from the Senate Chamber.

Mr. BAYARD, (when the name of Mr. DAWES was called.) The Senator from Georgia [Mr. BROWN] is paired with the Senator from Massachusetts, [Mr. DAWES.]

Mr. BAYARD, (when Mr. HAMPTON's name was called.) The Senator from South Carolina [Mr. HAMPTON] is paired with the Senator from Nevada, [Mr. JONES.]

Mr. HARRIS, (when Mr. JACKSON's name was called.) My colleague [Mr. JACKSON] is paired with the Senator from Kansas, [Mr. PLUMB.] Both Senators are absent.

Mr. PENDLETON, (when his name was called.) While I am here I am paired with the Senator from Massachusetts, [Mr. HOAR,] who did not believe that any vote would be reached to-night.

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. SAULSBURY, (when his name was called.) I am paired, and I do not know whether I am here for the purpose of this call or not. I am simply present; but I am paired with the Senator from Michigan, [Mr. FERRY.]

Mr. SAUNDERS, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

The roll-call was concluded.

Mr. MORGAN. It is due to the Senator from Iowa [Mr. ALLISON] that I should say that I am paired with him for one hour.

Mr. McDILL. I wish to say that the Senator from Oregon [Mr. SLATER] is necessarily absent from the Senate this afternoon, and upon all votes I am paired with him.

Mr. VOORHEES. My understanding is that the Senator from Mississippi [Mr. GEORGE] is paired with the Senator from Kansas, [Mr. INGALLS.] Both Senators are absent.

On the call of the roll the following Senators were found to be present:

| | | | |
|-----------|------------------|------------------|------------|
| Aldrich, | Davis of W. Va., | McMillan, | Ransom, |
| Bayard, | Gorman, | Mahone, | Rollins, |
| Beck, | Groome, | Maxey, | Saulsbury, |
| Blair, | Harris, | Miller of Cal., | Saunders, |
| Call, | Harrison, | Miller of N. Y., | Sewell, |
| Chilcott, | Hawley, | Morgan, | Sherman, |
| Cockrell, | Jonas, | Morrill, | Voorhees, |
| Coke, | Logan, | Pendleton, | Walker, |
| Conger, | McDill, | Pugh, | Windom. |

The PRESIDING OFFICER. The call of the Senate discloses thirty-six Senators present, no quorum.

Mr. ROLLINS. Let the absentees be called.

Mr. RANSOM. I move that the Senate adjourn.

Mr. MORGAN. Would it be in order for me to proceed? I see a beggarly array of empty benches, but I am very much in the habit of seeing that, and it does not disturb me.

The PRESIDING OFFICER. The motion to adjourn was made, and no quorum was present upon the vote. No quorum being disclosed upon a call of the Senate, no motion is in order except a motion to adjourn, or to request the attendance of absentees.

Mr. RANSOM. I have made a motion to adjourn.

Mr. CONGER. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. The Chair will take this occasion to say that it is utterly impossible to proceed unless Senators assist

the Chair in preserving order. The yeas and nays are demanded on the motion to adjourn.

The yeas and nays were ordered.

Mr. HARRIS. I wish to inquire of the Senator from Vermont if he desires to proceed with the consideration of the bill? If so, I shall vote with him.

Mr. MORRILL. I do.

Mr. HARRIS. Then he will have my vote.

The Principal Legislative Clerk proceeded to call the roll.

Mr. COCKRELL, (when the name of Mr. CAMERON, of Pennsylvania, was called.) The Senator from Pennsylvania [Mr. CAMERON] and my colleague [Mr. VEST] are paired.

Mr. McDILL, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. SEWELL, (when his name was called.) I am paired with my colleague, [Mr. McPHERSON,] with the right to vote only to make a quorum.

The roll-call was concluded.

Mr. MORGAN. I am paired with the Senator from Iowa, [Mr. ALLISON.]

The result was announced—yeas 7, nays 20; as follows:

YEAS—7.

| | | | |
|---------|------------------|-----------|---------|
| Bayard, | Davis of W. Va., | Jonas, | Walker. |
| Call, | Gorman, | Voorhees, | |

NAYS—20.

| | | | |
|-----------|-----------|------------------|----------|
| Aldrich, | Groome, | McMillan, | Platt, |
| Blair, | Harris, | Mahone, | Pugh, |
| Chilcott, | Harrison, | Maxey, | Rollins, |
| Cockrell, | Hawley, | Miller of N. Y., | Sherman, |
| Conger, | Logan, | Morrill, | Windom. |

ABSENT—49.

| | | | |
|--------------------|-------------------|-------------------|------------|
| Allison, | Farley, | Johnston, | Ransom, |
| Anthony, | Ferry, | Jones of Florida, | Saulsbury, |
| Beck, | Frye, | Jones of Nevada, | Saunders, |
| Brown, | Garland, | Kellogg, | Sawyer, |
| Butler, | George, | Lamar, | Sewell, |
| Camden, | Grover, | Lapham, | Slater, |
| Cameron of Pa., | Hale, | McDill, | Vance, |
| Cameron of Wis., | Hampton, | McPherson, | Van Wyck, |
| Coke, | Hill of Colorado, | Miller of Cal., | Vest, |
| Davis of Illinois, | Hill of Georgia, | Mitchell, | Williams. |
| Dawes, | Hoar, | Morgan, | |
| Edmunds, | Ingalls, | Pendleton, | |
| Fair, | Jackson, | Plumb, | |

The PRESIDING OFFICER. The Senate refuses to adjourn; but no quorum has voted.

Mr. HARRIS. I suggest to the Senator from Vermont that he move on the former call that absent Senators be requested to return to the Senate, or that he ask for a call of the Senate. Of course he knows that he can accomplish nothing without a quorum of the Senate, and we had better secure the assistance of a quorum before we proceed.

Mr. MORRILL. From the tactics pursued it is obvious that we cannot reach any vote to-night. I therefore move that we do now adjourn.

Mr. MORGAN. I believe I have the floor.

Mr. HARRIS. That motion is not in order.

The PRESIDING OFFICER. The motion is not strictly in order if a point is made upon it.

Mr. HARRIS. I do not make the point.

Mr. COCKRELL. I congratulate the Senator from Vermont on his successful effort.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate adjourn. [Putting the question.] The ayes seem to have it; the ayes have it.

Mr. ROLLINS. I ask for the yeas and nays. ["Too late!"]

The PRESIDING OFFICER. Does the Senator from New Hampshire insist on calling for the yeas and nays?

Mr. HARRIS. Had not the result been announced?

The PRESIDING OFFICER, (at seven o'clock and thirteen minutes p. m.) The Senator from New Hampshire demands the yeas and nays. Is the call seconded? [Counting.] The call is not seconded; and the yeas and nays are not ordered. The Senate stands adjourned until to-morrow at eleven o'clock.

HOUSE OF REPRESENTATIVES.

FRIDAY, August 4, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate, in pursuance of the Constitution,

had proceeded to reconsider the bill (H. R. No. 6242) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, returned to the House of Representatives by the President with his objections, and sent by the House of Representatives to the Senate with the message of the President returning the bill, and had passed the same, two-thirds voting in favor thereof.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House to the bill of the Senate of the following title:

A bill (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased.

The message further announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

A bill (H. R. No. 929) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri;

A bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury;

A bill (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States;

A bill (H. R. No. 6111) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6520) in relation to land patents in the Virginia military district of Ohio; and

Joint resolution (H. R. No. 288) to continue the provisions of a joint resolution to provide temporarily for expenditures of the Government.

The message also announced that the Senate had agreed, with amendments in which the concurrence of the House was requested, to the concurrent resolution of the House to print 300,000 copies of the annual report of the Commissioner of Agriculture of the year 1881.

EDWARD K. WINSHIP.

Mr. HARRIS, of Massachusetts. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 97, to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the Treasury of the United States be, and they are hereby, directed, in settling the accounts of Edward K. Winship, acting assistant paymaster, United States Navy, to credit him with all stoppages charged against him, amounting to \$5,098.15.

Mr. RANDALL. Let the report be read.

Mr. HARRIS, of Massachusetts. If the House will give me a few minutes I think I can explain this bill as satisfactorily as the report would explain it. Mr. Winship was a paymaster on board the supply ship Massachusetts which supplied the blockading fleet on our coast during the war. He disbursed something like six or seven millions of dollars. When he settled with the Department his accounts were all right. Some fifteen or sixteen years afterward, while he was abroad, he was sued for a balance of \$5,098, and judgment was obtained against him and execution issued. On his return he called at the Department and asked permission to examine the vouchers on file. He was allowed to do so; and it then turned out that there was one voucher for \$6,000 which the Treasury Department had not credited him with. The judgment which had been obtained against him had passed into the form of an execution, and therefore the Department had no power to make an adjustment.

I hold in my hand the Auditor's report, in which it is stated that the "balance due the United States per official statement is \$5,098.18," which is thus explained:

| Dr. | |
|--|-----------|
| To cash received on requisition 5457, warrant 3432, draft 395, July 1, 1864, and not charged on account current, as follows: | |
| Amount of requisition and draft..... | \$206,000 |
| Charged on account current..... | 200,000 |
| Amount received and unaccounted for..... | 6,000 |

That is to say, Mr. Winship received a draft for \$206,000 on the 1st of July, 1864, with which he proceeded to the fleet, instructed to pay \$50,000 to Paymaster Bradford for one purpose and \$150,000 for another purpose, and \$6,000 to be paid to the paymaster at Port Royal. I will incorporate the entire statement of the Auditor.

The statement is as follows:

Reconciling statement in the account of Edward K. Winship, late acting assistant paymaster, United States Navy. Supplementary to Report No. 6079. (Bonds, December 24, 1862.)

| | |
|---|------------|
| Balance due United States, per official statement | \$5,098 18 |
| Balance due paymaster, per account current | 1,510 15 |
| Difference | 6,608 33 |

Thus explained:
To cash received on requisition 5457, warrant 3432, draft 395, July 1, 1864, and not charged on account current, as follows:
Amount of requisition and draft..... \$206,000 00
Charged on account current..... 200,000 00

Dr.

| | |
|---|------------|
| Amount received and unaccounted for..... | \$6,000 00 |
| To gain on small stores, per account current, not charged to himself..... | 516 10 |
| Errors on pay-roll, as follows: | |
| To B. F. Morris, A. M. M., allotment not checked..... | 20 00 |
| To No. 3. James B. Lippencott, yeo., error in computing pay..... | 2 00 |
| To No. 37. Antonio Miles, sea., error in computing pay..... | 40 00 |
| To No. 57. John Sutgens, 2d C. F., excess pay, one day..... | 83 |
| To No. 65. James Pine, C. H., excess pay, one day..... | 60 |
| To No. 66. Ira Mulligan, C. H., excess pay, ten days..... | 6 00 |
| To No. 70. H. A. Williams, C. H., excess pay, ten days..... | 6 00 |
| To No. 75. James B. Mitchell, lds., excess pay, two days..... | 80 |
| To No. 76. Thomas Martin, lds., excess pay, two days..... | 80 |
| To No. 86. Thomas Larney, lds., excess pay, one day..... | 40 |
| To No. 89. Turil Ulrich, cox., excess pay, six days..... | 4 80 |
| To No. 91. Abraham Thompson, lds., excess pay, one day..... | 40 |
| To No. 92. James Bogant, lds., excess pay, one day..... | 40 |
| To No. 99. Charles E. Price, 2d C. B., error in computing pay..... | 1 50 |
| To No. 111. William Palmer, lds., excess pay, one day..... | 40 |
| To No. 124. Valentine Van Holt, lds., excess pay, two days..... | 80 |
| To No. 144. Charles W. Owen, 2d C. F., excess pay, one day..... | 83 |
| To No. 240. John Cornish, lds., excess pay, ten days..... | 4 00 |
| To No. 536. Hugh Baety, 2d., excess pay, two days..... | 1 67 |

6,608 33

SECOND COMPTROLLER'S OFFICE, December 2, 1875.

E. B. CURTIS, Acting Comptroller.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE, December 2, 1875.

S. J. W. TABER, Auditor.

Mr. HARRIS, of Massachusetts. I hold in my hand certified copies from the Auditor's department, which are as follows:

Received 5 July, 1864, from E. K. Winship, A. A. paymaster, U. S. Navy, under appropriation "pay of the Navy," one hundred and fifty thousand dollars, for which I am accountable to the U. S. Navy Department.

J. O. BRADFORD,

Fleet Paymaster, U. S. S. A. B. Squadron.

\$150,000.

Certified to be a true copy.

CHAS. BEARDSLEY,

Fourth Auditor.

Received 5 July 1864, from E. K. Winship, A. A. paymaster, U. S. Navy, acc't "prize-money," fifty thousand dollars, for which I am accountable to the U. S. Navy Department.

J. O. BRADFORD,

Fleet Paymaster, U. S. S. A. B. Squadron.

\$50,000.

Certified to be a true copy.

CHAS. BEARDSLEY,

Fourth Auditor.

Received 6th July, 1864, from E. K. Winship, A. A. paymaster, U. S. Navy, under appropriation for "naval station, Port Royal," six thousand dollars, for which I am accountable to the U. S. Navy Department.

FRANK C. COSBY,

Paymaster, U. S. S. Vermont.

\$6,000.

Certified to be a true copy.

CHAS. BEARDSLEY,

Fourth Auditor.

That voucher for \$6,000 was never credited to Mr. Winship, but the Treasury Department was so well satisfied that the judgment obtained against him was wrong that they have been holding back the execution in order to give Mr. Winship an opportunity to obtain from Congress authority to have this matter settled at the Department.

Mr. RANDALL. Is there any letter from the Department in corroboration of the statements which the gentleman has made? Not that I doubt his word, of course.

Mr. HARRIS, of Massachusetts. No, sir. I will say to the gentleman in frankness that although the Senate committee, as well as the House committee, reported favorably upon this bill, these papers never came into my hands until to-day. As I am informed, these certified copies from the Auditor were furnished in duplicate. One set of them was handed to Senator JONES, who mislaid them, and therefore they do not appear in the report. All this matter has been thoroughly examined, and the Treasury Department is satisfied that the measure is right. I trust that no member of the House will object to doing justice to an officer who disbursed \$6,000,000 and of whom the Auditor says that his accounts were excellently kept and properly rendered.

Mr. HOLMAN. This claim appears to be meritorious; but there is one explanation which I think ought to be given. I would like to know how it happens that this voucher for \$6,000 was overlooked in the statement of this officer's accounts.

Mr. HARRIS, of Massachusetts. It is to be remembered, Mr. Speaker, that this officer after leaving the Navy went to Philadelphia and was there two years as chief officer of the sub-treasury. After serving in that capacity, he went abroad; and while he was abroad suit was brought against him and his bondsmen without notice to him of the deficiency, and with no opportunity on his part for explanation. Upon his return he went to the Treasury Department and asked to look at his vouchers, which were handed to him. He called upon the officers of the Treasury to show what they had done with this voucher for \$6,000. They said it had not been applied at all.

Mr. HOLMAN. Was there any reason why it was not applied?

Mr. HARRIS, of Massachusetts. I do not know the reason.

Mr. MILLS. I suppose it was overlooked by the officer in drawing the account.

Mr. HARRIS, of Massachusetts. It is admitted at the Treasury Department that this measure is right. I will say that this receipt for \$6,000 is larger in amount than the deficiency with which he was charged, which was only \$5,098. This officer was accustomed to go on board the Massachusetts, taking with him from \$250,000 to \$500,000 to be disbursed among the fleet. He left on the 1st day of July, and on the 6th he received this voucher.

Mr. MILLS. We are all satisfied.

There being no objection, the bill was ordered to a third reading, read the third time, and passed.

Mr. HARRIS, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. HOLMAN. I have a resolution of public interest which I ask may be read. I hope it will be adopted by unanimous consent.

The Clerk read as follows:

Resolved, That House bill No. 2878 entitled "A bill in relation to land grants," which bill declares forfeited all lands heretofore granted by Congress to aid in the construction of railroads to which the railroad companies which obtained the benefit of the grants were not entitled to patents when the time expired for the completion of the railroads respectively, and that said land be restored to the public domain, be made a special order for December 6, 1882, and be open to debate and amendment until disposed of, subject to reports of the Committees on Ways and Means and Appropriations.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. HAZELTON. I object; I would like to know something about it.

Mr. HOLMAN. Does the gentleman wish these companies to retain 96,000,000 acres of lands wrongfully obtained by them?

Mr. HAZELTON. Where does the resolution come from?

Mr. HOLMAN. I offer it. Is not the gentleman willing to have it considered?

Mr. HAZELTON. Let it come in in regular order.

Mr. HOLMAN. This is its regular order. If a measure of great public moment like this is to be kept out by the cry of "regular order," then I must insist on the regular order as to other propositions. [Cries of "Regular order!"]

The SPEAKER. The gentleman has the right to object.

Mr. HOLMAN. Perhaps he does not understand the measure.

The SPEAKER. Objection being made, the resolution is not before the House.

PROTESTANT ORPHAN ASYLUM, NATCHEZ, MISSISSIPPI.

Mr. LYNCH. I ask unanimous consent for the present consideration of the bill (H. R. No. 2455) for the relief of the Protestant orphan asylum of Natchez, in the State of Mississippi.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury be authorized and required to audit, settle, and pay the claim of the Protestant orphan asylum of the city of Natchez for the use and occupation of the property of the said asylum by the United States military authorities during the late war: *Provided*, That the amount allowed shall not exceed the sum of \$1,750; nor shall any allowance be made for any damage done to said property during such use or occupation, or otherwise.

Mr. MILLS. I will ask whether it has been customary to pass bills here making payment for the use and occupation of houses by Federal troops in the South during the war? There has been a claim here for the use and occupation of a Methodist establishment in the city of Nashville; but I do not think we have ever paid that claim.

Mr. LYNCH. I will explain this matter.

Mr. MANNING. Because we have not paid proper claims heretofore, I hope the gentleman from Texas [Mr. MILLS] will not object to this.

Mr. MILLS. I have not made objection.

The SPEAKER. Is there objection?

Mr. HOLMAN. I do not wish to object to this measure.

Mr. MANNING. I hope the gentleman from Pennsylvania will not object.

Mr. SMITH, of Pennsylvania. It is in conflict with the settled policy of the House and the settled policy of the Government.

Mr. HOLMAN. I do not say anything about the claim, but the subject seems to be a meritorious one, and I will state to my friend from Pennsylvania if it be expressly provided that this shall not be understood as giving the sanction of Congress to the payment for property occupied by the Federal troops in the insurrectionary States during the war, then he ought to withdraw his objection.

Mr. MILLS. We will not accept any such construction.

Mr. SMITH, of Pennsylvania. Does the gentleman from Indiana favor the bill?

Mr. HOLMAN. I say the subject is a meritorious one, and with the reservation I have mentioned I do favor it.

Mr. MANNING. This cannot be invoked as a precedent one way or the other.

Mr. LYNCH. If I am allowed to explain the matter, I do not think there will be a single objection to it.

Mr. SMITH, of Pennsylvania. I do not object of course to the gentleman from Mississippi being allowed to explain the bill.

Mr. MANNING. I hope the gentleman from Mississippi in charge of the bill will have an opportunity to explain the reason why it should be passed.

Mr. LYNCH. I will be glad to explain it, if the House will allow me.

Mr. HUTCHINS. I desire to offer a resolution for reference.

Mr. LYNCH. I wish to say this in regard to this bill—

Mr. MANNING. I hope we will have order, so the gentleman from Mississippi can be heard in explanation of this measure.

Mr. LYNCH. In regard to this matter, Mr. Speaker, I will say that the bill introduced by me in the Forty-fourth Congress recommended an appropriation of \$10,000 to reimburse the Protestant orphan asylum at Natchez, Mississippi, for damage done to that property during the war. That appropriation was based upon an estimate of a board of military officers appointed by General Grant to assess the damage done to the property. It was situated within the fortification which was built. It was at the time used as a Protestant orphan asylum; the occupants were orphans and the managers of the institution were women, so that they were all non-combatants; so that it could not be considered as "rebel property" in the ordinary acceptance of that term, because, sir, nobody on this side of the House would be more opposed to paying claims of that kind than I would be.

As I have said, the bill was introduced by me in the Forty-fourth Congress, and referred to the Committee on War Claims, and by that committee, of which the honorable gentleman from Pennsylvania [Mr. SMITH] was a member, was carefully and thoroughly considered. It was unanimously reported by the Committee on War Claims of the Forty-fourth Congress.

The bill does not allow anything on account of damages, because that would be a bad precedent; but in view of the fact it was a charitable institution, occupied at the time by non-combatants, an allowance of \$1,750 is made for the time the property was occupied, but nothing whatever for damages.

Mr. ATHERTON. Who occupied it?

Mr. LYNCH. It was within the fortification, and one of the out-buildings was destroyed and the entire property considerably dilapidated by the occupancy of the Union forces.

Mr. ATHERTON. Was its use valuable to the Government of the United States?

Mr. LYNCH. It was.

Mr. ATHERTON. Is not this a similar case to the one already passed relative to William and Mary College in Virginia.

Mr. MANNING. That bill did not pass, although an eminently meritorious case, and having warm supporters on the other side of the House.

Mr. LYNCH. I examine each case on its individual merits.

Mr. ATHERTON. If you begin to pay claims of this kind, where will they end?

Mr. LYNCH. At the end of this case, so far as I am concerned.

Mr. MANNING. Let each case stand on its individual merits.

Mr. SMITH, of Pennsylvania. This claim is directly in conflict with the settled policy of the Government.

Mr. LYNCH. You would not allow one and deny the other?

Mr. MANNING. I wish to add that this bill passed unanimously in the Senate, and I hope the gentleman will withdraw his objection and let it pass.

Mr. LYNCH. It passed the Senate unanimously.

Mr. SMITH, of Pennsylvania. I want to say simply this in support of the objection I make that this case comes in direct conflict with the act of 1864, as well as the act of 1867, which provides that no compensation shall be allowed for the use or occupation of property, in States in rebellion, by the General Government, and in harmony with that general doctrine we have uniformly acted since the organization of the Committee on War Claims. I therefore object.

Mr. HOLMAN. I ask a moment on this question.

The SPEAKER. Objection having been made, the bill is not before the House.

Mr. MANNING. Do I understand the gentleman from Pennsylvania to insist upon his objection?

Mr. SMITH, of Pennsylvania. I not only insist upon it but I give the reasons for insisting, that this is an effort to get this bill through in direct conflict with the statutes of 1864 and 1867.

The SPEAKER. This bill is not before the House, objection having been made.

AMENDMENT TO THE CONSTITUTION.

Mr. HUTCHINS, by unanimous consent, introduced a joint resolution (H. R. No. 239) proposing an article of amendment to the Constitution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I desire, Mr. Speaker, to present at this time a privileged report. I submit the conference report on the naval appropriation bill.

The SPEAKER. The statement accompanying the report will be read.

The statement is as follows:

The managers on the part of the House of the conference on the naval appropriation bill submit the following detailed statement in explanation of the accompanying report.

The effect of the action recommended on each of the amendments will be, if accepted by the two Houses, as follows:

On amendment numbered 1: Provides that the two assistant surgeons not in the line of promotion shall, after fifteen years' service, be entitled to receive, as annual pay, when at sea, \$2,100; when on shore duty, \$1,800, and when on leave or waiting orders, \$1,600.

On amendment numbered 2: Provides that vacancies in the Engineer Corps of the Navy and in the Marine Corps shall be filled with graduates from the Naval Academy.

On amendments numbered 2, 3, 4, 5, 6, 8, and 76, relating to naval cadets and graduates: Provides that the number of appointments from such graduates shall not be less than ten in each year; repeals so much of section 1521 of the Revised Statutes as is inconsistent with the provisions of this act touching naval cadets and graduates, and provides "that any cadet whose position in his class entitles him to be retained in the service may, upon his own application, be honorably discharged at the end of four years' course at the Naval Academy, with a proper certificate of graduation," and "that the Secretary of the Navy may prescribe a special course of study and training at home or abroad for any naval cadet."

On amendment 9: Strikes out the provision that "the appointments of chaplains and assistant surgeons shall be made from civil life as now provided by law."

On amendments 10, 11, and 12: Provides for five paymasters more than was allowed by the bill as it passed the House, and thirty less than is provided for by existing law.

On amendments 13 and 14: Provides for sixty passed assistant and forty assistant engineers in lieu of one hundred passed assistant and assistant engineers.

On amendments 15, 16, 17, 18, 19, 20, and 21, inserts the following: "Hereafter there shall be no promotion or increase of pay in the retired list of the Navy, but the rank and pay of officers on the retired list shall be the same that they are when such officers shall be retired. Hereafter only one-half of the vacancies in the various grades in the line of the Navy shall be filled by promotion until such grades shall be reduced to the following numbers, namely, rear-admirals, six; commodores, ten; captains, forty-five; commanders, eighty-five; lieutenant-commanders, seventy-four; lieutenants, two hundred and fifty; masters, seventy-five; ensigns, seventy-five, and thereafter promotions to all vacancies shall be made, but not to increase either of said grades above the numbers aforesaid: And provided further, That whenever on an inquiry had pursuant to law, concerning the fitness of an officer of the Navy for promotion, it shall appear that such officer is unfit to perform the duties of the place to which it is proposed to promote him, by reason of drunkenness, or from any cause arising from his own misconduct, and having been informed of and heard upon the charges against him, he shall not be placed on the retired list of the Navy, and if the finding of the board be approved by the President, he shall be discharged with not more than one year's pay."

On amendment 22: Strikes out the following: "That the active list of lieutenants in the Navy shall hereafter consist of two hundred, and until the number of lieutenants now on the active list of the Navy shall be reduced below the number of two hundred and twenty-five no promotion shall be made to fill vacancies occurring in said grade: *Provided*, That no lieutenant now in the service shall be reduced in rank or deprived of his commission by reason of the provisions of this rank."

On amendments 23, 24 and 25: Makes verbal corrections to perfect text of the bill and provides that officers of the Navy traveling abroad under orders hereafter issued shall travel by the most direct route, the occasion and necessity for such order to be certified by the officer issuing the same.

On amendments 27 and 28: Inserts the following: "For beginning the transfer to copper plates of five hundred and thirty photolithographic charts \$15,000," and makes a verbal correction in the text of the bill.

On amendment 30: Strikes out the following: "The Secretary of the Navy may, in his discretion, furnish to the American Ordnance Company fourteen smooth-bore iron guns of the Rodman, Dahlgren, and Parrott models, of not less than 9-inch bore, and four gun carriages, and the use of instruments for testing the velocity of projectiles, for the purpose of making tests and experiments in the improvement of heavy ordnance: *Provided*, That the Government of the United States shall not incur or be liable in any event for any expense in the conduct of such tests or experiments; and after the same have been completed, and not later than the 1st day of March, 1883, said guns and gun-carriages and instruments shall be returned to the United States; and said American Ordnance Company shall not be liable for any damage said guns or gun-carriages may sustain in the conduct of such tests or experiments, or in consequence of any alterations made in the same."

On amendment 31: Makes the appropriation for the Bureau of Equipment and Recruiting \$750,000.

On amendment 34: Provides for rent of officers' quarters at League Island and makes the appropriation for maintenance of yards and docks \$220,000.

On amendment 38: Appropriates \$30,000 for maintaining naval hospitals at the various navy-yards and stations.

On amendment 41: Provides for purchase of water for vessels for cooking and drinking purposes.

On amendments 53 and 57: Provides that no change in the plans for building the two new iron or steel cruisers shall be made after work has been commenced, or a contract made for it exceeding \$500 except upon the approval of the naval advisory board, and that the steel for their construction shall be of a ductility in eight inches of not less than 25 per cent., and that the contractors for building said ships shall discharge the Government from all liability on account of the plans adopted and used.

On amendment 62: Provides that the work of completing the Miantonomoh and launching the other monitors shall be under the Bureau of Construction and Repair.

On amendment 67: Provides "for the purchase of one testing-machine, for making tests of plate-iron, &c., \$6,000."

On amendment 68, for the Marine Corps: Provides "for the purchase of forage, \$4,680: *Provided*, That no commutation for forage shall be paid."

On amendments 69, 70, and 71: Makes section of the bill read as follows:

"Sec. 2. That it shall be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause an account to be taken of the stock of stores and supplies pertaining and belonging to the several bureaus of the Navy Department, in which account shall be stated the original cost of each article and the date of purchase, so far as the same is known, and cause an appraisement of the present value of such stores and supplies to be made and entered in such account; and said appraised value, when so entered, shall hereafter be the price at which they shall be charged in accounting with the several bureaus. Such appraisals shall be made by boards of officers of the Navy to be designated by the Secretary; and all such stores and supplies as shall be found by boards of appraisers to be un-serviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury. And no old material of the Navy shall hereafter be sold or exchanged by the Secretary of the Navy, or by any officer of the Navy, which can be profitably used by reworking or otherwise in the construction or repair of vessels, their machinery, armor, armament, or equipment; but the same shall be stored and preserved for

future use. And when any such old material cannot be profitably used as aforesaid, the same shall be appraised and sold at public auction, after public notice and advertisement shall have been given according to law under such rules and regulations and in such manner as the said Secretary may direct. The net proceeds arising from the sales of such old material shall be paid into the Treasury. It shall be the duty of the Secretary of the Navy annually to report in detail to Congress, in his annual report, the proceeds of all sales of materials, stores, and supplies, made under the provisions of this act, and the expenses attending such sales. It shall also be the duty of the Secretary of the Navy, as soon as may be after the passage of this act, to cause to be examined by competent boards of officers of the Navy, to be designated by him for that duty, all vessels belonging to the Navy not in actual service at sea, and vessels at sea as soon as practicable after they shall return to the United States, and hereafter all vessels on their return from foreign stations, and all vessels in the United States as often as once in three years, when practicable; and said boards shall ascertain and report to the Secretary of the Navy, in writing, which of said vessels are unfit for further service, or, if the same are unfinished in any navy-yard, those which cannot be finished without great and disproportionate expense, and shall in such report state fully the grounds and reasons for their opinion. And it shall be the duty of the Secretary of the Navy, if he shall concur in opinion with said report, to strike the name of such vessel or vessels from the Navy Register, and report the same to Congress."

On amendments 72, 73, 74, and 75: Makes section 3 of the bill read as follows: "No officer of the Navy whose pay is appropriated for in this bill shall be employed on any shore duty after October 1, 1882, unless the Secretary of the Navy shall determine that the employment of an officer on such duty is required by the public interests, and shall so state in the order of employment, and also the duration of such service, beyond which time it shall not continue."

Upon amendments 35 and 36, striking out the provision that certain navy-yards shall be closed, and touching the acquisition of additional lands and water-front contiguous to the Norfolk navy-yard, the conference committee are unable to agree.

The bill as agreed upon in conference appropriates \$14,816,176.70, being \$175,267.89 less than was appropriated for the year 1882.

GEO. M. ROBESON,
J. H. KETCHAM,
J. D. C. ATKINS,

Managers on the part of the House.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 30, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 19, 20, 21, 23, 24, 25, 27, 31, 57, 67, 68, 70, 71, 73, and 76, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 3, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "Nor deprive of such appointment any graduate who may complete the six years' course during the year 1882;" and agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted insert the following: "Hereafter there shall be no promotion or increase of pay in the retired list of the Navy, but the rank and pay of officers on the retired list shall be the same that they are when such officers shall be retired;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 16, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: "Hereafter only one-half of the vacancies in the various grades in the line of the Navy shall be filled by promotion, until such grades shall be reduced to the following numbers, namely: Rear-admirals, 6; commodores, 10; captains, 45; commanders, 85; lieutenant-commanders, 74; lieutenants, 250; masters, 75; ensigns, 75; and thereafter promotions to all vacancies shall be made, but not to increase either of said grades above the numbers aforesaid;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 18, and agree to the same with amendments as follows:

After the word "of," where it occurs in said amendment, insert the words "and heard upon;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 22, and agree to the same with amendments as follows: Strike out the words proposed to be inserted by said amendment, and strike out all of lines 5 to 12, inclusive, on page 6 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 34, and agree to the same with amendments as follows: In lieu of "seventy" insert "twenty;" and on page 12 of the bill, in line 20, after the word "ferriages," insert the words "rent of officers' quarters at League Island;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 53, and agree to the same with an amendment as follows: On page 16 of the bill, in line 19, after the word "twenty," insert "five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 62, and agree to the same with amendments as follows: Strike out, in the words proposed to be inserted by said amendment, the word "board," and insert in lieu thereof the word "bureau," and add at the end of said amendment the word "to;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate No. 69, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment, and insert in lieu thereof the following: "All such stores and supplies as shall be found by boards of appraisers to be un-serviceable for use in the Navy shall be condemned and sold in the manner hereinafter provided for the sale of old materials, and the proceeds thereof, after deducting the cost of such appraisal, condemnation, and sale, shall be paid into the Treasury. And no old material of the Navy shall hereafter be sold or exchanged by the Secretary of the Navy, or by any officer of the Navy, which can be profitably used by reworking or otherwise in the construction or repair of vessels, their machinery, armor, armament, or equipment; but the same shall be stored and preserved for future use. And when any such old material cannot be profitably used as aforesaid, the same shall be appraised and sold at public auction, after public notice and advertisement shall have been given according to law, under such rules and regulations and in such manner as the said Secretary may direct. The net proceeds arising from the sales of such old material shall be paid into the Treasury. It shall be the duty of the Secretary of the Navy annually to report in detail to Congress in his annual report the proceeds of all sales of materials, stores, and supplies made under the provisions of this act, and the expenses attending such sales;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: On page 34 of the bill, in line 12, after the word "duty," insert the words "after October 1, 1882;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 74 and 75, and agree to the same with amendments as follows: Strike out the words proposed to be inserted by amendment numbered 75, and strike out, on page 34 of the bill, in lines 16 to 19, inclusive, the following words: "And other officers when not at sea shall be placed on leave of absence or waiting orders or on furlough, as the Secretary of the Navy may direct;" and the Senate agree to the same.

Upon amendments numbered 35 and 36 the committee was unable to agree.

GEO. M. ROBESON,
J. H. KETCHAM,
JNO. D. C. ATKINS,
Managers on the part of the House.
EUGENE HALE,
JOHN A. LOGAN,
H. G. DAVIS,
Managers on the part of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed, without amendment, a joint resolution and bill of the House of the following titles:

Joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries; and

A bill (H. R. No. 5740) for the relief of the heirs of Major D. C. Smith.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, joint resolutions and bills of the House of the following titles:

Joint resolution (H. R. No. 205) granting the use of articles, tents, &c., at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882;

Joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Tip" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls or field-piece for monumental purposes;

Joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882;

A bill (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam-vessels;

A bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, and for other purposes; and

A bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad.

The message further announced that the Senate had passed a joint resolution and bill of the following titles, in which the concurrence of the House was requested.

A joint resolution (S. R. No. 99) allowing the widow of George P. Marsh, late minister to Italy, one-half year's salary; and

A bill (S. No. 2092) for the relief of Major W. R. King.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. In further explanation of the conference report I wish to say that most of the amendments as detailed which are accepted are verbal changes which are of very little importance. The only substantial questions which remained for the consideration of the conference committee were: first, the question of the reduction of the number of line officers. The House having by its action struck out the grade of commodore, this provision of the House was not assented to by the Senate. The House also struck out eighty lieutenants; this provision was agreed to by the Senate with an amendment, making the number stricken out, I believe, fifty-five. Upon these points the conferees on both sides came to a compromise, which was this: we agreed to reduce the number of commodores instead of absolutely striking them out. We do this in deference to a sentiment which seems to exist in some quarters in favor of the name of commodore. We agreed to reduce them to ten; but as we thought it was not necessary to have so many higher officers in command when we made this concession, to reduce the number of admirals, which is now ten, to six in the future. Then we agreed also to distribute our reduction, which had fallen directly upon the lieutenants, all along the line of officers from admiral to cadet-midshipman.

Mr. MCCOOK. The practical result of that will be to cut off all hope of promotion.

Mr. ROBESON. I ask the gentleman to possess his soul in patience for a few moments.

Mr. MCCOOK. I have heard enough to satisfy me that the effect of this bill as it comes from the conference committee is to prevent the promotion of men who served in the war instead of cutting it off where it ought properly to be cut off.

Mr. ROBESON. With regard to the effect of these provisions, we have provided that promotion movement in the service shall be preserved by not stopping promotion in the various grades, but by providing that half of the number of the promotions as they occur in the ordinary lapse of time shall be made until the various grades come

down to the number absolutely fixed. This makes the reduction slower in process than we had provided for; but it gives officers the opportunity of promotion, though not as rapidly as formerly; just half as rapidly as would have been the case under existing law.

The result of this is, without very great substantial difference in the amount of the reduction, to make the operation of the provision, as I understand it, more satisfactory to the general body of the officers of the Navy, because if we stopped the promotion to the grade of commodore absolutely until they were wiped out it might take seven or eight years before any captains could be promoted, and of course a like lapse of time before any commodores or any of the lower grades could be promoted. The men who served in the war are now lieutenant-commanders, commanders, captains, commodores, and admirals—not many below them, that I now recall; perhaps there may be a few lieutenants remaining who served in the war.

We have left this avenue open to keep the stream in motion. Instead of striking out the commodores absolutely and stopping all motion and promotion for six or seven years—

Mr. MCCOOK. And limiting the number?

Mr. ROBESON. And limiting the number. We have left the promotion all along the line in order to meet just that difficulty. Instead of stopping all promotions for seven years, we have given them half of the regular promotions till they are reduced to a fixed number, then the regular promotions again commence and go on as now.

Mr. MCCOOK. I do not think you even could get through the House a bill to stop all promotions.

Mr. ROBESON. We did get through the House the provisions of the House bill on this subject.

Mr. MCCOOK. You ought not to have done it.

Mr. ROBESON. We got it through against the gentleman's vote and notwithstanding his opposition.

Mr. MCCOOK. Yes, you did.

Mr. ROBESON. The next point of substantial difference was upon the question of the sale of old material and ships, as provided for in the House bill upon the recommendation of the Committee on Naval Affairs of the House and in accordance with their bill which passed this House in the last Congress. On that provision the Senate differed with us, struck out the whole provision, and postponed the operation of it until the next session of Congress.

On that point we have again compromised by agreeing that the old material and provisions shall be sold in accordance with the action of the House, but that no ships shall be sold until a report is made to Congress. We provide that in the mean time boards of survey shall be appointed to examine these ships and have them appraised, and to report their recommendation to the Secretary of the Navy, who shall submit the report to Congress for its action.

We thus provide that the old useless material, scraps, and perishable stores may be sold under the House provision of the bill, but in deference to the views of the Senate we provide that no ships shall be sold until they have been appraised, as I have already stated, and that appraisement and their recommendation reported to Congress for its further action.

Mr. HEWITT, of New York. The old material to be sold by advertisement.

Mr. ROBESON. By "public advertisement according to law;" those words are specially introduced. We have also stricken out, in deference to the views of the Senate, the provision that naval officers may be employed upon civil duties at the navy-yards; and we did that the more readily in deference to the views of some gentlemen of the House.

Mr. PEELE. Will the gentleman state what is the difference in the actual amount of the bill as reported by the committee of conference and as it originally passed the House?

Mr. ROBESON. It is \$530,000 less than it originally passed the House, and \$175,000 less than the bill that passed the House last year.

Mr. BOWMAN. Will the gentleman allow me to ask him a question?

Mr. ROBESON. Certainly.

Mr. BOWMAN. What objection is there to the House concurring in Senate amendment No. 35, in regard to dismantling navy-yards?

Mr. ROBESON. I have not yet reached that. The only question on which we disagreed was the question of allowing the Secretary of the Navy, under the provisions which the House adopted, to discontinue the use of such of the navy-yards as he thought could be dispensed with, and the work concentrated in other and fewer navy-yards, with advantage to the service and economy to the Government.

This House had agreed to that proposition by a vote so large, when the proposition was made, that the conferees on the part of the House insisted upon retaining that provision. The Senate by a vote not large had disagreed to it. The conferees on the part of the Senate, feeling themselves instructed by the vote of the Senate, were not able to agree with us on that proposition. The right of the proposition is so evident on our side that every reasoning man, on the admitted statistics, must admit the correctness of it. By the statistics it appears that it takes \$10,000,000 to expend \$11,000,000, as the navy-yards are now organized and carried on.

As we have seven navy-yards on the Atlantic coast and one on the Pacific coast, and the work on the Atlantic coast can be done with two or three navy-yards, and the work on the Pacific coast can be done with one, the House concluded that it was in the interest of

general economy and in the interest of good government, not that these navy-yards should be destroyed, not that they should be sold, not that they should be absolutely given up, but that work at them should be discontinued while there was no great amount of work to be done. Therefore on that subject the conferees stood firm upon the House action, which was an action which has been twice sustained by an overwhelming majority, quite three-fourths.

Mr. O'NEILL. I desire to ask the gentleman a question.

Mr. ROBESON. Certainly.

Mr. O'NEILL. The gentleman has stated it requires \$10,000,000 to expend eleven millions at the navy-yards.

Mr. ROBESON. It has required in the last five years ten and one-half millions of dollars to expend \$11,900,000 in the navy-yards on the Atlantic coast, exclusive of the pay of the officers stationed there.

Mr. O'NEILL. That is what I understood the gentleman to say, and he made the same remark a few days ago when the Senate amendments to this bill were then before the House. Now, that cannot be said of such a Secretary of the Navy as we now have, who is a thorough business man. Whatever extravagance in expenditures of money has occurred within the last five years under prior Secretaries of the Navy, that would not apply to the present Secretary of the Navy, who, being a business man, would know what to do with money, and would never take ten and a half millions of dollars to expend eleven millions. It was not the fact in the past that in the keeping up of our navy-yards \$1,000,000 was used to expend another million. It was not so during the administration of the gentleman from New Jersey himself.

Mr. ROBESON. I am afraid it was pretty nearly so. I must be frank. It is impossible to keep eight navy-yards running without making mere housekeeping very expensive.

Mr. O'NEILL. I hope, Mr. Speaker, that this will not be the fact in the future, and under the present administration of the Navy Department I believe it will not be.

Mr. ROBESON. Unless some gentleman desires to put some question, I will move the previous question on adopting the report.

Mr. BOWMAN. I wish to make an inquiry as to whether we cannot concur in the amendment numbered 35. The position of affairs now, as I think the gentleman will admit, is very different from what it was when this question was before acted upon by the House. An amendment has been sent to the House by the Senate and concurred in by us providing that a commission of three persons shall examine into the question of selling or closing up every navy-yard; the various facts and statistics in regard to the value of the property, the depth of the water, the facilities for carrying on a navy-yard, are to be reported, so that the Secretary of the Navy and Congress may be enabled to reach an intelligent judgment as to dismantling the navy-yard. Yet, Mr. Speaker, in the face of the fact that this commission is to report in four months upon the whole question as to which of the navy-yards should be dismantled, we have in this bill a clause providing that the Secretary of the Navy alone may practically decide this question, may close up any navy-yard he may select; and it is provided that if he should close any yard he shall—not "may" but "shall"—remove all the perishable stores and property from the yards so closed to other yards. If this provision be adopted and action taken under it by the Secretary of the Navy, then when the question shall come before us upon the report of that commission we shall be met at once by the argument, "Why keep up this or that yard when it has been dismantled and the property removed to other yards?" Thus the question will be foreclosed.

One suggestion further. It is provided that this commission shall investigate and report upon this question. But the moment this bill passes, the moment notice is given to the country that one or more of the navy-yards may be closed by the Secretary of the Navy, the friends of the different yards will feel it necessary to bring to bear upon the Secretary of the Navy all the pressure they can command, political and otherwise. He will be tormented and we shall be tormented by the effort on the part of the friends of the different yards to see whether they cannot concentrate upon the Secretary of the Navy enough political or other influence to have the favorite yard of the applicants kept open. Thus the whole subject will be in turmoil. Why not let the question rest quietly until all the facts are brought before us, when we shall know how to act, having before us the report of the commission to be appointed by the Secretary of the Navy under this bill for the very purpose of investigating this question?

Mr. ROBESON. Mr. Speaker, upon this subject the House concurred—very properly I think—in the provision of the Senate that a commission should be appointed to report upon the general question of the navy-yards, their value, &c., and what ought to be done with regard to their final disposition. But that has nothing to do with this provision which changes a condition of things now existing under which we are going on in time of profound peace just as we did in time of war, carrying on the same number of and even more navy-yards than we did then.

Mr. BOWMAN. Will not the gentleman admit that if a navy-yard is wholly dismantled and the property carried away to another yard, that fact would have great weight concerning the question of disposing of the yard so dismantled?

Mr. ROBESON. I will admit that after a yard has been wholly dismantled and the property carried away, it would be inconvenient to restore the yard to its previous condition. But we must trust something to discretion; and the provision of this bill is that only the perishable property shall be removed. Does the gentleman want such property to stay and perish or to be carried away and used?

Now, Mr. Speaker, with this explanation and in order to facilitate business, as the Senate has now before it a resolution to adjourn tomorrow at twelve o'clock, I move the previous question on the adoption of this conference report. [Mr. ATKINS rose.] I will yield of course to my colleague on the committee [Mr. ATKINS] for such remarks as he may desire to make.

Mr. ATKINS. Mr. Speaker, I only desire to say I hope this report, as far as it goes, will be adopted. I think it presents a very good bill and ought to be concurred in. But I wish further to say that I trust the House will adhere to its position in regard to amendment numbered 35, in reference to navy-yards. The only point of difference between the House and Senate now is whether or not that amendment shall stand or be stricken out. It provides that the Secretary of the Navy shall close up such navy-yards as he may deem to be just and proper. We have made appropriations in this bill for only three, leaving the Boston navy-yard as a rope-walk, and the Washington navy-yard for ordnance, equipping, and recruiting. We leave three navy-yards, and nobody doubts one of those will be selected north of the Potomac, one south of the Potomac, and the other upon the Pacific coast. As the House has so emphatically acted on this proposition and declared in favor of it by a unanimous vote heretofore, I hope it will adhere to it now.

Mr. ROBESON. I demand the previous question.

Mr. O'NEILL. One minute. I ask the gentleman from New Jersey to yield to me for one minute.

Mr. ROBESON. Very well.

Mr. O'NEILL. One remark, Mr. Speaker, to show with what propriety the Senate acted in its amendment providing for a commission. We, or a large majority of the members of this House, are legislating upon subjects which necessarily we cannot be acquainted with. I do not suppose one man in ten sitting in this House has ever visited the navy-yards of this country or knows anything about their location or about their usefulness. And when the gentleman from Tennessee [Mr. ATKINS] puts forth his programme to the House, saying, "Oh, yes; let us have a navy-yard at Norfolk, one at Brooklyn, and the other at Mare Island," he does so without having ever considered the practical usefulness of navy-yards located in other portions of the country, and he does not look to the commission provided for in the bill itself. That commission will give to this House all the necessary information four months hence, so we may act intelligently on this subject. It is not a long time to wait, and I say under the circumstances it is our duty to wait until we get, each and all of us who do not know anything about the navy-yards of the country, information as to their location and special usefulness; that report which the commission created to investigate the whole subject will make to the House at the next session.

Mr. ATKINS. Will the gentleman allow me to interrupt him?

Mr. O'NEILL. Certainly.

Mr. ATKINS. I will tell the gentleman that I did know there was one navy-yard in his district.

Mr. O'NEILL. Yes, and one of the very best navy-yards in the whole country. It is the most useful one in the country; indeed none could be better located in the world for the construction of modern naval vessels. I move, Mr. Speaker, that the House concur in the amendment numbered 35.

Mr. ROBESON. I demand the previous question.

Mr. HEWITT, of New York. I ask the gentleman from New Jersey to yield to me for one moment. Now, Mr. Speaker, I followed the explanation of the gentleman from New Jersey [Mr. ROBESON] with great interest and care. I agree in everything he has said in regard to this amendment. And in regard to this amendment numbered 35, I think there can be no question; it is absolutely in the interest of economy; the House should adhere to its original position.

There is but one criticism which can be made on it, and I want to make it now in order that the Secretary of the Navy may understand the position which the members of this side of the House will occupy on this question. A very large discretion is confided to the Secretary; it is a discretion which can be exercised in the interest of economy; and I believe he will so exercise it, and therefore I am willing to trust him. But I do say, Mr. Speaker, and I want to call the attention of the House to the fact, that it gives to him a discretion in a political and partisan sense for which he will be held to very strict account. For example, he could transfer the property from Boston and Portsmouth to other navy-yards and concentrate the business in the Brooklyn navy-yard, where 5,000 or 10,000 persons could be put on service just before the day of election, and therefore could be made an engine of political abuse.

Mr. O'NEILL. He cannot do that under the law.

Mr. HEWITT, of New York. I do not believe the Secretary will exercise it, and I am therefore going to support this amendment, and I ask my friends to support it, but at the same time I wish to give notice if he abuses this power he will be held to strict account by the country.

Mr. ROBESON. I demand the previous question.

The previous question was ordered, and under the operation thereof the report of the committee of conference was adopted.

Mr. ROBESON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ROBESON. I now move that the House further insist on its disagreement to the amendments of the Senate numbered 35 and 36, and ask for a further conference.

The motion was agreed to.

The SPEAKER appointed as managers of said conference on the part of the House Mr. ROBESON, Mr. KETCHAM, and Mr. ATKINS.

PERSONAL EXPLANATION.

Mr. TOWNSHEND, of Illinois. I rise, Mr. Speaker, for the purpose of making a correction.

The SPEAKER. A correction of the RECORD?

Mr. TOWNSHEND, of Illinois. No; but to make a correction of what appears in the report of the Associated Press of the proceedings of the House on yesterday.

The SPEAKER. If it is a correction of the RECORD, the gentleman would be entitled to the floor; but if it be a correction of a newspaper report, the Chair would not regard it as a question of privilege unless it personally affects the gentleman.

Mr. TOWNSHEND, of Illinois. I desire to put myself on record correctly, and to show that there has been a misapprehension on the part of the Associated Press reporter. I ask that the short extract which I have marked from the press report be read.

The SPEAKER. The Chair does not think it could be entertained as a matter of privilege unless it is an attack upon the gentleman.

Mr. TOWNSHEND, of Illinois. It is a misapprehension, and in that respect a personal attack upon me.

The SPEAKER. The paragraph to which the gentleman refers will be read.

The Clerk read as follows:

Mr. KASSON asked leave to introduce a resolution declaring that Congress ought not to adjourn until a bill had passed reducing taxation.

Mr. TOWNSHEND, (Democrat,) of Illinois, objected, and the adjournment resolution, amended as recommended by the committee, was adopted.

Mr. TOWNSHEND, of Illinois. That is a misapprehension or error in the report, and is, so far as I am concerned, absolutely untrue. I desire to have read from the official record of the proceedings of the House what actually occurred with reference to the matter.

The SPEAKER. The Chair cannot see how this can present a matter of personal privilege.

Mr. TOWNSHEND, of Illinois. The Chair will see as soon as what I desire to have read is heard.

The Clerk read as follows:

Mr. KASSON. I desire to ask a parliamentary question of the gentleman from New York, [Mr. HISCOCK.] It is whether before asking the previous question he will allow this amendment to be voted on—that this Congress ought not to adjourn until a bill has been passed reducing taxation?

Mr. TOWNSHEND, of Illinois. I object to debate.

Mr. KASSON. It is not for the gentleman from Illinois to object.

Mr. HISCOCK. I cannot yield for that amendment. I call for the regular order.

Mr. TOWNSHEND, of Illinois. The RECORD therefore shows, Mr. Speaker, what actually took place, that I did not object to the consideration of the resolution, but that it was the gentleman from New York who objected. I have no doubt the mistake occurred in the confusion which then prevailed in the Hall, and certainly I do not mean to impute any intentional desire to misrepresent me to the reporter for the Associated Press. I am satisfied it was only a mistake.

Mr. ROBESON. Do I understand my friend from Illinois to say that he did not object to the proposition of the gentleman from Iowa, [Mr. KASSON]?

Mr. TOWNSHEND, of Illinois. I did not, and I have had the RECORD of the proceedings of yesterday read to show that I objected simply to debate upon the resolution and not to the resolution itself. I was in favor of the passage of the resolution.

The SPEAKER. The Chair does not think this is an attack upon the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. I desire to make the correction, Mr. Speaker, for the reason that the Associated Press reporter is furnished a seat upon the floor of the House by its courtesy, and when a mistake of that kind is made I think the members of the House should have the right to correct it.

The SPEAKER. The Chair presumes such matters would be corrected by the reporters themselves.

LEGISLATIVE APPROPRIATION BILL.

Mr. CANNON. I desire, Mr. Speaker, to present at this time the conference report on the legislative appropriation bill.

The SPEAKER. The statement will be read.

The statement was read, as follows:

The managers on the part of the House of the conference on the legislative, executive, and judicial appropriation bill submit the following in explanation of the report submitted:

The effect of the action recommended on the amendments of the Senate numbered 330 to 337 inclusive will be, if accepted by the two Houses, to insert the following in lieu of section 6 of the bill as it passed the House, namely:

"Sec. 6. That so much of the funds appropriated by this act for the contingent expenses of the Surgeon-General's and the Adjutant-General's Offices, respectively, as are or may be necessary to provide stationery, blank-books, furniture, and other

articles for the use of the clerks and others engaged in those offices on work relating to the settlement of applications for pensions, may be used, all or in part, under the orders of the Secretary of War, in either of said offices, as in his judgment the best interests of the service may require. The fourth story and attic of the south wing of the State, War, and Navy building, except such portion as is now within the library of the State Department, are assigned to the War Department for such uses of the Department as in the judgment of the Secretary of War they may be best fitted; and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money not otherwise appropriated, to be expended under the direction of the Secretary of State, to enable the Department to remove from said fourth story and attic the records, documents, and papers now stored there and to rearrange them in other rooms in said Department. That the partition wall separating the corridors of the first, second, third, and fourth stories of the east wing from the said stories of the south wing of the State, War, and Navy building shall be removed, so as to afford easy access from one wing to the other on the aforementioned floors of said building: *Provided*, That a joint select committee of three members of the House of Representatives and three Senators, to be appointed respectively by the Speaker of the House and the President of the Senate upon the passage of this act, shall, on or before the completion of the north wing of the State, War, and Navy building, make examination of said building and set apart such portions thereof for the use and occupancy of the State, War, and Navy Departments respectively, as in their judgment the best interests of the public service and the needs of said Departments, respectively, may require; and upon filing an agreed statement of such partition by said joint select committee in triplicate with the respective Secretaries of such Departments the building shall be occupied as therein provided as soon thereafter as practicable."

J. G. CANNON,
FRANK HISCOCK,
JNO. D. C. ATKINS.

Managers on the part of the House.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 330, 331, 332, 333, 334, 335, 336, and 337, and agree to the same with an amendment, as follows: In lieu of the entire section insert the following:

"Sec. 6. That so much of the funds appropriated by this act for the contingent expenses of the Surgeon-General's and the Adjutant-General's Offices respectively as are or may be necessary to provide stationery, blank-books, furniture, and other articles for the use of the clerks and others engaged in those offices on work relating to the settlement of applications for pensions may be used, all or in part, under the orders of the Secretary of War, in either of said offices, as in his judgment the best interests of the service may require. The fourth story and attic of the south wing of the State, War, and Navy building, except such portion as is now within the library of the State Department, are assigned to the War Department for such uses of the Department as in the judgment of the Secretary of War they may be best fitted for; and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated, out of any money not otherwise appropriated, to be expended under the direction of the Secretary of State, to enable the Department to remove from said fourth story and attic the records, documents, and papers now stored there and to rearrange them in other rooms in said Department. That the partition wall separating the corridors of the first, second, third, and fourth stories of the east wing from the said stories of the south wing of the State, War, and Navy building shall be removed, so as to afford easy access from one wing to the other on the aforementioned floors of said building: *Provided*, That a joint select committee of three members of the House of Representatives and three Senators, to be appointed respectively by the Speaker of the House and the President of the Senate upon the passage of this act, shall, on or before the completion of the north wing of the State, War, and Navy building, make examination of said building and set apart such portions thereof for the use and occupancy of the State, War, and Navy Departments, respectively, as in their judgment the best interests of the public service and the needs of said Departments, respectively, may require; and upon filing an agreed statement of such partition by said joint select committee in triplicate with the respective Secretaries of such Departments the building shall be occupied as therein provided as soon thereafter as practicable."

And the Senate agree to the same.

J. G. CANNON,
FRANK HISCOCK,
JNO. D. C. ATKINS.

Managers on the part of the House.

W. B. ALLISON,
H. L. DAVES,
H. G. DAVIS.

Managers on the part of the Senate.

Mr. CANNON. I can say to the House that while the phraseology of the original bill is changed, as shown by the report of the conference committee, touching this sixth section of the bill, so far as the transfer of the records is concerned or the consolidation of the same in the Surgeon-General's Office and the Adjutant-General's Office there is no substantial change from the House provision. Under the House provision the Secretary of War had the discretion to make such transfer, and under the report now submitted to the House he has the same discretion. It is a mere change of phraseology.

As to the occupation of the room for pension work, the report modifies the House provision in this, that we take upon the passage of this bill all the room we proposed to take in the south wing of the State Department building; but for the permanent occupancy of the north and east wings, which the House bill provided for, the conference report makes provision for a postponement until that wing is completed in December next, approximately. The joint committee which the conference report provides for is to be appointed by the Speaker of the House and the President of the Senate, to make provision for the occupancy of those portions of the building, and when made it is to be occupied as provided by the original bill.

It will be seen, therefore, that the report of the conference committee substantially accomplishes what the House originally intended. I move the adoption of the conference report.

The report was agreed to.

Mr. CANNON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TITLE TO LOTS IN BURLINGTON, IOWA.

Mr. MCCOID. I ask that by unanimous consent the Committee on the Public Lands be discharged from the further consideration of the bill (H. R. No. 2299) relinquishing the title which still remains in the United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington, and that the same be put upon its passage. I will state that the Committee on the Public Lands have unanimously agreed to report this bill favorably, and they have authorized me to call it up for passage.

The bill was read, as follows:

Be it enacted, &c., That all the title which still remains in the United States to any lots or portions of ground which lie within the limits of the present city of Burlington, in the State of Iowa, is hereby relinquished to the said city of Burlington, to be disposed of as the corporate authorities thereof may deem proper; but this relinquishment shall in no manner impair the legal rights of third parties therein, but shall be subject to any such rights if any such rights exist.

The SPEAKER. Is there objection?

Mr. HOLMAN. I hope the gentleman from Iowa will explain the purpose of this bill before objections are called for.

Mr. MCCOID. There are in the city of Burlington some lots the title to which is not in the city. This bill relinquishes the title of the United States in those lots. It was referred to the Commissioner of the General Land Office, and he has transmitted a letter stating that he has no objection to it whatever. That letter is embodied in the committee's report. The Committee on the Public Lands have examined the matter with the letter of the Commissioner of the General Land Office before them, and agreed unanimously to report the bill.

Mr. HOLMAN. How much land is involved?

Mr. MCCOID. None at all of any importance. These lots are just some little triangular bits at the corners of streets.

Mr. HOLMAN. They do not include land of any value?

Mr. MCCOID. None at all. And I may state that the money received for all those lots when originally sold went to the city.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCOID moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF AGRICULTURAL REPORT.

Mr. SPRINGER. I desire to call up from the Speaker's table the concurrent resolution for the printing of the annual Report of the Commissioner of Agriculture, with Senate amendments, and to move that the House non-concur in the Senate amendments, and ask for a committee of conference.

The Senate amendments were read, as follows:

In lines 1 and 2 strike out "resolved by the House of Representatives, (the Senate concurring,)" and insert, "resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

At the end of the resolution add the following:

"And \$219,164.54, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out this resolution."

Mr. VALENTINE. That is all right.

Mr. ANDERSON. I wish to inquire of the gentleman from Illinois what is the exact point of disagreement?

Mr. SPRINGER. The Senate has changed a concurrent resolution into a joint resolution, and instead of paying the expenses of this printing out of the fund appropriated for paying for printing at the Government Printing Office has inserted an appropriation to cover the amendment. The effect of the amendment is to increase the appropriation for that purpose to the amount of \$219,164.54. I move that the House non-concur in the Senate amendments and ask for a committee of conference.

The motion was agreed to.

Mr. SPRINGER. The chairman of the Committee on Printing is sick and absent from the House, and I therefore ask the Chair to appoint as one of the conferees a member of the Committee on Appropriations.

The SPEAKER. The Chair will announce the committee later.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, with the Senate amendments. I send to the desk the report of the Committee on Appropriations thereon.

The SPEAKER. The report recommends concurrence in certain amendments, and non-concurrence in others. The reading of the report, in which the amendments are designated by numbers, would give no information.

Mr. HISCOCK. I suggest that the Clerk proceed to read the amendments for consideration.

Mr. KENNA. Before the Clerk proceeds to read, I desire to say I

ask a separate vote on amendments numbered 177 and 178, relating to the Geological Survey.

Mr. HISCOCK. I will indicate the action desired by the Committee on Appropriations as the reading proceeds.

Mr. RANDALL. I think it would be well to have some understanding that there may be one or two minutes allowed for debate when necessary. I do not want to delay the bill, but some of these amendments may require explanation.

Mr. HOLMAN. Let the bill be considered as in Committee of the Whole.

Mr. HISCOCK. I do not agree to that. It would make it interminable. Let us proceed with the reading of the amendments, and when we reach an amendment that calls for some discussion we can arrange for the discussion to be had on that amendment.

Mr. HOLMAN. There is no waiving of the question of order on the amendments. I mean the right to consider them in the Committee of the Whole is not waived unless it is understood that the amendments are now to be considered in the House as in the Committee of the Whole.

Mr. HISCOCK. I do not care to have them considered as in Committee of the Whole. I think that is unnecessary.

Mr. HOLMAN. The question of order on these amendments will have to be reserved.

Mr. HISCOCK. Certainly; reserve every question of order on the amendments.

Mr. HOLMAN. I mean the right to have them considered in Committee of the Whole.

Mr. ATKINS. I do not think the gentleman from Indiana will be likely to make the point of order, because the Committee on Appropriations have not conceded the appropriations made by the Senate in a single instance.

Mr. HOLMAN. It may be that none of these amendments are subject to the point of order; but of course they are subject to be considered in Committee of the Whole.

Mr. HISCOCK. They are if you insist upon it.

Mr. HOLMAN. I do not want to insist upon that, and therefore I propose the amendments should be considered now as in Committee of the Whole; that the Clerk shall read the amendments, and if there be no objection that the recommendation of the committee be concurred in.

Mr. HISCOCK. If the gentleman insists on that I am compelled to concede it, but I think he ought not to insist.

Mr. HOLMAN. I do not think it will cause any delay at all. We are all interested in facilitating the passage of this measure.

Mr. HISCOCK. Let the Clerk proceed to read.

Mr. HOLMAN. With that understanding.

The Clerk proceeded to read the amendments of the Senate.

Amendments numbered 1, 2, 5, and 6 were non-concurred in, and amendments numbered 3 and 4 were concurred in. Amendment No. 7 was to insert the following:

For salary of consul-general at Madrid, (in addition to that of secretary of legation when acting as such,) \$1,200.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. BURROWS, of Michigan. I move that the amendment be concurred in. At the time the consular and diplomatic appropriation bill was under consideration in the House this matter was being examined by the State Department, but the report was not made in time to have this item incorporated in that bill. There are between twenty and thirty consuls in Spain, but no consul-general; and there is a secretary of legation. This amendment is in the line of reform started in the consular and diplomatic appropriation bill, and I therefore move that it be concurred in.

The SPEAKER. The question will be first upon concurrence.

The question was taken and the amendment was concurred in.

Amendment No. 8 was concurred in.

Amendment No. 9 was to insert the following:

To enable the Secretary of the Treasury to purchase a site for, and cause the commencement of, the construction thereon of a suitable building, with fire-proof vaults therein, for the uses of the post-office, United States courts, and other Government offices, in the city of Williamsport, Pennsylvania, \$50,000.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence.

Mr. WALKER. I move to concur in that amendment.

Mr. HISCOCK. There are several amendments to this bill in relation to public buildings, and the Committee on Appropriations recommend non-concurrence in them all, so that we may have opportunity to make precisely the same proportion of appropriation in each case that we did in the public buildings bills which were passed before this bill went to the Senate. I assure the gentleman from Pennsylvania [Mr. WALKER] that his building will not be prejudiced by this action. We have agreed in the House to allow 50 per cent. of the limit in these bills, and we propose to non-concur in all the amendments for public buildings put in by the Senate, with a view of adjusting the matter upon that basis. We had not time this morning to examine the figures, and we want the committee of conference to have that opportunity.

The amendment of the Senate was non-concurred in.

Amendments numbered 10 to 21, both inclusive, were non-concurred in.

Amendment No. 22 was as follows:

Add a proviso to the paragraph in relation to Bridewell dock property at Chicago, so that the paragraph will read as follows:

"For the Bridewell dock property at Chicago, Illinois: for repairs of pavement and sidewalk around Bridewell dock property, \$3,000: *Provided*, That the Secretary of the Treasury shall make examination and recommendation to Congress at its next session as to the advisability of selling this property."

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. HOLMAN. I think that amendment should be concurred in.

Mr. HISCOCK. I have no objection to concurrence in that amendment.

Mr. COX, of New York. I hope it will be concurred in.

The amendment was concurred in.

Amendments numbered 23 and 26, and amendments numbered 31 to 60, both inclusive, were non-concurred in; and amendments numbered 24, 25, 27, 28, 29, and 30 were concurred in.

Amendment 61 was to decrease the appropriation in the item "for compensation in lieu of moities" from \$50,000 to \$30,000.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. HOLMAN. Why should not that amendment be concurred in?

Mr. HISCOCK. It is simply an arbitrary reduction of a sum which is absolutely due. The gentleman from Indiana [Mr. HOLMAN] understands what is meant by "compensation in lieu of moities." The audited claims in the Treasury Department to-day, the sums which are now due, as the Committee on Appropriations of the House were assured, amount to \$50,000, and it is believed that they will amount to more than that sum before the close of the current year.

The amendment was non-concurred in.

The sixty-second amendment was to insert the following:

(62) The governor of the Territory of Utah is hereby authorized to appoint officers in said Territory to fill vacancies which may be caused by a failure to elect on the first Monday in August, 1882, in consequence of the provisions of an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, to hold their offices until their successors are elected and qualified under the provisions of said act: *Provided*, That the term of office of any of said officers shall not exceed eight months.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. CASSIDY. I move that the amendment be concurred in; it is very necessary.

Mr. HISCOCK. I am entirely willing to have a vote taken on it.

Mr. CASSIDY. It merely gives the governor of the Territory of Utah power to appoint officers, such as justices of the peace, who have been legislated out of office.

Mr. RANDALL. Let it go to a conference.

Mr. HISCOCK. I am perfectly willing it should go to a conference, and I expect we will agree to let it remain in the bill.

Mr. CASSIDY. With that understanding I will withdraw my motion to concur.

The amendment was concurred in.

Amendments numbered 63 to 71, both inclusive, were non-concurred in.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in the amendments from No. 72 to No. 89, both inclusive. Those amendments were to strike out the following:

For pay and expenses of the members of the National Board of Health, \$10,000.
For pay of secretary and disbursing agent, and pay of clerks, messengers, and laborers, \$5,500.
For rent, light, fuel, furniture, stationery, telegrams, and postage, \$2,000.

And to insert in lieu thereof the following:

For quarantine service, Mississippi River, \$16,000.
For quarantine service, Ship Island, \$14,000.
For quarantine service, Sapelo Sound, \$13,000.
For quarantine service, Hampton Roads, \$2,000.
For pay and expenses of inspectors, \$4,000.
For pay and expenses of members of board, \$5,000.
For printing Bulletin, \$5,000.
For clerks, messengers, and laborers, \$15,000.
For secretary and disbursing agent, \$1,500.
For rent, light, and fuel, \$1,500.
For telegrams, \$250.
For stationery, \$1,000.
For postage, \$400.
For furniture, \$100.
For miscellaneous expenses, \$500.

Mr. ATKINS. Does the gentleman move to non-concur in all the amendments relating to the Board of Health?

Mr. HISCOCK. I do, down to and including amendment No. 89.

Mr. SIMONTON. I think these amendments are very important indeed. The amount appropriated by the bill as it passed the House was not sufficient to enable the Board of Health to maintain an efficient quarantine on the Mississippi River. There is at this time a special necessity for that, because the yellow fever has now broken out on the coast, and there is apprehension in the Mississippi Valley that it may extend to that region.

When this bill recently passed the House there was a very great apprehension throughout the Mississippi Valley of the approach of the yellow fever. I know that boards of health and the cotton exchanges and citizens throughout the valley have sent telegrams here requesting Congress to increase the appropriations for the National Board of Health. In obedience to those demands the appropriations

have been increased by the Senate, and in my judgment not beyond the amount which will be found necessary.

I hope the House will take a vote on this question now, because if it is sent to a conference we will not again have an opportunity to consider these various items, but will have to vote on the report of the committee of conference and either accept or reject it as a whole. I therefore hope that there will be a vote of the House and that these amendments of the Senate will be concurred in.

Mr. PEELLE. I sincerely hope, Mr. Speaker, that the Senate amendments on this subject, which, as I understand, are virtually a restoration of the National Board of Health to its appropriate functions, will be concurred in. If a National Board of Health is to be maintained at all it ought to be maintained in such a manner as to give the greatest good to the greatest number. I believe, from my brief examination of these amendments, that they will be salutary in their effect. It appears to me that the officers of this board should have at their disposal ample means for the investigation of these questions. I trust that the gentleman from New York [Mr. HISCOCK] will withdraw his motion to non-concur, and move to concur. Before taking my seat I will ask this parliamentary question of the Chair: Is it in order for me now to move that the House concur?

The SPEAKER *pro tempore*. It is.

Mr. PEELLE. I move, then, that the House concur in the Senate amendments. I wish to add that communications have come to various members of the House from physicians in all parts of the country urging that this Board of Health be maintained. I understand that it has performed good service. I know that it has done so in my State, and I believe I am safe in saying that the case has been the same in Illinois and Missouri.

Mr. REAGAN. Mr. Speaker, before a vote is taken on concurring in these amendments, I wish to say a word. Some of them, it seems to me, are of very great importance and their adoption may save the country from great calamity. I understand that the yellow fever is now epidemic in Havana. It is said to be epidemic in Matamoras, immediately opposite Texas, on the Rio Grande. It is necessary that steps be taken by the authority of Congress and of the State governments to protect life and property.

It will be seen that the seventy-sixth amendment is for quarantine service at Ship Island, \$14,000; and the seventy-seventh for quarantine service at Sapelo Sound, \$13,000. Now I wish to make one statement with reference to the quarantine station at Ship Island. We are informed by the National Board of Health that during the last summer four vessels came in having cases of yellow fever on board. These vessels were sent to the station at Ship Island, and remedial and protective measures adopted in pursuance of appropriations of a previous Congress. The sick were put into hospitals by themselves; the well were put into other hospitals. The cargoes were taken from the vessels and fumigated. The vessels themselves were cleaned and fumigated. In due time the vessels went on their way, and no evil resulted. It is believed by the National Board of Health that any one of those ships might have spread an epidemic of yellow fever through the country. The consequent loss of life, desolation of homes, and interruption of commerce can hardly be estimated. I shall not now attempt to go into that question. I have once already done so in this House.

Some appropriation, I presume, is contemplated as necessary to give efficiency to these stations. The policy of the country ought to be to establish two additional stations. By this means the commerce of the country would be protected, and injury to property, health, and life in a large measure prevented. This would not only be to the interest of the localities affected but vessels from Baltimore, from New York, from Philadelphia, from Boston, from Europe, could carry on their business without interruption. If infected vessels should come to our shores we would, under existing law, be advised by our consular agents abroad that they were infected or the information would be otherwise obtained; so that the vessels could be compelled to go into these stations for the adoption of proper remedial and preventive measures. Thus the general commerce of the country would be preserved. I will state (not because it is a local matter, but because it has come under my observation) that during the last two or three epidemics the yellow fever, by a strict quarantine, has been kept out of Texas, although prevailing at other points in the South and along the border of the Gulf. But this has been at an expense to the general commerce of the country and to the people there that is almost beyond computation in figures.

So largely is the country interested in this matter that I hope the House will concur in these amendments of the Senate as a means of arresting and preventing the propagation of this terrible scourge. The amounts proposed to be expended are insignificant in view of the end proposed. I have not been able to go through the amendments consecutively; but they seem to me appropriately arranged, and the amounts proposed are scarcely a drop in the bucket compared with the losses to be incurred if proper preventive measures be not adopted.

Why, sir, it was stated that the breaking out of the yellow fever at Savannah, Georgia, besides resulting in great suffering and loss of life, caused a general interruption of trade, by which some \$5,000,000 of property was sacrificed. In the city of New Orleans, by the breaking out of the epidemic, about the same time or a year later, the loss as stated by medical authority, after investigation, was enormous.

When we think of the vast suffering and loss entailed by an epidemic of this kind, the number of deaths, the destruction of property, the general stoppage of commerce, it seems to me that a proper regard for the general commercial interest of our own and other countries, if not protection of localities against suffering and death, would induce us to concur in these Senate amendments, and to do whatever we can under existing law to guard the country against such things in the future.

Mr. BUTTERWORTH. Mr. Speaker, I hope in the consideration of this question we will not confound the means with the end. There is no disagreement between the members of this House, I take it, as to the desirability of accomplishing what my honorable friend from Texas [Mr. REAGAN] proposes. There is no difference of opinion about the desirability of doing that very thing. We recognize the fact that yellow fever may appear in the South and other sections of the country, and we all desire to prevent it; we all desire to deal with it successfully. But my friend [Mr. REAGAN] speaks as if the difference between us in regard to the means for its accomplishment is a difference in regard to the desirability of its accomplishment. That is a mistake. I agree with my honorable friend as to the importance of establishing a quarantine at the particular place suggested, and I am willing to vote for that now. The difference between us is solely as to the means of accomplishing what is proposed; that is, to prevent the introduction of yellow fever, cholera, and small-pox, and the suppression of those diseases when they make their appearance in the country; and also to investigate the origin and character of those diseases. Every member of this House and every gentleman in the country desires to accomplish what is proposed by the gentleman from Texas.

We only differ as to the means, the instrumentalities. It was suggested in discussion the other day that the Board of Health is not necessary; that it might be dispensed with. I concur in that opinion, that it is not necessary. The tendency in this country is to build up new bureaus. There is not an issue, there is not a purpose, there is not a plan, there is not a suggestion to be carried out in this country but is coupled with a proposition for the establishment of a new bureau. It is the tendency to the establishment of new and needless bureaus that we oppose. The multiplication of unnecessary and expensive executive machinery.

The truth is, Mr. Speaker, we already have an organization better fitted than the Board of Health, with ampler means, better provided in every way for the accomplishment of this purpose than your Board of Health is or can be without the expenditure of a large sum of money.

Mr. HOUSE. Will the gentleman let me ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. HOUSE. What is the general opinion of the medical fraternity of the United States as to this National Board of Health?

Mr. BUTTERWORTH. As to those who give an opinion, the value of that opinion depends largely upon the relation of the doctor who gives it to the Board of Health itself, or his relation to some doctor who has some connection with that national board. I would want to cross-examine those whose testimony is submitted to this House in favor of the National Board of Health before I would take it at what it is seemingly worth.

I wish the attention of the House for one single moment to the fact we have already a perfect system in the—

Mr. MANNING. It seems to be difficult for the gentleman to tell. [Laughter.]

Mr. BUTTERWORTH. We have already a perfect system in the Marine-Hospital Service. We have evidence that when the National Board of Health has been called upon it has proved to be unequal to the demand. When called upon to deal with the threatened introduction of disease that board was found wanting in the means and authority, if not the ability, as constituted, to successfully deal with such a condition.

Mr. MANNING. Whenever it has had to resort to the Marine-Hospital Service it was as an auxiliary, because of inefficient appropriations made by Congress for the National Board of Health.

Mr. BUTTERWORTH. Not at all. The gentleman was never more in error; that is if what is radically wrong can indicate such a state of things. A vessel approached a northwestern town, Fort Benton, I believe. The citizens appealed to the National Board of Health for relief. There are fifteen members of that board, and they require a long time to get together, and after they get together they are authorized to do nothing except to co-operate with the local authorities, and that they were unable, as it seems, to do. They were helpless. They had no power which enabled them to act with that promptness and effectiveness indispensable to the proper protection of the people in sudden emergencies. What did they do? They immediately appealed to the Treasury Department, and the Marine-Hospital Service had to aid them. At the head of that service is a thoroughly competent and able physician, having in hand all the machinery to deal promptly and effectively with epidemic diseases, both in preventing their introduction and stamping them out when once they gain a foothold within our borders.

Mr. DUNN. Now, one word just there.

Mr. BUTTERWORTH. Wait until I make this statement and I will hear the question of the gentleman. The surgeon of the marine hospital at Fort Benton, under instructions from his chief here, util-

izing the agencies and means at their command at all times, stopped the approaching vessel, had it thoroughly fumigated, and thereby prevented the introduction of small-pox at that port. This was a case in which the proper agency, the proper bureau was called upon, a bureau which should have charge and jurisdiction in matters of which it is supposed the Board of Health now takes charge. But I am asked why this same thing was not done years ago. In answer I will reply that the Marine-Hospital Service was not thoroughly organized, nor equipped, nor as fully prepared for such emergencies as it now is. It was formerly under the management merely of a clerk in the Treasury Department, who had no knowledge or conception of what was required, and perhaps little qualification for the work in its more extended operations. But since then the service has been thoroughly reorganized and equipped, co-operating with the Treasury Department, of which it is a bureau, having the use of Government vessels, having hospitals, and being authorized to enforce quarantine regulations, and having, as I have said, the co-operation of the agencies of the Treasury Department, and that service is now prepared with efficient machinery and with sufficient authority and funds to secure a proper discharge of all the duties devolving upon it and the accomplishment of the good results which are expected to be secured through its agency.

Mr. REAGAN. Will the gentleman allow me just a word at this point? I did not submit the remarks I did on the idea of any particular plan which I had in view. I did so because this seemed to be the only remedy proposed, and I feared that if it was stricken out of the bill by this House it might operate to prevent the doing of anything practicable. But let me say again that I have no objection, if it can be done properly, that this service shall be transferred to the Marine-Hospital Service; but that would require a reform in the legislation on the subject, and I have no advice from the committee that they will be prepared, on a conference, to make that transfer. If they would propose a plan that was deemed preferable to this, or one that was practicable to secure its adoption at the present time, I should certainly not object. But it seems to me that if the service in this respect is to be changed, it ought to be changed only upon a sufficient examination and after the substitution of something practical in the shape of a plan to take its place.

Mr. BUTTERWORTH. Let me say to the gentleman from Texas that is exactly what the committee proposed. For that reason we do not propose to strike out the provision making appropriations for the Board of Health, nor at this time to transfer its duties to the Marine-Hospital Service. It was deemed expedient to permit the Board of Health still to exist, but make such provision only as is necessary in view of the circumstances. That we have already done in this bill in a very liberal manner. We deem it wise hereafter to transfer, as my friend from Texas suggests, the whole duty to the Marine-Hospital Service, with the full assurance that the result will be beneficial, that the service will be better rendered, better performed, and the end which we have in view will be more satisfactorily and effectively reached.

Mr. KASSON. May I ask the gentleman a question?

Mr. BUTTERWORTH. Certainly.

Mr. KASSON. I do not propose to enter into this question of quarantine, trusting that to the committee; but in speaking of the revenue marine I do not understand whether the gentleman claims that they also take charge of the overland and inland transportation of immigrants under the existing provisions of law—

Mr. BUTTERWORTH. I will say—

Mr. KASSON. Allow me to conclude what I desired to ask, as I do not wish to occupy the time of the House, and the gentleman may answer the entire interrogatory. I wish to add that I have had most energetic communications from my State as to the importance of a provision of this character in checking the introduction of small-pox or other contagious diseases, which in many instances have alarmed whole communities and operated disastrously in that section of country. I want to vote concurrence in the Senate amendments if no other efficient machinery exists for inspection of railroad trains to stop the dissemination of such diseases by overland routes.

Mr. BUTTERWORTH. We do not curb or abridge the operations of the Board of Health in that respect—

Mr. KASSON. But the amount is abridged.

Mr. HOUSE. Is the amount appropriated the only difference?

Mr. BUTTERWORTH. Yes; we object to the amount. And right here let me say, although it is not quite pertinent to this subject, a word in reference to the requests or communications to which my friend from Iowa alludes as to the importance of this supervision over inland lines of travel. He is considerably advanced in years, at least as a politician, and knows how little difficulty there is to pour letters of this character in upon a Representative from every quarter where a physician interested in continuance of the Board of Health has a cousin, a brother, a sister, or an aunt to get up just such communications to answer his purposes, and addressed to his member, calling attention to the great importance of the subject.

Mr. KASSON. But let me ask the gentleman if he does not admit that we are bound to trust men whose professional standing and character as citizens are known personally to the member who happens to receive such communications?

Mr. BUTTERWORTH. It has been stated upon this floor that letters are being poured into the House urging members to stand by this

Board of Health. Here are fifteen members of the Board of Health, one appointed in this section and another in that. To accomplish anything they must have a quorum here in Washington and pass resolutions which have to be approved by the President; and thus they put the cumbersome machinery at work. Gentlemen speak as if all the doctors in this country had been suddenly abolished, as if local measures and local efforts were to be absolutely done away with.

Mr. KASSON. May I say on the main point, because I wish to meet it fairly, I do not wish to pay a cent of money that is not necessary. There are these local organizations in the States with power, if they have the means to do it, to inspect, vaccinate, and take charge of small-pox cases.

Mr. BUTTERWORTH. Certainly. That power is conferred by the State or the locality, and that right is neither enlarged nor abridged by what the Senate has done or has failed to do.

Mr. Cox, of New York, rose.

Mr. PEELE. Will the gentleman from Ohio allow me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. HISCOCK. I give notice I shall insist that the debate shall be under the five-minute rule.

Mr. BUTTERWORTH. I yield to the gentleman from Indiana [Mr. PEELE] for a question.

Mr. PEELE. The gentleman from Ohio stated that some years ago the marine-hospital board was not equipped for this work as it is now. I want to ask him as a matter of fact if the marine-hospital board to-day is not equipped precisely as it was when this law was passed creating the National Board of Health?

Mr. BUTTERWORTH. Of course it is.

Mr. PEELE. I ask further if it is true or not that any jealousy exists on the part of the marine-hospital board toward the National Board of Health?

Mr. BUTTERWORTH. Not in the slightest. But there exists a jealousy here touching the demands upon the national Treasury as to whether we shall have two boards when one can serve the purpose better.

I have explained sufficiently before to the gentleman that the difficulty was the lack of a proper executive head necessary to a wise administration of the service. They had a clerk at the head of the bureau, a position requiring executive and medical skill. In 1873, I think it was the board was reorganized and a medical man put at its head. The whole system was reorganized, so that everywhere at every port, wherever a vessel enters, the Marine-Hospital Service is armed and equipped to meet at the door or to meet outside, if you please, the approach of an epidemic. All I want is to accomplish this thing in a practical way and at a reasonable price and without ingrafting upon the Government another bureau.

One word more and I have done. We place at the disposal of the President \$100,000 to be used in case it shall become necessary. He may use your Board of Health as he does now if he wishes; and he may also use the Marine-Hospital Service. What more is wanted?

Mr. MANNING. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. Certainly.

Mr. MANNING. My question is in reference to the use to be made of the Marine-Hospital Service. Does the gentleman from Ohio know that a case of yellow fever is not admitted to a marine hospital?

Mr. BUTTERWORTH. I know it ought not to be. But that does not prevent their providing means for taking care of yellow-fever cases.

Mr. MANNING. Does the gentleman concede that the Marine-Hospital Service would not avail in the case of a yellow-fever epidemic?

Mr. BUTTERWORTH. No, sir; it could be taken care of by the Marine-Hospital Service. It is a kind of disease which ought to be kept by itself, and that service has all the necessary machinery.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

- A bill (H. R. No. 219) for the relief of Elizabeth Leebrick;
- A bill (H. R. No. 2317) for the relief of Mary Bullard;
- A bill (H. R. No. 2524) for the relief of Alice J. Bennit;
- A bill (H. R. No. 2966) granting a pension to Annie W. Osborne;
- A bill (H. R. No. 3601) for the relief of Martha A. Jones;
- A bill (H. R. No. 3717) granting a pension to Alvin Walker;
- A bill (H. R. No. 3733) granting a pension to Mary E. Taylor;
- A bill (H. R. No. 5018) granting a pension to Elizabeth F. Rice;
- A bill (H. R. No. 5985) granting a pension to Martha Jane Douglass;
- A bill (H. R. No. 6317) granting an increase of pension to James Bennett;
- A bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith;
- A bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner; and
- A bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

- A bill (H. R. No. 4594) authorizing full pay to Lieutenant Fred-

erick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic; and

A bill (H. R. No. 6743) to establish diplomatic relations with Persia.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills of the following titles:

A bill (S. No. 1280) for the relief of Captain Nicholas J. Bigley;

A bill (S. No. 1304) granting a pension to Sarah J. Bovell;

A bill (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River between the city of Calais, Maine, and Saint Stephen's, New Brunswick; and

A bill (S. No. 2080) granting a pension to George Foster.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

Mr. DUNN. I am very much gratified, Mr. Speaker, that the gentleman from Ohio has frankly placed this question squarely before the House. The Committee on Appropriations have squarely presented the issue for the abolition of the National Board of Health, and we are confronted with the whole question whether it is to be discontinued or whether it shall be maintained longer. The House ought to decide that now, because the law under which that board exists expires after one year from this time. And it is time we either so legislate as to perpetuate and make that service effective or that we take steps to abolish it and replace it with something else.

I agree with the gentleman from Texas [Mr. REAGAN] that if the Marine-Hospital Service was amplified and clothed with the power necessary to enable it to perform all the duties which are required and expected of the National Board of Health, and furnished with ample means to do it, it might be made more effective and satisfactory to the country. But that is not the case. They have no such powers; they have no such jurisdiction; and they would be, if confronted with an epidemic or a threatened epidemic, as they are to-day, absolutely without the power to cope with it. They cannot protect the country against inland epidemics and contagions for want of what may be termed overland jurisdiction, nor are they clothed with sufficient powers and means to effectually prevent the introduction of pestilence from abroad. If this is to be abandoned we should perfect that before it is done, so that there may be all the time some security from those horrible tropical plagues which we are always liable to import.

The gentleman from Ohio says that the bill as it went from the House provided amply all the means for that purpose. That is not true. We all know that the House and the Senate have been notified that the order has been issued to withdraw from commission all the Government property that is employed in the inspection service and to discontinue inspection for want of sufficient means to continue it. I regard inspection as the most important and valuable part of the health service. There is where epidemics are met on the threshold and prevented; where the people look for their safety is in the inspection. We might have millions of dollars appropriated for the aid of sufferers in and during the prevalence of epidemics; but that is not what the country wants, that is not what is required. What is needed is the protection against the introduction and spread of epidemics.

The yellow fever is to-day an epidemic at Havana and at Matamoras. It is announced that in Brownsville the yellow fever has already found a lodgment. There was undoubtedly a case of yellow fever at New Orleans not long ago. I send to the Clerk's desk to be read an article on the subject, to show the state of feeling pervading the whole country along the Mississippi Valley.

Mr. HISCOCK. Is there any necessity for reading that?

Mr. DUNN. There is a necessity for reading it, for it shows the deep apprehension of danger which threatens the country.

The Clerk read as follows:

The people of Mississippi, Arkansas, Tennessee, Kentucky, Missouri, Illinois, Indiana, and Ohio are urgent in their appeals for the restoration of the inspection service of the National Board of Health. Without it they are at the mercy of the Louisiana State board of health. Not having any confidence in that body they will be compelled to establish and enforce permanent quarantines against New Orleans every year, commencing in June and continuing until October. This the merchants of that city will find will tell sadly against their trade. They should therefore take steps by the reorganization of the Louisiana board of health to prevent the recurrence of so summary a process as Memphis is now enforcing for her own protection.

Mr. DUNN. That is from the Memphis Daily Appeal, of the 20th of last month. It only voices the universal apprehension of the people in all that section of country.

Gentlemen speak of local boards. Local boards do not satisfy the public demands; local boards do not give protection. It is known to everybody that they come under local commercial influences. They protect commerce against quarantine, but through trade and commerce they permit epidemics to go to all portions of the country. They do not relieve public apprehension; the country will not trust them. What is needed, and what the country demands, is some authority through which the power of the Government can be exerted, some agency which the people feel sure will not come under the influence of local commercial boards.

We all know that in 1878 the yellow fever was declared epidemic in Memphis before it was in New Orleans; and we also know that it was transported from New Orleans to Memphis. New Orleans then had its local board as it always has had. Now, if Congress intends to

abolish the National Board of Health, let it habilitate the Marine-Hospital Service, give it the necessary jurisdiction, extend it not only to the sea-coast and to commerce with foreign nations but extend it inland so that the country may have complete protection. Give us a national authority through which the power of the Government may be exerted. That is what the interest of the country requires; that is what the public safety requires. Nothing short of this will meet the exigency of the case. I know of nothing that can form a more proper subject of national legislation than the public health.

Mr. COX, of New York. Mr. Speaker, I believe from much that has transpired in this House, and what I have seen in the newspapers, that there has been a sort of plot to work up such a yellow-fever panic as we had in 1878; and I believe that this National Board of Health—

Mr. DUNN. What evidence has the gentleman of such a plot?

Mr. HISCOCK. There is not any doubt of it.

Mr. COX, of New York. I will show the gentlemen the evidence. The secretary of the board of health of New Orleans (where there was an attempt to make the rice fever appear as yellow fever) and the Memphis board of health got together. The Memphis board was scared; but the board of health of New Orleans had the good sense to collect the facts, and they made the exposure which I shall ask to have printed in the RECORD. There is not time to read it.

Mr. REAGAN. What is the paper which the gentleman sends up to be published with his remarks?

Mr. COX, of New York. It is an extract from the New Orleans Picayune:

THE NATIONAL BOARD OF HEALTH—SOME REVELATIONS AS TO THEIR WORKING—A CORRESPONDENCE WHICH SHOWS UP SOME OF ITS MACHINATIONS—A PLOT TO WORK UP YELLOW-FEVER CASES IN 1880—HOW THE RICE FEVER WAS MADE YELLOW.

It will be remembered that in the year 1880 very strenuous efforts were made by the National Board of Health to scare up some cases of yellow fever and make a sensation throughout the valley. The germ-hunter, Dr. Sternberg, who, by the way, did not continue long in service, hunted up some cases of rice fever below the city and came rushing back with the information that he had found an epidemic of yellow fever just below New Orleans.

The National Board of Health agreed to send down to investigate the matter a delegation of doctors representing both State and national boards. The report of that commission was against Sternberg and against the national board.

But this did not satisfy the national representatives, and there was some private correspondence which we have at our command.

Below we give some specimens of Turner and Mitchell's private work against the interests of New Orleans. The opening letter of the former may be keyed by saying that Turner had predicted an epidemic in 1880, and the States had pronounced him a charlatan, or something to that effect. We do not know what transpired on the alleged interview for which thanks are returned, but Turner's letter is at last in print, which he so much feared, and it is a very rich reading. The plotting will open the eyes of some who have been swearing by the national board.

As all well know, the Picayune does not make charges without proof of its assertion, and, on call, we can furnish a photograph of Turner and Mitchell's letters taken from the originals.

A VERY SPICY LETTER FROM TURNER.

(Personal—Confidential.)

NATIONAL BOARD OF HEALTH,
Washington, July 12, 1880.

MY DEAR DR. BEMISS: I have to thank you and Dr. Chaillé for the generous effort you made for me. I could expect nothing else than that sort of filth from a blackguard, but that is lowering myself to give high praise. You know me better than to suppose that I offer any suggestions to any person concerning the outlook regarding yellow fever. I know exactly what that outlook is, and you recognize the fact that I can and do keep my own counsel. There is only one notice to be taken of the matter—silence. I am sorry that the effort to protect me carried you into such a filthy mess.

Can you give me the date of the shipment of the "Pape Clemant." It's not here yet, from all that I can learn. Get a duplicate of the bill of lading and send it on so that it can be hunted up.

I hope you will carry Dr. Smith over to Ship Island and let him pick up all the items. Take him by railroad to Biloxi, showing him the towns and their sanitariums.

I've had no end of anxiety concerning the Benner and the launches. Mitchell will work the river inspection all O. K. Dr. Smith, Mitchell and yourself will have to consider railroad inspections, and how far they should go—if go at all—when yellow fever is absent from a city.

I am very tired, very nervous; two weeks' river cruising under the circumstances nearly used me up.

It's hot here. How your State board must pay for just one case of yellow fever, only a little one.

Now, if this gets into the papers what a row there would be. D—d if I don't suspect every one, or shall if I remain here long enough. Commend me to your family. Make my warmest recognition to Dr. Chaillé. I'll remember that kindly act. Vale.

Yours, very sincerely,

T. J. TURNER.

THE EXTRAORDINARY POSTSCRIPT.

I wish I had your ears for about an hour. Can't you get the Excelsior out to Ship Island? I just hint that to you; no one else knows that I make this. If you can do so you do a big thing for yourself. But you know the situation and outlook.

Sincerely,

T.

DR. BEMISS.

MITCHELL TO BEMISS.

MEMPHIS, TENNESSEE, September 20, 1880.

DEAR DR. BEMISS: Have Sternberg fortify his reports at all points—first appearance opposite the quarantine station—prevailing no neighborhoods that it did not in '78—Hayes & Hebert statement that it is the same disease that they had in '78 but denied that it was y. f. then, and Dr. Wilkinson's positive assertion that it is the same he saw in '78, and that was y. f. and this is the same.

He need not fear to go before a jury of experts with the evidence he can command.

Don't forget that you and I will have to take position very soon on this question, and I think the sooner the better. Get your N. O. cases together—no rice fields there.

Send Collins down the river if necessary to obtain more correct information.

Yours,

MITCHELL.

HOW THE PLOT WORKED AT WASHINGTON.

NATIONAL BOARD OF HEALTH,
Washington, October 1, 1880.

MY DEAR DR. BEMISS: Your letter of September 28 is just received, and in the same mail I have a letter from Dr. Mitchell on the same subject.

I also have a letter from Dr. Sternberg, reiterating the opinion that the disease was actually yellow fever, and stating that Dr. Devron has reported to him that a child that came from Point Michel, in the vicinity of the family where four children died out of six, has recently died on the outskirts of the city with black vomit and suppression of urine, and Dr. Jones would not permit the body to be brought to the city for burial, although he pronounced the case one of malarial fever.

I find from Dr. Mitchell's note that he thinks Dr. Sternberg's diagnosis was probably correct. I must confess that under the circumstances I am a little puzzled as to what to advise. I should certainly accept, without hesitation, any course upon which you and Dr. Mitchell may see fit to agree, but you are the only two members of the board who have any special knowledge as regards yellow fever, and when you disagree the matter becomes somewhat embarrassing. If there is a reasonable probability that the disease concerning which Dr. Sternberg reported was really a mild form of yellow fever, intermingled with some cases of remittent fever, and if you and Dr. Mitchell agree to make such a statement as that, I think I can say that the National Board of Health will support you with all its power, will publish in full your reports, and that the interior States of the Mississippi Valley will arrange themselves upon your side of the question.

There are several ways of getting at this matter. In the first place it seems that the president of the board, in his report for the quarter ending September 30, ought to furnish such information as it would be desirable for the President of the United States and the Secretary of the Treasury to have before them in the preparation of their annual reports to Congress.

It will be perfectly proper, then, to state the difficulties which the board has met in relation to the Louisiana board of health, to comment severely upon their Mississippi River system of quarantine, and upon the results which it has produced.

If, however, you are not prepared to agree with Dr. Mitchell, and to say that this was yellow fever—and I know very well what the saying of this will involve on your part—then it becomes doubtful as to the expediency of making such a report. It then seems to me that the most dignified course which you could take will be to ignore the matter altogether, so far as you personally are concerned. As regards the national board, if can of course take no notice of the action of the Louisiana board until it is brought formally to its attention.

We have received no copy as yet of the resolutions which they have passed. If, however, they should send us a copy of such resolutions, I am doubtful about the expediency of our taking any action upon them. There is but one body that I know of which could properly and without loss of dignity take up this set of resolutions of the Louisiana State board of health and the course of action which they have pursued during this last spring and summer with regard to quarantine measures. This body is the sanitary council of the Mississippi Valley, whose constitution provides for the taking up of precisely such questions as these. It will be a question whether the council will not consider that the calling of the convention by the Louisiana state board of health, without having consulted it, is a piece of impertinence, and will take up the matter and will act on it in its own way, at its own time, and give the Louisiana State board convention the entire go-by as an organization, and also its members. You must remember that the State of Alabama is not represented in the sanitary council of the Mississippi Valley, having declined to join it.

If this view be correct, it will perhaps be best that the national board shall keep serenely on its way and leave the sanitary council of the Mississippi Valley to attend to the case of the Louisiana State board of health, which I think it is fully competent to do. It can use the press quite as well as Jones, and probably have quite as extended a circulation and secure a great deal of all beliefs.

The American Public Health Association will keep clear of all questions of this kind, I think. It is a body for the promotion of sanitary science, and will not engage in any local quarrels. The matter will not be brought up in the association unless it is done by the Louisiana State board of health itself; and if that body undertakes to introduce it, I rather think it will be very promptly suppressed. The Public Health Association has its own work to do, which is entirely distinct from that of local boards, or even of such an organization as the sanitary council of the Mississippi Valley, and it will not take up or deal with any local quarrel whatever.

I shall write a letter to this general effect to Dr. Mitchell. I sincerely hope that you and Dr. Mitchell will be able to agree as to the course to be pursued, and I can only repeat what I have said above, that if you and he agree and are willing to state over your own signatures that the diagnosis of Dr. Sternberg was probably correct, you shall receive all the backing which we are able to give you.

Very respectfully and truly, yours,

J. S. BILLINGS.

DR. S. M. BEMISS.

HONEST CABELL DOES NOT LIKE THE ODOR.

UNIVERSITY OF VIRGINIA, October 1, 1880.

DEAR DR. BEMISS: The foregoing communication has been sent to me that I might add such comments as I may deem proper.

My first impulse on reading it was to return it to Washington to be laid before the executive committee, there being no evidence on the face of the letter that the matter had been brought to the attention of the committee, while several contingent pledges are given on behalf of the board. On a second perusal of your letter, which Dr. Billings had also forwarded to me, and of this reply, I came to the conclusion that yours was not intended as an official communication, but that in a case in which charges had been made against you personally (though in your capacity as a representative of the board) you had consulted another member of the board in whose judgment you justly confided as to what steps you should take in vindication of yourself. In this aspect of the case I withhold the protest I should otherwise have made against the practice of directing official communications to a single member of the board, who often answers such communications without consulting the executive committee.

Like Dr. Billings, I believe that if you and Dr. Mitchell should concur in the statement that you believe Dr. Sternberg's diagnosis was correct, the national board would not fail to sustain you; but neither he nor I can give a pledge on behalf of the board or of the executive. It must be distinctly understood, then, that this is merely our opinion, and that no guarantee can be given of the official action of the executive committee until the committee has been consulted. I confess that until seeing in Dr. Sternberg's "confidential" letter to Dr. Billings, of September 26, the statement made on the authority of Dr. Devron that a child from Point Michel had died on the outskirts of the city with black vomit and suppression of urine, I had been disposed to adopt the conclusions of the report of the commission. But I concur with Dr. Billings in thinking that the board ought to and will sustain any view in which you and Dr. Mitchell concur.

I also agree with Dr. Billings in what he says about the Sanitary Association of the Mississippi Valley. Indeed I made a similar suggestion to Dr. Mitchell more than a month ago, with reference to the rather impertinent invitation given by the Louisiana State board for a quarantine convention. I have never had a reply from him.

I take occasion to remind you that some weeks ago I made a request that you

would furnish, if accessible, the record proof of certain allegations respecting the official acts of the quarantine officer at the Mississippi station. If it be practicable to obtain this record it will be of great importance to the board to have possession of it as early as possible.

Truly and cordially, yours,

J. L. CABELL.

I desire also to have printed the action of the New Orleans board of health in reference to the proceedings of the Memphis board of health:

THE BOARD OF HEALTH—REGULAR WEEKLY MEETING—THE HEALTH OF THE CITY EXCEPTIONALLY GOOD—THE BOARD RESENT THE IMPERTINENT INTERMEDDLING OF THE OFFICERS OF THE NATIONAL BOARD OF HEALTH.

The regular weekly meeting of the State board of health was held last evening, Dr. Joseph Jones, president, in the chair, and Drs. Formento, Faget, Von Gohren, and Kella, and Messrs. Marks, Booth, and Bosworth, present.

Dr. Jones called the attention of the board to the remarkably healthy condition of the city for this season of the year, and to the almost total absence of any contagious or infectious diseases. During the week ending on Saturday last there were only one hundred and two deaths in New Orleans from all causes, and during the last five days ending Thursday evening but forty-six deaths had occurred, two of which were from scarlatina, one from small-pox, and one from malarial fever. The steady high temperature which we have had of late was conducive to health.

Dr. Jones stated that he had held under personal inspection the house No. 100 Old Levee street, where Henry Forbes was first taken sick, and although there were fifteen persons in this and the adjoining house, six of whom were small children, not a single case of sickness had occurred among them to date, and all were in a perfectly healthy condition.

In regard to small-pox, Dr. Jones said the board and its officers had done every thing in their power to prevent the spread of that disease, and regretted that vaccination was not made compulsory by law.

Reference was made to the quarantine and health laws passed at the recent session of the Legislature. The former was in substance the same law as that passed in 1855, with but slight changes in the wording.

The act requiring that all inhabitable rooms should be provided with a water capacity of two hundred gallons, Dr. Jones said was in the right direction, but this supply was insufficient.

A special report from Dr. Beret, sanitary inspector of the fifth district, was read, relative to the health of Algiers in connection with the overflow in the rear from the Live Oak crevasse, showing that as yet no serious effects had resulted therefrom.

A communication from Dr. Finney, resident physician at the Mississippi quarantine station, was read, showing that all the vessels there were in a clean and healthy condition.

Mr. Marks introduced the following resolution:

"Whereas the Memphis board of health has adopted a resolution to the effect that on and after the 15th instant, and until the 1st of October, 1882, coffee, rice, sugar, molasses, spices, and all tropical fruits, &c., shall be prohibited from entering Memphis, coming from southern ports, and this extraordinary and uncalled-for action (as far as New Orleans is interested) has been superinduced by the action of the national board in suspending its inspection service; and

"Whereas the city of New Orleans is entirely free from epidemic diseases of every kind and in a state of health comparing favorably with any of the large cities of the Union; and

"Whereas the efforts of intimidation that are being made to terrify Congress into making appropriations for the support of the national board, by declaring non-intercourse with this city, or through the appeal of the secretary of the national board to the trusty shot-gun, should not assume the dangerous form of the unnecessary destruction of commerce:

"Be it therefore resolved, That the State board of health of Louisiana views with regret and astonishment the action of the board of health of Memphis, and respectfully requests that so far as this city is concerned this action be reconsidered."

Mr. Marks said that if this action by the Memphis board was to protect the people of that city from the introduction of any contagious or infectious disease, why was it that such articles of commerce as were excluded from New Orleans, after being subjected to thorough disinfection and a detention of ten days at the quarantine station, were received from New York with only one day's detention at the quarantine station there?

The resolution was unanimously adopted and the secretary instructed to forward a copy to the Memphis board of health.

Mr. Booth introduced the following resolution:

"Whereas an effort is being made to have it appear that the health of the people of New Orleans, of Louisiana, and of the Mississippi Valley is being jeopardized by the Congress of the United States in refusing to continue the appropriation for the salaries of the official staff of the National Board of Health; and

"Whereas Dr. T. J. Turner, secretary of said National Board of Health, has caused to be circulated (it is to be supposed) by order of said board a scandalous telegram as below, to say:

"MEMPHIS, July 9.—Dr. R. W. Mitchell, resident member of the National Board of Health, this morning received the following telegram from Dr. T. J. Turner, secretary of the National Board of Health at Washington:

"Give notice to all concerned to be prepared to close inspections on the 15th instant, and get all Government property ready to place out of commission. Notify the valley. This action is owing to Congress failing to make an appropriation, and in the event of an outbreak of fever along the coast remands the residents of the Mississippi Valley to such protection as can be given by the State and local boards of health and the trusty shot-gun."

This alleged notification, as aforesaid, intended as a libel upon this and other State boards of health, and, by thus defaming them, to bulldoze the Congress of the United States into granting said National Board of Health their accustomed moneys and salaries; and

"Whereas said National Board of Health, by the emission of such innuendoes and incendiary publications, violates the conventionalities of official intercourse in a gross and unwarrantable manner, showing what it would do if it once had power, and reflecting most aristocratically upon the self-governing ability of the American people: Therefore,

"Be it resolved, That the telegram of Secretary Turner be copied and forwarded to President Cabell, of the National Board of Health, with a request that in future—if the board has any future—their communications to the people of the valley be couched in more decorous language when alluding to the board.

"Resolved, That this State board, supported by the confidence of the people, will continue its efforts, with aid from State, city, and volunteers, to ward off the importation of foreign pestilence, and trusts that, with the help of a beneficent Providence guiding the skill and courage of man, the health of the valley may be preserved without recourse to the 'trusty shot-gun,' recommended by the National Board of Health."

The resolution was adopted, when the board adjourned.

The Senate, under the influence of newspapers around the country, brings in a proposition here to add \$61,250 to the appropriation of the House, making the aggregate \$78,750, the House having appropriated for this purpose \$17,500. Not one dollar is for the preserva-

tion of health; it is simply to pay salaries to men around Washington who are doing no good, but only starting rumors about the prevalence of disease here and there, for the purpose of being enabled to draw their salaries.

Mr. REAGAN. Where is the gentleman's authority when he speaks of there being \$78,000 appropriated?

Mr. COX, of New York. The gentlemen of the Committee on Appropriations will cipher it out.

Mr. HISCOCK. Seventy-eight thousand dollars is proposed by the Senate to be appropriated, and every dollar for salaries or services.

Mr. COX, of New York. I will correct my figures if I am wrong. I never change the RECORD; but on this occasion, if I am in error, I will make the matter right.

I wish to have read the remonstrance of the board of trade of Baltimore against the bill to prevent the introduction of contagious or infectious diseases into the United States. This remonstrance puts the matter on a higher ground than the mere mercenary consideration as to appropriations.

The Clerk read as follows:

Remonstrance of the board of trade of Baltimore against the bill entitled "An act to prevent the introduction of contagious or infectious diseases into the United States."

The attention of your committee has been called to the effort now being made before Congress by the National Board of Health to increase their power and authority by means of a bill which has been introduced with the title of "An act to prevent the introduction of contagious or infectious diseases into the United States," but which, in the language of the Journal of Commerce of New York, ought rather to be entitled "A bill to create a further burden upon the commerce of the United States."

Upon an examination of the subject, your committee find that it contemplates not only the appointment of a horde of new officers and inspectors and of a medical officer at each of our consulates abroad, with almost unlimited powers and fees, but looks to the final absorption and abolition of all State systems of quarantine; and it even looks to the establishment of an interstate system of quarantine which would be attended with endless and unnecessary annoyance and expense; in short, the powers proposed to be invested in the national board are, in the opinion of your committee, of a monstrous and unparalleled character.

And we therefore propose the following resolution.

W. W. SPENCE, Chairman.
JAS. CAREY COALE.
W. H. PEROT.
E. D. BIGELOW.
G. A. VON LINGEN.

Resolved, by the board of trade of Baltimore, That in the opinion of this board the bill proposed by the National Board of Health, and now before Congress, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," is unnecessary, mischievous, and fraught with great evil to the commerce of the country; and

Resolved, That this preamble and these resolutions be printed and sent to each of our Representatives and Senators in Congress, with the earnest request that they will oppose the passage of said bill by all honorable means in their power.

BOARD OF TRADE ROOMS,
Baltimore, May 6, 1882.

SIR: At the stated meeting of the board of trade of Baltimore City held last instant the annexed report and resolutions; presented by the committee on foreign commerce, were unanimously adopted, and in pursuance therewith I have the honor of presenting you with a copy.

Very respectfully,

GEORGE U. PORTER, Secretary.

Mr. REAGAN. What is the date of that paper?

Mr. COX, of New York. May 6, 1882.

Mr. REAGAN. What bill before the House was that a protest against?

Mr. COX, of New York. It reaches this case; and I will give the gentleman from Texas something more in the same direction.

Mr. REAGAN. I want to know what is the bill against which this is a protest?

Mr. HISCOCK. There was such a bill in the Senate.

Mr. REAGAN. I never heard of it.

Mr. PEELE. I will ask the gentleman from New York whether it is not true that provision has been made for the erection of a marine hospital at Baltimore.

Mr. COX, of New York. I am not talking about marine hospitals, I am talking about the inutility of this National Board of Health and the means they have taken to perpetuate their salaries and to perpetuate their inutility.

In the New Orleans Picayune of July 19, 1882, appears what I should like to have go into the RECORD. It is as follows:

On Monday afternoon Louis Dischler, a patient at Charity hospital, died exhibiting some symptoms of high fever and yellowness of the skin, which suggested to some of the attendants appearances of yellow fever.

Notice was given to Dr. Joseph Jones, president of the State board of health, and he, attended by Dr. S. S. Herrick and other officials of the State board, at once visited the hospital.

Dr. S. E. Chaillé, of the National Board of Health, having been also notified, was present, as were a number of other physicians of note. The assembled faculty proceeded to make an autopsy of the corpse, while Dr. Jones applied himself to investigating the history of the case so as to trace its bearings and relations to any possible causes that might exist.

As a result of the post mortem examination of the dead body and an investigation of the case in all its various bearings, Dr. Jones made up a report and diagnosis, which are here given, and which the doctor forwarded by telegraph to Dr. W. D. Kelley, president of the board of health at Galveston, and subsequently furnished to the agent of the Associated Press a copy for transmission over the wires to all parts of the country. The following is the official statement from the hand of the president of the State board of health:

"This day, July 17, about 2.30 o'clock in the afternoon, I was requested by Dr. A. B. Miles, house surgeon at the Charity hospital, to examine a corpse at the Charity hospital. A thorough examination developed the following: Exterior, golden colored; no marked mottling of dependent portions; universal gold color of integuments, fibrous and serous membranes, from the diffusion of bile. Heart,

normal in size, firm in texture; under microscope, transverse striae of muscular tissue distinct; no fatty degeneration of the heart; textures of the heart and pericardium discolored by bile. Liver congested and of a brownish red color, with portions of a lighter shade; under microscope, liver cells distinct, with no marked accumulation of oil globules. Mucous membrane of the stomach highly congested, contained about two fluid ounces of a reddish mucoid fluid, coagulated by heat and nitric acid, and containing numerous epithelial cells. Kidneys large and congested; urinary bladder contained about one fluid ounce of golden-colored urine, with a moderate quantity of albumen and yellow casts; many of the casts were transparent, with little or no granular matter, indicating that Bright's disease may have existed before the supervention of jaundice.

"History of the case.—From the hospital records, as well as from a searching personal inspection and investigation, I gather the following facts: Louis Dischler, age thirty-one years, a native of Germany, a resident of New Orleans for twelve years, brewer by occupation, is said to have had yellow fever in 1878. He has suffered for several years with a large ulcer in left leg, marks of which were visible at *post mortem*. Was treated for ulcer in Charity hospital in October and December, 1881. He worked for several years in the canal brewery, near Old Basin, then in eagle brewery, 540 Tchoupitoulas street, until the 31st of March, 1882. June 20, 1882, he entered the brewery No. 1010 Tchoupitoulas street, fourth district, near Louisiana avenue. No. 1010 is the only house in the square, and is entirely isolated. His habits were like those of brewers generally, intemperate. He used wine and beer freely.

"On Tuesday night, June 11, while drunk, he lay exposed to a draft of cold air, and next day complained of sore throat, and wrapped ice around his neck. Dr. C. E. Schuppert saw him on the 12th instant. Patient was jaundiced and suffering from the effects of alcoholic stimulants. He prescribed Glauber's salts. On the 13th jaundice was well marked; no fever, head cold, complained of chilly sensations; prescribed podophyllin as a purgative.

"According to his landlady, on the 14th or 15th patient was alternately up and down; was very yellow; drank two bottles of wine; was admitted to the Charity hospital on the morning of the 16th of July, and stated that he had suffered with access of fever every second day. At 7 a. m. on the 17th, the temperature of the axilla was 104° F.; at 9 a. m., 105°; at 12 m., 107°; at 1 p. m., 109.5°. The patient died in less than twenty minutes after this rise of temperature.

"We have in this case a history embracing intemperance, intense jaundice, no vomiting, purgation, albuminuria, congestion of internal organs, rapid rising of temperature, and death.

"JOSEPH JONES, M. D.

"President Board of Health, State of Louisiana."

Dr. Charles E. Schuppert, who had attended the patient just preceding his entrance to the Charity hospital, addressed to the board of health the following statement:

"The man who died at the Charity hospital did not show any symptoms whatever of yellow fever.

"My diagnosis is gastro-duodenitis, brought on by overindulgence in spirituous liquors and exposure.

"I will gladly give any further information required. It is as ridiculous as unjust to even surmise yellow fever in this case.

With great respect, I am yours,

"CHAS. E. SCHUPPERT."

In addition to this Dr. Schuppert was visited by a Picayune reporter yesterday. He stated that the patient, Dischler, was represented to be sick from lying out at night when intoxicated. On Thursday last when Dr. Schuppert examined him he says Dischler had no sign of fever whatever. He had a cold, clammy sweat upon him at that time and his eyes were injected with bile. He complained of a pain in the stomach. For many days previous to this attack he was complaining of indigestion, with a slight pain in the abdomen.

Dr. Schuppert states that he prescribed for jaundice, caused by an inflammation of the stomach and duodenum, technically called duodenitis.

Dr. Schuppert says he was informed that on the following evening, in addition to drinking spirituous liquors and beer, Dischler drank two bottles of red wine. The next morning he was conveyed to the charity hospital.

The medical men present at the autopsy were Dr. Joseph Jones, president of the State board of health; Dr. S. S. Herrick, secretary of the board; Dr. S. E. Chaille, resident member of the National Board of Health; Dr. Thomas Layton, vice-president of the board of the administrators of the charity hospital; Drs. A. B. Miles and D. Jamison, respectively chief and assistant house surgeons of the hospital.

It is considered that the case has been so thoroughly and carefully studied as to its symptoms and history that there can be nothing doubtful in the matter, and it is therefore in the most authoritative manner pronounced to be jaundice. The full information that President Jones has promulgated on the subject, and the prompt action he took to test the nature of the disease should disarm all suspicion or tendency to alarm on the subject in every section of the country, and doubtless will.

There it appeared this case of yellow fever turned out to be a case of alcohol and jaundice; and so if we give this National Board of Health the power to go into all our quarantine regulations and overturn them, the power to go into our hospitals and make their reports on every suspicious case, we will have a great big, stupendous institution here which will do nothing else than to interfere with our commerce and make trouble throughout the country. Our committee have done wisely therefore in trying to limit, and if possible to expurgate from the Federal statute these laws which give this peculiar institution this peculiar privilege. I believe that is all I have to state.

Mr. HISCOCK. I take the floor, and I suppose I am entitled under the rules to an hour, and then I will call for a vote; and I do this for the purpose of controlling this question. I yield five minutes in the first instance to the gentleman from Mississippi, [Mr. MANNING.]

Mr. MANNING. Mr. Speaker, I earnestly urge the House to concur in the amendments of the Senate, which are as follows:

- (75) For quarantine service, Mississippi River, \$16,000.
- (76) For quarantine service, Ship Island, \$14,000.
- (77) For quarantine service, Sapelo Sound, \$13,000.
- (78) For quarantine service, Hampton Roads, \$2,000.
- (79) For pay and expenses of inspectors, \$4,000.
- (80) For pay and expenses of members of board, \$5,000.
- (81) For printing Bulletin, \$5,000.
- (82) For clerks, messengers, and laborers, \$15,000.
- (83) For secretary and disbursing agent, \$1,500.
- (84) For rent, light, and fuel, \$1,500.
- (85) For telegrams, \$250.
- (86) For stationery, \$1,000.
- (87) For postage, \$400.
- (88) For furniture, \$100.
- (89) For miscellaneous expenses, \$500.

These amendments, with the \$25,000 provided for in this bill for aid to State and local boards of health and to local quarantine stations in carrying out their rules and regulations to prevent the introduction of contagious and infectious diseases in the United States, and the \$100,000 contingently appropriated, we may hope will make the board efficient in the performance of the duties that are imposed upon it by law.

The National Board of Health should either be supported amply or it should be abolished, and it certainly ought not to be abolished. I am much mistaken if there are among the intelligent people of the country any considerable number who desire this to be done. They have not forgotten the frightful experience, in 1878, of the people in the Mississippi Valley when they were visited by yellow fever. They can never forget that four years ago this scourge swept up the Mississippi Valley like a besom of destruction, and one hundred thousand people were stricken, and doctors were as helpless as children in its presence. When that horrible disease had ceased and the national convention of the distinguished men of medicine assembled at Richmond, Virginia, the president of that convention, Dr. Elisha Harris, a famous physician from the State of New York, opened its proceedings by declaring as a fact to be confessed broadly and unqualifiedly in the face of all mankind, that no advance had been made by the medical profession of the world in the treatment of this terrible pestilence since the plague at Lisbon, over a century ago.

Every man concedes, Mr. Speaker, that it is of the greatest importance to keep this disease, if possible, beyond our borders; but if, perchance, it should get in, then every possible machinery that the human mind can devise should be invoked, and all the money necessary should be appropriated to meet it and stamp it out of existence. When I hear gentlemen talking as the gentleman from New York who has just spoken, or others who agree in the views he submitted, I am almost cruel enough to want them transported into the presence of such a terrible scourge, so that thereafter they will have a proper appreciation of such annual duty as now confronts us. It would be a wholesome lesson to them. I would be glad to have them become more familiar with the facts in regard to the ravages of this disease than they seem to be by what they have said to-day. I would wish them to feel a little more interest in the indescribable sufferings and irreparable losses to which others have been subjected.

The Life-Saving Service which is annually so eloquently commended on this floor by my friend from New York cost the Government during the last fiscal year \$700,000. Can he tell us how many lives were saved in that period? He will certainly admit there were but few; but still I would not antagonize or cripple that important service by withholding proper appropriations. The Light-House system likewise I believe is near to his heart and is cordially supported, and Congress and the President assent to an annual expenditure of \$2,500,000 to maintain it. These large sums of money are wisely appropriated as the protection of human life is paramount to every question which presents itself to the consideration of the legislator and patriot.

The average annual expenditure of the National Board of Health since its creation is \$168,038.72. Who can reasonably and without prejudice contemplate the security to life and protection to the business interests of the country which these three bureaus respectively afford, without promptly concluding that while all should be maintained upon the most efficient basis yet, the National Board of Health is entitled to be first considered, although it costs millions less each year to sustain it. The necessity for a national board of health was made painfully apparent by the yellow-fever epidemic of 1878, although yellow fever has invaded our country sixty-five times within the present century.

During the prevalence of that fatal pestilence the people were forced to resist its ravages without organization or pecuniary assistance by the Government. The emergency called forth every measure of relief which was possible, under the circumstances; but fully twenty thousand deaths occurred in a hundred thousand cases, and the pecuniary loss to the country occasioned by this epidemic is reckoned by the hundred millions of dollars.

Now, the gentleman from New York, in his desperation, a moment ago, to defeat the pending motion to concur in the amendments of the Senate, flourished this paper, published in New Orleans, which I hold in my hand, in the presence of this House and defiantly invited our consideration of its contents, charging that a plot was disclosed involving the good faith of the National Board of Health. I have read this newspaper slip since he sent it to the reporter's desk to be embodied in his remarks in the RECORD to-morrow morning; and while I have not had time to read it as carefully as I would like—he did not have the time to read it to the House while he spoke—I have read it carefully enough to know that the charge preferred is not sustained, and I invite the closest scrutiny to it on the part of every member of the House. I venture to predict now, without intending to be discourteous to my friend from New York, that when gentlemen come to read the contents of this paper, if he does not modify his statement made in this discussion as to what it contains, they will be very much disappointed when they come to learn exactly what the charge is based upon. It does not bear the gentleman out at all. He read his paper too hastily. I recognize therein the names of reputable gentlemen; I know some of them personally; they are the peers of any man on this floor in the matter of integrity or of any in distinction in the medical profession. There is no plot, Mr.

Speaker, here that affects the integrity or the *bona fides* of the action of the National Board of Health, and I defy the gentleman to take the floor and point it out.

When gentlemen come to read the paper in question they will discover exactly why it was published. Talk about jealousy! You will perhaps discover that the criticisms betray the prejudice of a New Orleans editor prompted, possibly, by fears for the commerce of his city. We should not forget what effect an epidemic of yellow fever has on the commerce of any city. We know how people run away. We know how serious is the consequent prostration of trade and business when the yellow fever comes.

In this connection it is proper to read the following extract from the report of the State board of health of Louisiana for the year 1878:

Cost of the yellow-fever epidemics of 1878 to the city of New Orleans.

| | |
|--|------------|
| Estimated number of cases..... | 25,000 |
| Cost of 10 days' sickness of each one, at \$3 per day..... | \$750,000 |
| Cost of 4,500 funerals, at \$25 each..... | 112,500 |
| About two-fifths of the 4,500 victims represent each a capital value of \$1,000, amounting to..... | 1,800,000 |
| Remaining three-fifths, at \$300, amount to..... | 810,000 |
| Loss of time of half the industrial population, say 20,000 people, for 90 days, at \$2 per day..... | 3,600,000 |
| Values destroyed by the epidemics..... | 7,072,500 |
| Commercial losses by interruption of intercourse with the surrounding country, and diversion of trade to other cities..... | 5,000,000 |
| Total losses..... | 12,072,500 |
| Estimated profits of the summer trade with ports where yellow fever usually prevails..... | 1,572,500 |

The difference between these two sums, say \$10,500,000, represents the actual cost of the epidemic to the material resources of New Orleans.

These figures, made upon a basis deemed moderate in all particulars, show that a trade during half the year with certain tropical ports, and worth to our city \$1,500,000, is held at a risk of more than \$12,000,000, the actual loss of 1878 from yellow fever. An estimate of the total loss to our country from this epidemic has been made by Mr. A. B. Farquhar, in a letter to Surgeon-General Woodward, in which he places it at the enormous sum of \$175,000,000.

From the highest official sources (a message from the President and reports from two committees during this session of Congress) we are informed that the total loss to the people of the United States in the element of material wealth, to say nothing of loss of life and impaired health, was about \$2,000,000 per day during the epidemic of that year.

When you come to consider the facts and human nature you will better understand the value of the statement made in the paper referred to by the gentleman from New York. So it is that this editor takes issue with the doctors as to the appearance of yellow fever a few miles below the city of New Orleans and says it is nothing but a scare for unworthy purposes. Now certain doctors charged with the investigation of this matter, having examined all the facts, have declared there was absolute truth in the report. Others disagreed. Will you put confidence in this editor on the one hand and ignore the doctors on the other, honorable men, knowing what they speak after diligent investigation and making their report over their own signatures? It is immaterial whether this was in the instance cited yellow fever or not. The important question at issue is the integrity of this National Board of Health.

Mr. Speaker, we have advanced far in all departments of science, but we have not advanced far enough yet to solve the question of how to treat yellow fever to avert death to those who are stricken, and we want all of the information upon the subject that we can get, and all the money essential to our protection.

Mr. DUNN. Will the gentleman from Mississippi allow me to have read in this connection a resolution passed by the Auxiliary Sanitary Association of New Orleans, asking for an increase of appropriation for the National Board of Health, and stating that a case of yellow fever prevailed there at that time, in which statement Dr. Chaille and other distinguished physicians also acquiesced?

Mr. MANNING. I have but a moment, but have cheerfully submitted the interruption of my friend from Arkansas.

I submit the following telegram from distinguished physicians of Mississippi, whose judgment can be accepted without apprehension that they are in the least degree under any improper influence:

JACKSON, MISSISSIPPI, July 24, 1882.

Senators LAMAR and GEORGE, and Representatives MULBROW, MANNING, MONEY, SINGLETON, HOOKER, and LYNCH, (care J. Z. GEORGE, Washington, D. C.):

The State board of health, at a special session held here this day, have unanimously agreed that the National Board of Health can and will perform vital and important sanitary services that can be rendered by no other body, and would respectfully urge you, in view of the important interest involved, to do all in your power to obtain such an appropriation from Congress as may enable that board to fully discharge its responsible duties in accordance with the plans foreshadowed in its annual report.

F. W. DANCY, President.

C. A. RICE.

W. F. HYER.

J. N. BENNETT.

W. D. HILL.

B. F. KETTRELL.

J. W. BLANKS.

H. P. SALE.

WIRT JOHNSON, Secretary.

Telegrams, in effect the same as this, I am informed, have been received by many members and Senators from a large number of States in different sections of the country.

To disregard such communications is to impute bad faith to those who sent them and the grossest duplicity to the Board of Health, which I apprehend no member of this House is reckless enough to do.

It is asserted by the gentleman from Ohio [Mr. BUTTERWORTH] that we can safely rely for protection against yellow fever upon the Marine-Hospital Service. I would remind him that we never felt any security or realized any protection at the hands of that service either before or since the creation of the National Board of Health. What efforts were put forth by it during the yellow-fever epidemic of 1878, when death was in the very air? If efforts were made they were so inefficient as to make no impression upon those residing in the section of the country visited in that year by this dreadful disease, and who would have gladly testified to its efficiency if its services had been valuable. Did not the law then give authority to it to fight this disease and has the law been substantially changed since that date? If so, I do not recall it.

While the gentleman from Ohio was submitting his argument that the board of health should be abolished and all its duties and responsibilities under existing law be transferred to the Marine-Hospital Service, he conceded in reply to my inquiry that no case of yellow fever is ever admitted to a marine hospital, the only shelter afforded by law to patients under the care of marine surgeons. The gentleman should remember that it was an Ohio River tow-boat, John Porter, that scattered the yellow fever in its most malignant type up the Ohio as far as Gallipolis in 1878, and that the steamer Golden Crown, from his own city, transported that disease from New Orleans to Memphis in that year. While he declares that we should dispense with the board he signally fails to overcome the opinion of those competent to advise us on the subject, that the maintenance of the board is of the utmost importance to the lives of our people and to the business interests of the country.

It is not proposed to ignore local boards or local authorities, but to act in concert with them for the accomplishment of the one great end. It will be seen by the following, which I read from the first annual report of the board, that there is no inimical feeling or jealousy between it and the State and local sanitary authorities:

The rules and regulations recommended by the board for adoption by State and local sanitary authorities have met with very general approval, and have been adopted by the following State and local boards of health, namely:

The State health authorities of Illinois, Kentucky, Louisiana, Mississippi, New Jersey, North Carolina, Tennessee, Texas, and the local boards of health of Argentina, Arkansas; Brunswick, Georgia; Brownsville, Texas; Bayou Sara, Louisiana; Brunswick County, North Carolina; Cairo and Carlinville, Illinois; Corpus Christi, Texas; Charleston, South Carolina; Clarendon and Camden, Arkansas; Clarksville, Tennessee; Cedar Keys, Florida; Delhi, Louisiana; Decatur, Alabama; Darien, Georgia; Devall's Bluff, Arkansas; Fernandina, Florida; Forest City, Arkansas; Huntingdon, Tennessee; Helena, Arkansas; Indianola, Texas; Jacksonville, Florida; Jefferson County, Mississippi; Landerdale County, Mississippi; Louisville, Kentucky; Mobile, Alabama; Meridian, Mississippi; Morgan City, Louisiana; Pensacola, Florida; Pine Bluff and Prescott, Arkansas; Shelbyville, Tennessee; Saint Louis, Missouri; Saint Mary's, Georgia; Tampa, Florida; Vicksburg and Warren County, Mississippi.

These recommendations were somewhat hastily drawn up to meet a present emergency, and it could not be supposed that they would prove perfect. The experience of the past summer has shown that certain improvements in these rules are desirable, but upon the whole it may be said that they have worked satisfactorily wherever they have been enforced.

I wish to say that we violated no principle of State rights in the passage of the law of 1879 creating a National Board of Health. I had the honor to discuss that question in the Forty-fifth Congress, and cited early and late decisions of the Supreme Court of the United States, pronounced by Democratic judges, in support of the bill then pending and which subsequently was enacted into law.

For over a half century Congress has been adding one precedent to another illustrating the power and purpose of Congress to give greater security to the health and lives of those within our borders who chance to be afloat upon our waters.

The proposition is *res adjudicata*, and I submit that there is no valid reason to take any backward step or to regret what we have done. At the head of the board we have a great and good man, and we can confidently rely upon his head and heart in the discharge of all the duties imposed upon him.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. MANNING. I ask for a moment longer.

Mr. HISCOCK. I cannot extend any additional time to the gentleman.

Mr. DUNN. I ask unanimous consent to print in the RECORD the matters to which I have referred bearing upon this subject, taken from the Times-Democrat, of New Orleans, and the Memphis Appeal of recent date.

The SPEAKER *pro tempore*. Without objection the articles to which the gentleman refers will be printed.

There was no objection.

They are as follows:

There was the regular weekly meeting last night of the executive committee of the Auxiliary Sanitary Association. There were present: Messrs. James Jackson, T. J. Woodward, G. Devron, M. D.; W. H. Watkins, sanitary director; C. K. Converse, Henry Ginder, Albert Baldwin, Stanford E. Chaille, M. D.; John W. Glenn, T. J. Richardson, M. D., and B. M. Palmer, D. D.

Mr. Baldwin presided.

The finance committee made the following report:
Contributions received from July 15 to 22, 1882:

| | |
|---|------|
| H. Neuhaus | \$10 |
| Mrs. T. Hausmann | 2 |
| Crescent Insurance Company | 250 |
| Jules Aldige, president Bienville Oil Company | 100 |
| Henry Cassidy | 10 |
| Moore, Hyams & Co. | 150 |
| John Henry & Co. | 100 |
| Professor George Soule | 10 |

Total 632

THOMAS S. ELDER, Secretary.

Dr. Watkins said that as soon as the Diechler case of alleged yellow fever was made known the association went to work disinfecting and cleansing. All the rooms occupied by the man were inspected, and four squares above, four squares below, and four squares to the rear of No. 1010 Tchoupitoulas street had been cleansed, four men and two carts being employed there. He said further that the health of the city was remarkably good.

Mr. Ginder offered the following:

"Resolved, That Congress is hereby petitioned to grant the National Board of Health an appropriation sufficient for the efficient continuance of the quarantine and inspection service, as these services are useful in maintaining the confidence of our adjacent communities.

"Resolved, That this resolution be forthwith telegraphed to our Representatives in Congress."

This was carried unanimously.

Dr. Chaillé addressed the meeting in these words:

"Gentlemen, one case of undoubted yellow fever, and a second suspicious case, have caused much uneasiness. Those who are best informed know well how dangerous are prophecies about this disease. None the less I shall now venture, after thirty years' observation and study of yellow fever, to make the modest prophecy that unless several cases should occur between this date and the 1st of August, New Orleans will escape an epidemic at least.

"I base this opinion on the following facts: the summer has thus far been the coolest and pleasantest I have ever experienced here; our local sanitation, however defective, is comparatively good; the death-rate during the past two weeks has been exceptionally favorable; the fevers generally prevalent manifest no exceptionally evil traits; and, finally, there is no record of the occurrence in New Orleans of a violent epidemic when its outbreak has been later than August 1. At the present there is ample reason for excessive vigilance, but there is little room for serious alarm."—*Times-Democrat*, New Orleans, July 23.

A reporter of the *Times-Democrat* last evening called upon Dr. Miles, house-surgeon of the Charity hospital. Dr. Miles said that Dr. Veazie, Dr. Jamison, Dr. Campbell, and himself had seen the patient before his death and diagnosed his disease as yellow fever. They had been conscientious in their diagnosis, and he and the other physicians believed it was yellow fever. The pathological examination by Dr. Schmidt, pathologist of the hospital, had convinced him that his diagnosis was correct.

DR. CHAILLÉ THINKS THE POST MORTEM CONFIRMATORY OF THE ABOVE VIEW.

Dr. Stanford E. Chaillé, representative of the National Board of Health, was also notified of the case, and was present at the *post mortem*. Upon being interviewed Dr. Chaillé said that the *post mortem* examination, which he himself witnessed, was confirmatory but not conclusive evidence of the diagnosis made by the four physicians who saw the patient at the hospital during his life, and that he had informed, in compliance with official instructions, the National Board of Health of the above effect, as also that all sanitary precautions against yellow fever would be taken.—*Memphis Appeal*, July 21.

Mr. HISCOCK. I now yield ten minutes to the gentleman from Texas.

Mr. REAGAN. I regret exceedingly, Mr. Speaker, the course this debate has taken to-day. I think that no unbiased, impartial human being, knowing anything of the facts that surround our country and its condition, as far as sanitary regulations are concerned, could have heard that debate without regret. What is it, sir, that is presented here as a reason why no action should be taken by the House to prevent the spread of great epidemics in our country? A miserable scramble about the expenditure of some \$80,000; and as to whether, if spent at all, it shall be spent by one set of officers or another. It is a contemptible scramble about an amount of money which in itself would not be the one-thousandth part of the expenditure and loss in money values alone to which an epidemic would subject the country, leaving out of sight altogether the sacrifice of thousands of lives, the breaking up of homes, the destruction of families, leaving children without fathers or mothers, fathers without wives or children, and wives without children or husband. Is it possible that American statesmanship has come down to this? I do not doubt that in the effort of the gentleman from New York to exercise economy he might very well sacrifice a thousand human lives somewhere else to place himself on the record in favor of saving \$80,000. I do not doubt that he would sacrifice ten thousand lives, break up a thousand families, to preserve his record for statesmanship on the subject of economy and constitutionality.

He would be willing to see all the people die constitutionally; he would be willing to see the property of the country dispersed and scattered and destroyed constitutionally; he would be willing to see the commerce of this country blotted out of existence to the extent of hundreds of millions of dollars constitutionally. This is his statesmanship. I regret to say it, but this is the statesmanship which he exhibits here, a statesmanship that grasps at the penny while the pound is wasted.

But, Mr. Speaker, suppose we reverse the picture. Suppose our great State or city of New York was stricken with such a desolating epidemic, would his statesmanship tell this Congress that no effort should be made to supplement the action of the citizens of the State and of the city to prevent an epidemic involving the loss of thousands of human lives and the destruction of millions of property? I opine, sir, that "locality" would have a great deal to do with his statesmanship. I regret to say it, but I cannot doubt it.

Why, sir, he has been told this morning that the yellow fever is

epidemic in Havana to-day. He has been told that yellow fever is epidemic on the southern bank of the Rio Grande; that there are cases of yellow fever in Brownsville and cases of yellow fever in Key West; and yet he higgles over \$87,000! It has been said here that all of this is to pay the salaries of officers, and I regret that the chairman of the Committee on Appropriations made that statement in the face of the facts as they exist.

Mr. HISCOCK. I would like to ask the gentleman what else can be done with it except to pay salaries?

Mr. REAGAN. There is a provision here for quarantine service at Ship Island, \$14,000. What does that mean? It means to supply the hospital; to put men in there; to heal them; to take the cargoes from the vessels and fumigate them; cleanse the vessels, and then let them go upon their way. And does he mean to say that all of that is for the salaries of officers? Then, again, provision is made for quarantine station at Sapelo Sound. That is for the same service. That is to put men into the hospital, to treat them there, to fumigate the vessels, and to prevent the spread of devastation and destruction. And yet we are told that all of this sum is for the salaries of officers!

Then, again, for quarantine service at Hampton Roads \$2,000 are appropriated. Is that for salaries? Are not the salaries otherwise provided for?

Such, Mr. Speaker, are the great questions which confront us; such is the danger which menaces us. The States have it not in their power to arrest it. They cannot bring consular reports from foreign countries advising them when we are threatened by an infected ship with these diseases. They cannot control commerce on the high seas. They cannot direct ships to particular ports where they can be disinfected and the sick cured, and from which the vessels, relieved of disease, can be allowed to go on their course. They cannot prevent or arrest those diseases which close commerce to vast sections of country; which not only affect local interests but arrest the commerce from all the Northern States and from Europe, and which can be preserved if you will but give us such stations as are provided for at Ship Island and at Sapelo Sound. These agencies at small expense will enable us to treat infected ships and sailors, and those not infected can go on their course.

What I desire is not the agencies; it is no matter to me what officers are salaried or are not salaried; or whether the Federal agency shall be employed through the National Board of Health or the Marine-Hospital Service, so that it is in a sphere of duty or of action which cannot be occupied by the States. It is necessary to supplement the action of the States.

When we look back upon the calamities this country has suffered in past epidemics and remember that it is now liable to and threatened with the same epidemic to-day, is it possible that American statesmanship will stand here higgling over \$80,000 to prevent the sacrifice of life, the almost desolation of the large tracts of country, the arrest of commerce to an extent affecting the North and South and European and American trade alike? Are all these things to be disregarded and are we to enter into a petty higgling, scrambling over a few thousand dollars and over the agencies by which they are to be expended? I trust that something broader, grander, nobler, more patriotic and beneficent will rule in the minds and souls of members in this House than a disposition to get into a petty, contemptible scramble of this kind in the presence of threatened consequences like this.

Mr. HISCOCK. I yield five minutes to the gentleman from Mississippi, [Mr. LYNCH.]

Mr. LYNCH. I only want to give one or two reasons why I shall vote for concurrence in the Senate amendments, and why I cannot agree with my facetious and strict-construction friend from New York, [Mr. COX.] The only trouble with my distinguished friend from New York is this: his heart is large; he means well; he is charitable; he is kind; he is good-natured; he is benevolent; but he is too much of a strict constructionist. He believes that the true Jeffersonian principle is that each State must regulate its own affairs, even to the extent of excluding yellow fever, and that it is a usurpation of authority on the part of the Federal Government to invade the sacred precincts of a State, even to exclude that terrible disease from its borders. I am very glad, however, that my friend does not represent his party altogether on that subject, though I fear he does represent too many of them.

My opinion is that we should not base our action upon the opinions exclusively of physicians. We should not regard the mistakes that physicians make either in the treatment of yellow fever or gunshot wounds as sufficient to control our action. We should look at this question from a common-sense stand-point. Let us inquire is there any reason for this Board of Health? Is there any necessity for making this appropriation? If so, let us make it. If there be no reason for it, then let us refuse to make it.

I have formed my opinion upon this question regardless of jealousies that may exist between physicians, regardless of what they may think of each other. We know from a common-sense stand-point that there is a necessity for a board of this kind, and for an appropriation sufficient to enable the board to prevent the importation and spread of yellow fever and other diseases.

I happened to be in the South during the epidemic of 1878. The great trouble then with us was this: every State had its own plan,

every county had its own plan, every city and municipality had its own plan, and the result was we had no effective plan of any kind.

Mr. BUTTERWORTH. This does not change it. The board is only authorized to co-operate with the local authorities.

Mr. LYNCH. As to that, I will say we have had too much of locality in this question. I want it nationalized. I am not a strict constructionist, and do not believe in local authority in such matters. I believe in national authority to control and prevent yellow fever.

Mr. BUTTERWORTH. The law only authorizes the Board of Health to co-operate with the local authorities. They are still supreme.

Mr. LYNCH. That is the only objection I have to your bill. It does not go far enough, although it gives them the money to do what is necessary to be done.

But, as I was remarking, when the epidemic was upon us in 1878 we suffered very serious inconvenience in consequence of the States, the counties, the municipalities, all claiming supreme authority to act in the matter of preventing yellow fever. Sometimes a little town of three hundred or four hundred people would hear of a case that somebody reported to be yellow fever; and then a quarantine would be established. They would have their officers, with their badges on, receiving their authority from the mayor and the board of aldermen of the little town; in that way a great deal of inconvenience was caused. I hope, Mr. Speaker, the Senate amendments will be concurred in.

Mr. HISCOCK. I now yield one minute to the gentleman from Indiana, [Mr. PEELLE.]

Mr. PEELLE. I desire simply to call the attention of the House to a paragraph on page 11 of this bill. It is as follows:

For constructing a marine hospital at Baltimore, Maryland, \$100,000.

That paragraph was in the bill when it passed the House, and it has been agreed to by the Senate. Perhaps it may somewhat explain the resolutions from the board of trade in the city of Baltimore which the gentleman from New York [Mr. COX] had read, and we might reasonably conclude that the city of Baltimore would rather have a marine hospital at a cost of \$100,000 than to have provision made for a National Board of Health.

Mr. HISCOCK. I now yield four minutes to the gentleman from Michigan, [Mr. LORD.]

Mr. LORD. Sincerely hoping, as I do, that the amendments of the Senate now under consideration will be concurred in, I cannot allow the occasion to pass without expressing my dissent from the position taken by the gentleman from Ohio, [Mr. BUTTERWORTH.] He expressed the opinion that we could very well do without this National Board of Health, with no great detriment to the public service. And that sentiment was strongly re-echoed and still more emphatically enforced by the gentleman from New York, [Mr. COX.] I believe that we need a national board of health.

In all our little incorporated villages, in all our cities, small or large, and in nearly all our States we have boards of health; but they are in a great measure simply auxiliary organizations to the national board. To a very considerable extent they receive their instructions, at least suggestions, derive inspiration in fact, from the National Board of Health, and are kept in active service by connection with the National Board. I do not believe that you can cut off the head of this organization without paralyzing it in all its parts.

I disagree with the gentleman from New York, [Mr. COX,] who appears to hold the opinion that there is danger to be apprehended that physicians of this country, those constituting the principal officers of this National Board of Health, and their assistants and correspondents in the different States and cities and towns, may become engaged in an effort to spread abroad alarm and to create a panic concerning imaginary incoming diseases. I would as soon expect that General Sherman and General Sheridan would undertake to create a false alarm concerning hostile armies about to invade this country as to entertain a suspicion that the physicians of this country in official public service would in any manner endeavor to create needless apprehension merely for their own notoriety or for their unjust advantage.

It has been said in this debate by several gentlemen, I believe by the gentleman from New York, the chairman of the Committee on Appropriations, [Mr. HISCOCK,] certainly it has been urgently enforced by the other gentleman from New York, [Mr. COX,] that this is a mere matter involving the payment of salaries and has nothing to do with the public health. It seems to me that that is a very illogical statement to make, quite as illogical and absurd as it would be to say that the appropriations made by Congress for legislative purposes are simply to pay the salaries of members of this House and of Senators at the other end of the Capitol. It is just as absurd as it would be to say that our officers of the Army and of the Navy are simply representatives of an organization to secure appropriations for the payment of salaries to themselves.

These physicians stand picket-guard in the country against the terrible diseases of yellow fever, cholera, small-pox, scarlet fever, and diphtheria, a fearful and fatal alliance of foreign and domestic enemies, walking in darkness, from whose attacks greater numbers perish than by shipwreck, war, and famine.

And that reminds me that my large-hearted friend from New York [Mr. COX] has associated his name honorably for some generations

to come with the Life-Saving Service. Yet when there is suggested here for his approbation a life-saving service in comparison with which the one his name is identified with sinks into insignificance, he arises in his place and endeavors to obstruct our action and doubts both the skill and the fidelity of those to whom the duty is to be intrusted.

Unless we concur in these amendments of the Senate the resources of this National Board of Health will be so circumscribed and its duties so very much restricted that its services will amount to little in comparison with what it would have the ability to perform if proper provision were made for its reasonable maintenance.

Mr. HISCOCK. I would inquire, Mr. Speaker, how much of my hour has been occupied?

The SPEAKER. Twenty-five minutes.

Mr. HISCOCK. I will now yield five minutes to the gentleman from Virginia, [Mr. TUCKER.]

Mr. SINGLETON, of Mississippi. I would like to have the gentleman yield to me for a few minutes.

Mr. HISCOCK. I hope the gentleman from Virginia will be able to give the gentleman from Mississippi a portion of his time.

Mr. TUCKER. I would not engage in this debate except that certain criticisms have been passed upon gentlemen who are members of this National Board of Health. I have a communication at my room which, if I had known this debate was coming up, I would have brought here with me. It is from the president of the National Board of Health, Dr. Cabell, professor of surgery in the University of Virginia. He is a gentleman of whom I can say that he combines not only all the science of his profession but all the integrity that ought to belong to a president of a board charged with the administration of a public trust.

My friend from New York [Mr. COX] has said something about the members of the board being very solicitous about their salaries. What do their salaries amount to? They are \$10 a day while engaged in the public service. I have a statement from my friend, Dr. Cabell, that although when at his home he is engaged in correspondence in behalf of this board, which takes up a large amount of his time, yet he never charges his \$10 per diem except when in the city of Washington engaged officially as the president of the board.

I think it is unkind on the part of the gentleman from New York [Mr. COX] to reflect upon these gentlemen, whose only connection with this matter was a connection brought about by an act of Congress passed four years ago in the interest of a great life-saving service; a service to which my friend from New York is very much addicted when it is to save the lives of anybody but those living in the South and subject to the ravages of yellow fever.

I would go as far as the gentleman from New York in limiting the functions of this board of health. The act passed four years ago, when our late friend from Georgia, Mr. Hartridge, was here, limited the functions of this board to aiding the local quarantine boards, aiding them where the commercial power of this country trenches upon the quarantine power of the States. The object was to say to the foreign commerce of the country that it should not import disease into the States; that through the operations of this board foreign vessels should be prevented from bringing disease into a State contrary to the local quarantine regulations. I have it from Dr. Cabell that he has carried out strictly the purpose of that bill; that all the National Board of Health has done has been in aid of and upon the suggestion of the local boards of health. Although complaint has been made that in the city of New York the local authorities have been interfered with by this national board, the fact is it has only extended its hand to help them.

This is all I wish to say; and I have said it in justice to those who have been in some degree assailed. I take the liberty of adding to my remarks a statement of Dr. Cabell in a letter addressed to me on this subject a fortnight ago. I yield the remainder of my time to the gentleman from Mississippi, [Mr. SINGLETON.]

NATIONAL BOARD OF HEALTH,
Washington, D. C., July 20, 1882.

MY DEAR FRIEND: I take occasion to assure you that never in a single instance have either I or the board over which I preside deviated in the least degree from the letter or the spirit of the argument which at my instance you addressed to the American Public Health Association in October, 1878, on the subject of quarantine and health laws generally. We have consistently adhered to the doctrine that we had no authority in these matters except to aid State and municipal health authorities in the execution and enforcement of their rules and regulations to prevent the introduction of contagious and infectious diseases into the United States, and from one State into another.

In extending this aid it was our duty to be assured that it was necessary as a means of securing the end of the law; next, that the local authorities could not otherwise obtain the means of accomplishing this end; and thirdly, that the amount appropriated should be properly applied—that is to say, we never turned over money to the parties applying for aid, but always required certain work to be done, and then paid for the work by checks drawn in favor of the persons doing the work after carefully auditing their accounts, first at the office and subsequently at the Treasury by the proper officers of that Department.

The most effective and most economical way of protecting the extended coast of the South Atlantic and Gulf shores from the invasion of yellow fever we found to be the establishment of a few refuge stations to which infected vessels could be sent by the local quarantine authorities for proper treatment. We did not claim to have authority to exercise, and did not in fact exercise, any police powers, which is always reserved by local health authorities. They regard our refuge stations as the very salvation of their ports. We have two such stations, at each of which three infected ships were successfully treated and promptly restored to commerce last summer, so promptly that the masters expressed themselves as delighted with the arrangement. Any one of these might have initiated an epidemic over

the entire southern country if it had been detained in the anchorage ground of the local quarantines, in close proximity to other shipping temporarily arrested there for inspection. No such additional protection is needed at New York or Boston, because of the large area of anchorage, putting it in the power of the authorities effectually to isolate infected vessels. Indeed our system was modeled on the New York system, and is executed under the orders of the local quarantine authorities and in aid of them.

The singularly erroneous statement was made on the floor of Congress that we interfered with the State quarantines. This is evidently referring to the immigrant-inspection service, which has for its object the prevention of the introduction of small pox into the United States by immigrants arriving from foreign ports infected with that disease. You will be surprised to learn that everything we have done in that direction was done by the suggestion of the health officer of the port of New York, and in conformity with a request made in official form by a resolution unanimously adopted by the State board of health of New York. Soon thereafter a similar demand for aid was made by the health authorities of Michigan, Illinois, and Iowa, and concurred in by the municipal health officers of Philadelphia, Baltimore, and Boston. The law of June 2, 1879, made it our duty to render aid under such circumstances as far as we lawfully may. We should have been derelict of our duty if we had refused the solicited aid. New York said, "We do not ask aid for our own protection, but we do ask that the General Government should assist us to prevent the transmission of small-pox through our State into the Western States." Many thousands of foreign immigrants pass daily through New York for the West. The burden of stopping them for the benefit of other States ought not to fall exclusively upon the State through which the immigrants are conveyed by rapid railroad transit.

Is it not peculiarly hard that we should be censured by New York Representatives for rendering solicited aid to the regularly constituted health authorities of their State? It was alleged that I only came to Washington to draw my salary. I have no salary *ex nomine*; I am allowed a per diem of \$10 when in the actual discharge of my duties under the law. Another gentleman seemed to charge that I was but seldom in Washington. His charge is based on the assumption that the president of the board is its chief executive officer. In point of fact the secretary is especially charged with these duties, and this is the usual plan of all the State boards of health. The law of July 3, 1879, recognizes this arrangement by providing a special salary for the secretary, while I, in common with other members, receive only a per diem when actually discharging my duties. As president I am *ex officio* chairman of the executive committee, and whenever a meeting of that committee is necessary I go to Washington. I add that I do a great deal more work, perhaps nine-tenths of the whole, at home than I do in Washington. All the communications received at the office are transmitted to me for examination and consideration. I make an abstract of each and conduct a very large correspondence, occupying several hours, sometimes four or five, each day. I have never charged nor received one dollar for any of this laborious work done at home, nor have I raised the question of my being entitled to some compensation for it.

The statement was made that we had spent all the money appropriated and had come forward with a deficiency bill of between three and four hundred thousand dollars. In point of fact we have over \$140,000 to our credit on the books of the Treasury, but the proviso inserted in the bill (sundry civil) prohibits our using it.

I am, with high respect and sincere regard, very truly, yours,

J. L. CABELL.

Hon. J. RANDOLPH TUCKER.

Mr. SINGLETON, of Mississippi. It seems to me there are two grand considerations which ought to move this House to concur in the amendments of the Senate. One is humanity and the other economy. No man who has ever stood in the presence of yellow fever will forget the suffering entailed upon our race by that dreadful scourge. In 1878 it spread all over the Southern country; alarm was everywhere. In order to arrest this scourge and prevent its ravages in the future Congress, as soon as it met, organized what was termed a board of health, which has been in existence from that day to the present. We have made appropriations each year for the purpose of keeping it in existence; and we have not had yellow fever since that board was organized. Before that time there was no concert of action between the State boards of health; and when the disease broke out confusion prevailed everywhere. But since that time health has been guaranteed to the people of the South. We believe that if this board be continued in existence and permitted to take control of this matter we can still be protected from this scourge.

Then again upon the question of economy. Why, sir, it will be remembered that when we in the South were in the midst of our trouble from this disease you heard our piteous cries and came to our assistance. Magnanimously the whole people of the North responded to the call. Hundreds of thousands, I might say millions, of dollars were sent down there to relieve the distress. Heads of families were carried off; children were in a state of orphanage, and must have been without help if the people of the North had not generously extended it. We glory in that magnanimity and kindness. We wish to avoid the necessity for such assistance in the future.

Mr. HISCOCK. Mr. Speaker, when the gentleman from Texas [Mr. REAGAN] was on the floor making his burning appeal to the House not to strike down this service and arraigning the gentleman from New York [Mr. COX] for his parsimony when human life was at stake, I would have been glad if the gentleman from Texas had told us what are the powers of this board of health. When he insisted that the amendments under consideration are not for salaries, I would have been delighted if he had pointed out in the act creating the board any power which it has to expend this money otherwise than for salaries. I respond to his remarks on this subject by saying that whenever there is a bill here to provide for another officer, patriotic appeals are made that the health of the community or some other great object is to be conserved by it.

Mr. REAGAN. I ask the gentleman whether he does not know that the law provides for a quarantine station at Ship Island, for one on the southern coast of Mississippi, and for one at Sapelo Sound?

Mr. HISCOCK. Mr. Speaker, I know and the gentleman from Texas knows that with the exception of the law allowing temporary quarantine stations to be erected under the direction of the Secretary of the Treasury, this board of health has no power other than to investigate. It has no power to put vessels in quarantine, no

power to retain a person in quarantine, no power even of inspection—no power except to investigate and to aid the local boards of health. This is the whole warrant of its authority.

Mr. REAGAN. If the gentleman will allow me to ask him a question—

Mr. HISCOCK. Yes, sir.

Mr. REAGAN. Under what authority did they build a quarantine station and conduct the investigation to prevent the disease coming into this country?

Mr. HISCOCK. When we passed the law here in the Forty-fifth or Forty-sixth Congress, I believe—

Mr. MANNING. It was in 1879.

Mr. HISCOCK. We gave them the power, under the direction of the Secretary of the Treasury, to build temporary quarantine stations, and the intention was to destroy those quarantine stations as soon as the scourge had passed by. They were to be burned and destroyed, together with the germs of the disease. If they have preserved one of those quarantine stations they have violated the theory of the law, and they have violated what was believed and what is still believed to be a wise sanitary regulation.

Mr. REAGAN. All authority, medical and otherwise, agree as between permanent hospitals and temporary hospitals. Temporary hospitals are best adapted to deal with the yellow fever.

Mr. HISCOCK. But it was not in that sense at all. The theory of the law was that these quarantine stations should be of a temporary character; that they should be built for temporary purposes. The law will show it. It was designed when the necessity for their existence passed by they should be destroyed. It was not intended the establishments should be of a permanent character, but that they should be temporary, and when the scourge was over should be destroyed.

Now, Mr. Speaker, I say after deliberation, after full investigation, that of the money which is provided in this bill not one single dollar of it can be expended except for personal service, and that personal service in the way of fees and salaries to employés.

Mr. REAGAN. Let me say to the gentleman from New York that the Senator at the head of the committee which reported on this subject stated day before yesterday that \$14,000 was spent in conducting the hospital at Ship Island last year and that the same amount is required for the present year.

Mr. HISCOCK. I repeat that no report has been made to this Congress—that this board of health never dared to report to Congress it was maintaining a hospital establishment in the United States.

Mr. REAGAN. I do not insist on that and nobody else does. It is to meet an emergency for this season.

Mr. HISCOCK. The only power they have is the power of investigation and aiding State and local boards of health. They are to investigate and report in reference to this disease. This board was appointed in the interest, if you please, of medical science, and was to aid State and local boards of health, furnishing them with whatever knowledge and information it possessed on the subject. The power to expend money on quarantine regulations or in enforcing any quarantine regulations never was granted to the National Board of Health.

Mr. SINGLETON. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. If my time is not to be all taken up by these questions I will yield.

Mr. SINGLETON, of Mississippi. I see appropriations are to be made for salaries and expenses of the National Board of Health.

Mr. HISCOCK. I anticipate the gentleman's question, and as I am pressed for time I will proceed to answer it.

Mr. SINGLETON, of Mississippi. But let me finish my question. There is here an amendment as to the quarantine. Now, does not that carry with it the power to use the necessary means for keeping up that quarantine?

Mr. HISCOCK. Will the gentleman tell us how with that \$15,000 you can build a quarantine station?

Mr. SINGLETON, of Mississippi. That is not necessary.

Mr. HISCOCK. Will the gentleman tell us you can do anything else but organize the staff of officers?

Mr. REAGAN. They are already organized.

Mr. HISCOCK. Will he tell us in that simple phrase is couched the power to impose quarantine regulations and to enforce them? Will the gentleman tell us that there is concealed within that language any such power? We must look back to the law itself for the power of the National Board of Health, and when we look back—I do not wish to repeat it to gentlemen, but I wish the House to take notice of it—we find that the whole power of the National Board of Health is to investigate, excepting under the language of one act they are clothed with the power, under the direction of the Secretary of the Treasury, to erect temporary hospitals for the prevention of yellow fever.

Mr. BLOUNT. Let me ask the gentleman a question.

Mr. HISCOCK. Certainly.

Mr. BLOUNT. I wish to ask my friend from New York whether it is not true that while the act provided temporary stations should be built, with the approval of the Secretary of the Treasury, that contracts were made for all these quarantine stations without the approval of the Secretary of the Treasury?

Mr. HISCOCK. That is true, and I am obliged to the gentleman

for recalling the fact. Gentlemen advertised here to be so high-toned in defense of their profession, limited in the execution of the law to the approval of the Secretary of the Treasury, yet went on and constructed these temporary quarantine stations without regard to his approval, and the Committee on Appropriations, of which the gentleman from Georgia [Mr. BLOUNT] was an honored member at that time, were compelled to condone what was done and furnish the money to pay for those buildings in order to save from injury innocent parties.

Mr. SINGLETON, of Mississippi. Do I understand the gentleman to say that this cannot be used or a dollar of it employed except for the payment of salaries?

Mr. HISCOCK. I say that they have no power under the law which creates them to use the money except for investigation, and that means simply the employment of men and the paying them salaries.

Mr. SINGLETON, of Mississippi. If the gentleman will look at the last four amendments he will find that provision is expressly made for other purposes.

Mr. HISCOCK. The gentleman from Mississippi says that several items in this bill provide that the money appropriated may be expended otherwise than for salaries. It does provide money to maintain these establishments here in the city of Washington, and that is what they point at and have in view. We are to have these skeletons of organizations that are ramified everywhere to make suggestions in connection with the subject. Why, sixty days ago they began to lobby for it, and agents for it everywhere, from Mississippi, from Missouri, from Michigan, were appointed without any authority of law, by the force and power of patronage, to work and lobby to secure the passage of such a scheme. And I call the attention of the gentleman to it that all the patronage of this great and patriotic object was called into requisition for the purpose of carrying it through the House. Why Illinois—and I am surprised that my friend from Illinois supports the bill when he knows the fact—in Illinois the same power of patronage was invoked to carry it through the House.

Mr. ALDRICH. The gentleman is mistaken. He knows nothing of Illinois; he was never there. [Laughter.]

Mr. HISCOCK. Sixty days ago agents were appointed—and I wish my friend from Michigan [Mr. HERR] were here, who would be able to say something upon the subject of lobbying against the spread of these diseases, particularly at one place on Michigan Lake for the purpose of keeping off the small-pox. He inquired (when he received the communications) of his colleague at the other end of the Capitol, [Mr. CONGER,] who had formerly represented the district, and he told him that he never heard of a case of small-pox coming across there from Canada in all his experience; yet there was appointed for that purpose men whose simple duty it was to influence the legislation of this House.

Now, Mr. Speaker, there is no man who will go further than I in keeping off this scourge of yellow fever or other epidemics from our shores. But I appeal to gentlemen upon the other side not to seek to increase such an appropriation. I appeal to them that it is never necessary, for purposes of taking care of their constituencies—and do not wonder if I seem to reflect somewhat upon your motives—when ever there is a question of this kind raised which in any way involves your locality, that you should ask for the largest possible appropriations that can be made, and that you should seek the creation of officers without limit as to their compensation and salaries. Do not appeal for it. I say to you it is unjust to that magnanimous North of whom the gentleman from Mississippi has spoken so eloquently.

Representing, Mr. Speaker, as I do in part a State that when the distressed appealed for aid has always opened its hands to feed and support them; representing a State whose charity is boundless, I would not, sir, dare to stand here to question proper and legitimate methods to keep disease from among you more than I would do a dishonorable act. But representing such a people as that, for the sake of paltry patronage, for the sake of creating offices or appointees for somebody, I will not say for the gentleman from Texas, but for the purpose of giving employment to another army of officeholders to fasten itself upon the public Treasury, I will not vote for a measure like this, or vote for its provisions in detail even though that vote is invoked in the sacred name of humanity, for that invocation is a false one and a lie.

The remainder of my time I yield to the gentleman from New Jersey.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed with amendments bills of the House of the following titles; in which amendments concurrence was requested:

A bill (H. R. No. 2997) granting the right of way to the Fremont, Elkhorn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation;

A bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic;

A bill (H. R. No. 6743) to establish diplomatic relations with Persia;

A bill (H. R. No. 3414) granting a pension to Sarah J. Cameron;
A bill (H. R. No. 4888) increasing the pension of John F. Ellis;
A bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion; and
A bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the sundry civil appropriation bill.

Mr. ROBESON. How much time is left on the pending amendment?

The SPEAKER *pro tempore*. Fifteen minutes.

Mr. ROBESON. I yield five minutes to my friend from Illinois, [Mr. CANNON.]

Mr. CANNON. I think I will not occupy the whole five minutes. Mr. Speaker, I want to be heard in the little time I do take.

I say that the men who prepared this bill are about as much against the introduction of yellow fever and small-pox into this country as anybody else, and I presume they would vote just as much money to suppress, to control, or to prevent such disease as anybody else. But that is not the question that is now presented for our consideration.

If you take this bill and turn to pages 38, 39, and 40 you will find the Senate amendments increasing the organization of this National Board of Health, merely providing more officers and more salaries, but not more efficiency. Then, when you turn to line 953, you will find that the bill gives the President of the United States \$100,000, to be used in case of a threatened or actual epidemic. That is independent of the National Board of Health. It has nothing to do with the National Board of Health. The President may use that board or he may use that other effective organization, the Marine-Hospital Service, which ramifies throughout the country, which has a single head, a good executive; which has its organization reaching throughout the country, so that you can in a single hour through it effectively reach every part of the country.

There is the organization, there is the \$100,000 that can be used through that organization recommended by this committee and carried in this bill. Gentlemen say, Why not run the National Board of Health also? For the reasons given by the gentleman from New York. It is not effective. It consists of fifteen people scattered throughout the entire country. You never did have a board of fifteen people that was an effective board. Even if it had the power that a single executive would have, or that the Marine-Hospital Service would have, if you please, it would not be effective; and even if it would be effective it has not the power under the law to lay a strong hand upon disease.

And I say—not to abuse this national board, not to abuse anybody—but I do say it has been exercising what power it does have in the appointment of inspectors throughout the length and breadth of this country. It has been appointing them within the last few months, some of them in the West at \$10 a day and expenses, and others at five and six dollars a day and expenses. And my belief and understanding is that the chief duty of those inspectors in the last thirty days has been to get editorials inserted in the papers of the country and scattered throughout the country, and to write letters to members of Congress and to create a pressure throughout the country and here in favor of this same national board which gives them employment.

If this organization can now reach out in that way, feeble as it is, what will it do if you feed it upon these fat appropriations for a year to come? It will be another organization, the second one in the country, that can lay its hands upon Congress and say there is a third power in the country whose assent must be given before you can legislate whenever its interests are involved.

Mr. ANDERSON. Do you refer to railroads?

Mr. CANNON. No, sir.

Mr. ROBESON. I yield five minutes to the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. This matter of the board of health is not a new one. As has already been stated by the gentleman from New York, shortly after its creation, by its improper administration of the duties devolved upon it by Congress it created antagonisms in this House and in Congress against it. There had been a liberal spirit throughout the country in sympathy with the southern section of the country in the matter of its invasion by yellow fever and cholera. And it is for this reason, as a representative of that section, I feel it my duty to bespeak for it that its influence shall be contributed to a distinct and honorable recognition of that sentiment.

The law provided an appropriation of \$500,000, and at the expiration of four years that was to cease. In one of the acts there was a provision that the board of health might use this temporary fund for the purpose of erecting quarantine stations in the event of an epidemic, when an application had been made to the Secretary of the Treasury and approved by him. It was not intended that this great organization should be brought into active life year by year. It was intended to meet an emergency. The appropriation was not annual. It was \$500,000 to be used within four years, and at the expiration of that period its powers were to cease.

Instantly upon getting possession of this fund, in the month of July,

the beginning of the fiscal year, contracts were made, without one word to the Secretary of the Treasury, for quarantine stations of a permanent character along the Gulf coast and at many points on the Atlantic coast and on the Mississippi. When we reached here in December, only a few months afterward, the president of the board of health and the secretary, Mr. Turner, presented themselves, asking for a deficiency of three hundred and odd thousand dollars to carry out their contracts—\$800,000 in all. But the same sort of thing, reckoning on the humanity of the House of Representatives, has continued from that hour until now. I say it is unjust to the cause, it is unjust to humanity, it is unjust to the South that we should stand here and by our votes vindicate the enormous expenditures we have endeavored to fasten on the country in the shape of a new bureau.

I say, sir, the true plan for us to pursue is to non-concur in the Senate amendments. For one, I should be glad to see any appropriation looking to necessary current expenses, and a sum that might be used in the discretion of the President of the United States.

Mr. ROBESON. Just what we have in this bill. That is just what the House did.

Mr. BLOUNT. If that be so, if there be an appropriation that may be used by the President of the United States in such an emergency, not for the whole country, with reference to all of its diseases, but for small-pox, yellow fever, and cholera, then I say, as a Southern Representative, I accept it as a liberal proposition on the part of the people of this country.

Mr. ROBESON. The public health is a proper object of national legislation. Foreign and domestic commerce, internal intercourse, and the public welfare all unite to enforce those demands. My past official record, as the experience of every man who has served with me will verify, shows that I would not hesitate to vote all that was necessary, were it the last dollar in the Treasury, for this humane and patriotic purpose. But like other good causes, this good cause is likely to be destroyed by the machinery which it is sought to establish for its promotion.

When this bill left the House, under the recommendations of the Committee on Appropriations, it provided for everything which was necessary upon this subject for the public welfare. The National Board of Health under the law is authorized to do two things: first, to investigate the causes of and the means of preventing these infectious and contagious diseases; second, to give aid to the local boards and quarantine authorities for the purpose of preventing their extension. We gave to this board, for the purpose of maintaining its organization and paying salaries, the sum of \$17,500. And for a time of good public health—I was going to say profound peace on this subject—we gave \$25,000 to the board. The paragraph is as follows:

For aid to State and local boards of health and to local quarantine stations in carrying out their rules and regulations to prevent the introduction and spread of contagious and infectious diseases in the United States, \$25,000: *Provided*, That no other public money than that hereby appropriated shall be expended for the purposes of the board of health: *And provided further*, That hereafter the duties and investigations of the board of health shall be confined to the diseases of cholera, small-pox, and yellow fever.

So much for a time of public health. What else have we done? We have provided for the exigency of existing or threatened epidemic. How have we done it? By making this appropriation:

And the President of the United States is hereby authorized, in case of a threatened or actual epidemic, to use a sum not exceeding \$100,000, out of any money in the Treasury not otherwise appropriated, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same.

The President is to use this amount in his discretion, through the National Board of Health if he deems necessary, through the marine-hospital system if he deems necessary.

We have provided for all that this board is authorized to do in time of good health, and we have provided a fund to be used at the discretion of the President in time of threatened contagion. These provisions have been agreed to by the Senate.

The new provisions of the Senate appropriated \$96,000 more for the organization, to enable it to expend \$25,000 to which their appropriation is limited by the language of that portion of the bill which is already agreed to by both Houses of Congress.

Mr. HISCOCK. I now call for the previous question.

The previous question was ordered.

The question was upon concurring in the amendments of the Senate numbered 72 to 89, both inclusive, in relation to the National Board of Health.

The question was taken; and upon a division there were—ayes 43, noes 64.

Mr. MANNING. I call for tellers.

Mr. SIMONTON. No quorum has voted.

Mr. HISCOCK. Do not make that point.

Mr. MANNING. I hope the gentleman will insist upon the point.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. SIMONTON] make the point that no quorum has voted?

Mr. SIMONTON. I do.

Tellers were ordered; and Mr. HISCOCK and Mr. SIMONTON were appointed.

The House again divided; and the tellers reported that there were—ayes 35, noes 79.

So (no further count being called for) the amendments of the Senate were not concurred in.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. No. 929) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri;

A bill (H. R. No. 1364) to authorize the auditing of certain unpaid accounts in the Indian Bureau by the accounting officers of the Treasury;

A bill (H. R. No. 5740) for the relief of the heirs of Major D. C. Smith;

A bill (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States;

A bill (H. R. No. 6111) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6520) in relation to land-patents in the Virginia military district of Ohio;

Joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries; and

Joint resolution (H. R. No. 288) to continue the provisions of a joint resolution to provide temporarily for expenditures of the Government.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

The amendments numbered 90, 91, 93, and 94 were concurred in, and the amendments numbered 92, 95, 96, and 97 were non-concurred in.

Mr. HOLMAN. It seems to me that these amendments reducing appropriations should be concurred in.

Mr. HISCOCK. If the gentleman will pardon me for one moment I will explain to him in reference to all these items. In looking at these items superficially, without the light which the Senate had, it is suggested to one that the Senate possibly struck down certain appropriations arbitrarily, with a view of obtaining a sum which might be appropriated for other purposes. I know that is probably disrespectful to the Senate, and having made that remark I will withdraw it. [Laughter.] And it is in that view that we propose to non-concur in all of these amendments of the Senate. If we find that I am mistaken in the insinuation or the suggestion which I have made, then certainly we will concur with the Senate in all these reductions.

Mr. HOLMAN. Of course, where there is no public interest involved I am not disposed to oppose the action of the committee.

The ninety-eighth amendment was read, and non-concurred in. The amendment numbered 98 $\frac{1}{2}$, to strike out \$20,000 and insert \$10,000 as the appropriation for improvement of reservation No. 17 and site of old canal northwest of same, was read.

Mr. HISCOCK. I move to non-concur in this amendment. I will say to the gentleman from Indiana, as explaining the policy of the committee, that it seems to us that rather than concur in this amendment the appropriation should be struck out altogether, as \$10,000 would in our opinion be totally inadequate for the purpose.

The amendment was non-concurred in.

Amendments numbered 99 to 103, inclusive, were read, and non-concurred in.

Amendment numbered 104 was read, as follows:

Insert as a new paragraph the following:

"For furniture, carpets, file-cases, and shelving for the north wing of the State, War, and Navy Departments building, \$80,000.

Mr. HISCOCK. I move that this amendment be concurred in.

Mr. HOLMAN. I hope it will not be concurred in.

Mr. HISCOCK. This appropriation is for furnishing the north wing of the State, War, and Navy Departments building, which it is believed will be completed by the 25th of next December. It is absolutely indispensable that this appropriation should be made to the end that the building may be furnished, and that the officers of the Government may occupy it.

Mr. HOLMAN. I am only objecting to the amount.

Mr. HISCOCK. I will say to the gentleman that the estimate was \$100,000 and it has been reduced to \$80,000.

Mr. HOLMAN. It seems to me this appropriation is enormous for such a purpose. I move to amend the Senate amendment by striking out "\$80,000" and inserting "\$50,000."

Mr. HISCOCK. I have no objection to the Senate amendment being non-concurred in.

Mr. ATKINS. We had better non-concur and let the question be discussed in the conference committee.

Mr. RANDALL. Why should we not express an opinion?

Mr. ATKINS. Very well; if the amendment be amended it still leaves the question open.

The amendment of Mr. HOLMAN was agreed to.

The amendment of the Senate as amended was concurred in.

Amendments numbered 105 to 107, inclusive, were read and non-concurred in.

Amendments numbered 108 and 109 were read and concurred in.

Amendment No. 110 was read, as follows:

Strike out the following:
"That all the receipts from private messages sent over the United States military telegraph lines may be expended for the maintenance of said lines; but an account thereof shall be kept and rendered to Congress."

Mr. HISCOCK. I move to non-concur in this amendment.

Mr. RANDALL. I would like to make a single inquiry. Are these military telegraph lines open without restriction to the use of the public?

Mr. HISCOCK. They are.

The amendment was non-concurred in.

Amendments numbered 111 to 113, inclusive, were read and non-concurred in.

Amendment No. 114 was read, as follows:

In line 1293, strike out the words "seventy-two" and insert "seventy-three" before the words "superintendents of national cemeteries."

Mr. HISCOCK. I move non-concurrence.

Mr. MCCOOK. I move to concur. There are seventy-three of these superintendents.

Mr. HISCOCK. We think we should find out all about this matter.

Mr. MCCOOK. I have stated what is undoubtedly the fact.

Mr. BLACKBURN. There will be no difficulty if the fact is as the gentleman states.

The SPEAKER *pro tempore*. Does the gentleman from New York withdraw his motion?

Mr. MCCOOK. Yes, sir; upon the assurance that there will be no difficulty about the matter.

The amendment was non-concurred in.

Amendments Nos. 115 and 116 were read and non-concurred in.

Amendment No. 117 was read, as follows:

Add to the paragraph appropriating \$5,000 for the completion of the roadway from Chattanooga National Cemetery to the city of Chattanooga the following:

"Provided, That none of the money appropriated by this and the preceding paragraph shall be expended unless in each case the amount appropriated shall complete said roadways; and the sum of \$2,500 to construct a good road from the corner of the public square in the city of Marietta, Georgia, to the national cemetery, about one mile east of said city, and said amount shall complete the said road."

Mr. HISCOCK. I move to non-concur.

Mr. HOLMAN. If the gentleman has looked at this amendment, of course I will not interpose; but it seems to me a very proper provision.

Mr. HISCOCK. As we have non-concurred in amendment 116, it is necessary that the phraseology of this amendment should be changed. I believe myself that with the language properly amended this should go into the bill.

The amendment was non-concurred in.

Amendment No. 118, to strike out "\$5,000" and insert "\$1,000," as the appropriation for repair of the road leading from the Aqueduct bridge, Georgetown, District of Columbia, to the Arlington National Cemetery, was read.

Mr. MCCOOK. What is the object of reducing this appropriation?

Mr. HISCOCK. I move non-concurrence.

Mr. RANDALL. Is there any reason why we should not concur?

Mr. HISCOCK. We should, in my judgment, either strike out the appropriation or leave the amount \$5,000.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania make any motion?

Mr. RANDALL. No, sir; but I do not know what we have to do with keeping up this road.

The amendment was non-concurred in.

Amendments numbered 119 and 120 were read and non-concurred in.

Amendments numbered 121 to 125 were read and concurred in.

Amendments numbered 126 and 127 were read and non-concurred in.

Amendment numbered 128 was read and concurred in.

Amendment No. 129 was non-concurred in.

Amendments No. 130, 131, 132, and 133 were concurred in.

Amendment No. 134 was non-concurred in.

Amendment No. 135 was read, as follows:

Strike out, in line 1585, the word "repealed" and insert "revived and continued in force."

Mr. DAWES. I move to concur in that amendment.

The question was taken; and the Speaker *pro tempore* decided that by the sound the motion to concur was not agreed to.

Mr. DAWES. I demand a division.

Mr. HISCOCK. I will state, Mr. Speaker, precisely what this is, since a division of the House has been called for, so that members may be apprised of the facts of the case.

Under the Revised Statutes of the United States it was provided substantially that the back pay and pensions of soldiers in these soldiers' homes should belong to the homes, or at least that that might be enforced on the part of the Government under certain circumstances. It never was enforced, however, at all. A custom grew up in the homes for the purpose of enforcing order and the regulations of the homes of fining soldiers for disobedience of the regulations. Rules and regulations were made as of necessity in governing the inmates of the homes, and the board of managers had the power to fine offenders and deduct those fines from the back pay and pensions of the soldiers, which penalties, as I have shown, were imposed with a view to enforcing the discipline and order necessary to be preserved in these establishments.

I think it was in 1879, or possibly in 1880, that that provision of law was repealed, and the power to punish by fines the inmates of homes for disobedience of orders, for breach of discipline, or for any sort of irregularity was forbidden. The managers of the homes now ask that that power shall be restored, that it shall be relegated back to them. They say that without any power to punish it is a gigantic work to maintain discipline in the homes, and therefore ask that the provisions of the Revised Statutes be restored, and that the law of 1879 or 1880, as the case may be, be repealed so they may have this power of enforcing discipline by fining for disobedience of the regulations and orders governing them.

I think I have stated the matter fairly and clearly to the House.

Mr. DAWES. Mr. Speaker, my information is that there is no trouble whatever in enforcing discipline in the homes without pursuing the policy of taking the soldiers' pensions away under the color of fine or penalty. I do not think the boards of managers of these homes ought to have that power or authority. I do not believe it is necessary for the maintenance of discipline in the homes that they should have it; and a protest from all the crippled soldiers in all of the homes against this legislation has come in various ways before Congress.

The honorable gentleman from Wisconsin [Mr. DEUSTER] can speak with reference to the home at Milwaukee, and my distinguished colleague from Ohio [Mr. SHULTZ] can give information with reference to the condition of affairs at Dayton. It does not require this provision of the law to allow the managers of the homes to maintain discipline. There are plenty of ways to restrain, to punish, and to keep the homes in order without taking the pension-money away from these crippled soldiers. The motion I make to concur in the Senate amendment simply leaves the matter as it is now. As it is, the law gives the managers of the homes the power to enforce order, and there is no necessity for any such provision as this.

Mr. HISCOCK. The communications and the fact that the gentleman from Ohio refers to, certainly come from the very people among whom it is desired to maintain discipline. I have on the other hand the information which I give to the House from the managers or the governing power there, who were appointed by Congress, appointed by this House.

Now I desire, as I have said before, simply to allow the managers of these homes to perform what they regard to be proper functions with reference to governing them. I have no feeling on the subject, and I suppose it is perfectly proper that both sides of the House should have a hearing in order that the House may know all about the question.

In 1879 or 1880 the gentleman from Ohio, who then represented the Dayton district, and who was upon the other side of the House and a member of the Appropriations Committee, struck down this wise provision of the law for the purpose—no, I will not say that; I will not say it was his purpose; people were ungenerous enough to insinuate that it was his purpose—to secure the votes of the soldiers at these homes. That I say was simply an insinuation. It was insinuated that it was a piece of petty demagogism, the true inwardness of which had in view the control of the votes of these homes. At all events the provision was stricken down. Now, Mr. Speaker, I believe with the managers of the soldiers' homes, that this provision ought to be restored. I am the last man in the world to insinuate or suggest, for I do not believe it, that the position taken in reference to this question on the part of my friend from Wisconsin [Mr. DEUSTER] comes from any desire to make capital with the inmates of the soldiers' homes, or that the distinguished gentleman who represents the Dayton district has any such motive, for I do not believe anything of the kind.

But whatever amount of politics there may be in it, I say to the House if there is any politics in it, and I do not believe there is, I ask the House to shut its eyes to that and dispose of the question as it ought legally and justly and properly to be disposed of, regardless of political considerations. I call the previous question.

Mr. DAWES addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from New York calls the previous question.

Mr. HISCOCK. I yield to the gentleman from Ohio two minutes.

Mr. DAWES. I want to say that the honorable gentleman who represented the Dayton district before had some excellencies if he was a Democrat; and one of the good works he did was to secure the enactment of this law, while the gentleman who defeated him got the soldiers' votes because he was a Republican—I mean my honorable colleague, Mr. SHULTZ. I wish to say also this recommendation does come from the managers of the soldiers' homes, and coupled with that other proposition, which was unanimously voted down in this House, to take away every dollar of the pensions of the soldiers at the homes except \$5 a month; and one of the managers in communicating that recommendation to the Committee on Appropriations said it would "raise a howl and create a stampede from the homes." This is a recommendation coupled with that.

Mr. HISCOCK. I would say just one word in reply to the statement of the gentleman from Ohio. I almost feared that this House would, upon the appeal of gentlemen that there was politics in it, strike out the wise provision in this bill to turn over the pensions to the homes for the support of the soldiers.

Mr. DAWES. What gentleman made that appeal?

Mr. HISCOCK. Let not the gentleman from Ohio say to me that the managers of the soldiers' homes in the recommendation they made in favor of that proposition did an unwise or an improper act; because I must reply to him that those very men that made that recommendation the House by this very bill has continued in place, and that gentleman raised no voice against it. Now I call the previous question.

Mr. DAWES. I think the gentleman ought to allow me one word. He charges me with wanting to censure those gentlemen. I have no such disposition. I only quoted their official records, and I believe they are wrong in the policy they recommend, and I dislike the language in which their recommendation was made.

Mr. HISCOCK. I insist on the call for the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The question is on concurrence in the amendment of the Senate.

The question being taken, the Speaker *pro tempore* stated that the "noes" seemed to have it.

Mr. DEUSTER. I call for a division.

The House divided; and there were—ayes 46, noes 39.

Mr. BLACKBURN. I call for tellers.

On the question of ordering tellers there were ayes 18.

The SPEAKER *pro tempore*. Not a sufficient number.

Mr. BLACKBURN. Count the other side.

The SPEAKER *pro tempore*. There can be no necessity for counting the other side when one-fifth of a quorum is required and one-fifth have not risen in their places.

Mr. BLACKBURN. Then I want to ascertain whether there is a quorum in the House. A quorum did not vote on the question of concurrence.

Mr. KENNA. The gentleman did not make that point in time.

The SPEAKER *pro tempore*. The ayes have it, and the amendment is concurred in.

Mr. BLACKBURN. Unless the Chair intends to decide so quickly as to rob me of the right I have under the rule, I move to reconsider the vote by which the amendment was concurred in.

Mr. KENNA. On which side did the gentleman vote?

Mr. BLACKBURN. There being no record the gentleman has not the right to ask on which side I voted.

Mr. KENNA. I asked the question on which side he voted to ascertain whether he made the motion to reconsider in the manner prescribed by the rules.

Mr. BLACKBURN. The gentleman from West Virginia speaks of what he does not and cannot know anything about, for there was no record of the vote.

Mr. KENNA. I think I had a right to ask if the gentleman voted with the prevailing side.

Mr. BLACKBURN. The gentleman has no right to ask that question. I move to reconsider the vote by which the amendment was concurred in.

Mr. DEUSTER. I move to lay the motion to reconsider on the table.

Mr. HISCOCK. Let me say just one word. I understand there is one gentleman on this side of the House, the gentleman from Ohio, [Mr. SHULTZ,] who is affected by this matter, and one gentleman on the other side, the gentleman from Wisconsin, [Mr. DEUSTER,] who is affected by it. It is an even thing.

Mr. MCCOOK. I think it was scarcely fair for the gentleman from New York, my colleague, to make that remark, as there are many who are not influenced by any such considerations in voting upon this question.

Mr. HISCOCK. I withdraw the remark.

Mr. BLACKBURN. I withdraw the motion to reconsider.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 327) for the relief of John W. Humphrey;

Joint resolution (H. R. No. 274) to continue the provisions of the joint resolution entitled "Joint resolution to provide temporarily for the expenditures of the Government";

Joint resolution (H. R. No. 270) for the relief of Sarah J. S. Garnet, widow of Harry H. Garnet, late minister to Liberia;

An act (H. R. No. 4443) to amend sections 3 and 4 of the act of February 21, 1879, to fix the pay of letter-carriers, and for other purposes;

An act (H. R. No. 6722) to regulate the carriage of passengers by sea;

Joint resolution (H. R. No. 220) to furnish the CONGRESSIONAL RECORD to each State and Territorial library;

Joint resolution (H. R. No. 269) providing for additional copies of the Revised Statutes for the use of the Interior Department;

An act (H. R. No. 6677) to regulate immigration;

Joint resolution (H. R. No. 122) requiring the Public Printer to publish certain decisions of the First Comptroller of the Treasury Department;

An act (H. R. No. 209) to authorize the President of the United States to call an international conference to fix on and recommend for universal adoption a common prime meridian to be used in the

reckoning of longitude and in the regulation of time throughout the world;

Joint resolution (H. R. No. 178) authorizing and requiring the Secretary of War to deliver to the One Hundred and Eighth Ohio Volunteer Infantry Association the blue regimental flag which belonged to said regiment and which is now in the custody of the Secretary of War;

Joint resolution (H. R. No. 280) authorizing the Secretary of War to loan tents to the Washington Light Infantry Corps; and

An act (H. R. No. 4460) to authorize the purchase of a site and the erection of a suitable building for the United States district court, post-office, and other Government offices at the city of Williamsport, Pennsylvania.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the Senate amendments to the sundry civil appropriation bill.

Amendment number 136 was to insert under the head of "Mississippi River commission," after the words "for salaries," the words "at the rate of \$5,000 each for three civilian members."

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. THOMAS. I move to concur in the amendment.

Mr. SPRINGER. Does the amendment increase the present rate of compensation?

Mr. HISCOCK. My understanding is that it increases it from \$3,000 to \$5,000, and I think it had better be left to the committee of conference.

Mr. THOMAS. I desire to say, in behalf of my motion to concur in the Senate amendment just read, that the engineers who compose this Mississippi River commission comprise the best talent of this country, and are giving their whole time to this great work. Considering the immense amount of money which has been placed in their hands to be expended for the improvement of the Mississippi River, the compensation of \$5,000 a year is low enough, as any intelligent man who will think of the subject for a moment must conclude. Heretofore their compensation has been either \$3,000 or \$3,500 a year, I am not certain which. From all over the Mississippi Valley word has come to me, in my capacity as chairman of the committee for the improvement of the Mississippi River, that the compensation allowed to the members of this commission was insufficient; that they ought certainly to be paid a reasonable salary. And as I said before, no one can say that \$5,000 a year for each of these able engineers is too much or exorbitant.

I hope, therefore, that the House will concur in this amendment of the Senate, and give these men engaged in this great work a proper and legitimate compensation.

Mr. HISCOCK. I call for the previous question on the amendment.

The previous question was ordered.

The amendment of the Senate was not concurred in.

Amendments numbered 137, 138, and 139 were not concurred in.

Amendment numbered 140 was to strike out "\$200,000" and insert "\$150,000" in the paragraph "for navy-yards and stations."

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. RANDALL. Ought not that amendment to be concurred in?

Mr. HISCOCK. If gentlemen will look through the entire clause they will see that the amount carried by the clause as it left the House is not decreased by the amendments of the Senate, but distributed in a different way.

Mr. HOLMAN. That may be so, but it seems to me that the Senate amendments leave it in a better form; it appropriates \$50,000 for the care and preservation of such yards or stations as may be closed under authority of law. As the clause stood when it left the House no portion of the money might be used for the simple purpose of taking care of the yards.

Mr. HISCOCK. If the gentleman will look at the clause he will discover that the amendments of the Senate are in the line of the position taken by the Senate in its struggle with the House over the naval appropriation bill. As the clause left the House it appropriated \$200,000 for navy-yards and stations; "\$50,000 of which may be used in the care and preservation of such yards or stations as the Secretary of the Navy may deem expedient to close." The amendments of the Senate simply change the clause as it left the House by directing that \$50,000 "shall be used only in the care and preservation of such yards or stations as may be closed under authority of law." That is all the change made by the Senate amendments.

Mr. HOLMAN. I shall not insist upon any vote; but it seems to me that taking the three amendments of the Senate together they are perfectly in harmony with the principles of this bill as it left the House.

Mr. HISCOCK. The gentleman is mistaken.

Mr. HOLMAN. I will not press the matter.

Mr. RANDALL. I would like to ask the gentleman from New York [Mr. HISCOCK] this question: If the yards are to be closed, is not \$150,000 sufficient for taking care of those which are closed and for expenditures in the yards not closed?

Mr. HISCOCK. The only change which the Senate amendments make in this provision of the House bill is to appropriate \$150,000

for navy-yards and stations, and then to appropriate \$50,000 in addition for the care and preservation of such yards as may be closed under authority of law. The House bill appropriated \$200,000 and directed that \$50,000 of that sum should be used for that purpose.

Mr. HOLMAN. I expect the gentleman will finally yield to the Senate, for their amendments are perfectly in harmony with this bill.

Mr. HISCOCK. I think the amendments had better be non-concurred in.

Mr. SPRINGER. I think the gentleman from New York is mistaken in regard to the effect of the Senate amendments. According to the provision in the House bill the Secretary of the Navy might close any of the navy-yards; according to the Senate amendments no navy-yard can be closed except by authority of law.

Mr. HISCOCK. If the gentleman had listened attentively to me he would have understood me to state that the difference between the provision in the House bill and the Senate amendments, up to the one hundred and forty-second amendment—

Mr. SPRINGER. Well, the one hundred and forty-second amendment is a part of the amendments of the Senate to this clause.

Mr. HISCOCK. Oh, no.

Mr. SPRINGER. The whole paragraph must be taken together.

Mr. HISCOCK. It is perfectly clear that the one hundred and fortieth and one hundred and forty-first amendments make just this change in the House provision: the provision as it left the House appropriated \$200,000 for the care of navy-yards and stations, and then provided that \$50,000 of that sum might be taken for the purpose of caring for such yards as might be closed. The Senate amendments provide for appropriating \$150,000 for navy-yards and stations, and \$50,000 in addition to that sum for the purpose of taking care of such yards and stations as may be closed. There is no difference except a change of phraseology.

Mr. RANDALL. There is no difference in the amount either way.

Mr. HISCOCK. Nor in the intent or purpose.

Mr. RANDALL. But if all the yards except three are to be closed a less sum than \$200,000 might be enough.

The amendment was non-concurred in.

Amendments numbered 141 to 144, inclusive, were read and non-concurred in.

The one hundred and forty-fifth amendment was read, as follows:

Insert as a new paragraph the following:
"For establishing and completing a coaling-dock and naval storehouse at Port Royal Harbor, South Carolina, \$30,000, the site for said coaling-dock and naval storehouse to be located by a board of naval officers appointed by the Secretary of the Navy for that purpose."

Mr. HISCOCK. I move to non-concur.

Mr. SMALLS. I move concurrence in this amendment. It is in accordance with the recommendations of the Navy Department in this and preceding Congresses. Port Royal is a point at which a coaling station is very much needed, and the establishment of such a station there will be a matter of economy as well as convenience to the Government, as its vessels can frequently receive valuable assistance there and great loss be avoided. I hope the House will concur.

The amendment was non-concurred in.

Amendments numbered 146 to 149, inclusive, were read and non-concurred in.

Amendment numbered 150 was read, as follows.

Insert as a new paragraph the following:
"For repairing bridge over College Creek, on the Government farm at Annapolis, Maryland, to be expended under the supervision of the Superintendent of the Naval Academy, \$3,000."

Mr. HISCOCK. I move to non-concur.

Mr. CHAPMAN. I move that the House concur in this amendment for the simple reason that we have this session passed a law transferring this bridge to the county authorities, with a proviso that the United States, before the transfer, shall put the bridge in good order. The sum named in this appropriation is the amount which the Superintendent of the Naval Academy and the Secretary of the Navy have determined would be sufficient for the purpose. In order to carry out the law already passed, I move that the amendment be concurred in.

The amendment was non-concurred in.

Amendments numbered 151 and 152 were read and non-concurred in.

Amendment 153 was read, as follows:

Insert as a new paragraph the following:
"To defray the expenses of removing and transporting to the United States from their present place of burial the remains of Lieutenant-Commander George W. De Long, United States Navy, and his companions, eleven in all, and for their proper burial within the United States, \$25,000, or so much thereof as may be necessary, to be expended under direction of the Secretary of the Navy."

Mr. HISCOCK. I move to non-concur.

Mr. MCCOOK. I move to concur.

The amendment was non-concurred in.

Amendments numbered 154 and 155 were read and non-concurred in.

Amendment numbered 156 was read and concurred in.

Amendments numbered 157 to 162, inclusive, were read and non-concurred in.

Amendments numbered 163 to 165, inclusive, were read and concurred in.

Amendment numbered 166 was read and non-concurred in.

Amendment numbered 167 was read and concurred in.

Amendment numbered 168 was read, as follows:

Insert as a new paragraph the following:

"The Secretary of the Interior shall investigate and report to Congress what in his opinion would be an equitable settlement of all matters of dispute between the Eastern band of Cherokee Indians (including all the Cherokees residing east of the Mississippi River) and the Cherokee tribe or nation west; also all matters of dispute between other bands or parts of the Cherokee Nation; also all matters between any of said bands, or parts thereof and the United States arising from or growing out of treaty stipulations or the laws of Congress relating thereto; and what sum or sums of money, if any, should in his opinion be paid under such settlement; and the sum of \$2,500 is hereby appropriated for such investigation."

Mr. HISCOCK. I move that this amendment be concurred in.

Mr. HOLMAN. I hope it will not be concurred in. It seems to me this is a matter in which there is no reason for the Government to interfere. This is a controversy between a portion of the Cherokee Indians residing in the Indian Territory and a portion residing in North Carolina. I think the question ought to be left just where it is.

The amendment was concurred in, there being ayes 43, noes 14.

Amendment numbered 169 was read, as follows:

Insert as a new paragraph the following:

"For this amount, or so much thereof as may be necessary, to pay expenses of the delegates representing the eastern band of Cherokee Indians while in the city of Washington, during the months of May, June, and July, 1882, including traveling expenses in coming to and returning home from said city, \$600, to be paid out of any funds belonging to said tribe."

Mr. HISCOCK. I move non-concurrence.

Mr. ATKINS. Should not this amendment be concurred in?

Mr. HISCOCK. I think there is a mistake. We should not concur.

Mr. VANCE. The amendment should be concurred in, as I understand.

Mr. HISCOCK. I hope the question will go to the conference committee. The Committee on Appropriations this morning agreed to recommend concurrence; but on looking at the matter since, I prefer it should go to the conference committee.

Mr. ATKINS. Why does the gentleman prefer it?

Mr. RYAN. I will state one reason why it should go to the conference committee. I am advised that the amendment as printed here does not correctly represent the action of the Senate. There is a mistake. The question ought to go to the committee of conference.

Mr. VANCE. I think the gentleman is probably correct. The amount ought not to be charged to the Eastern or North Carolina Cherokees, because if so charged it would be taken out of the school fund. The appropriation ought to be made without being charged to the school fund of the North Carolina Cherokees.

Mr. RYAN. There will be no difficulty about fixing it in the conference committee.

Mr. HOLMAN. I desire to suggest that if this should be amended in conference to take the money out of the public Treasury it would be a complete violation of the rules governing committees of conference.

The amendment was non-concurred in.

Mr. ROBESON. I ask unanimous consent that the order of the House providing for a recess to-day and an evening session be dispensed with. If this be not done the hour for the recess may arrive before the consideration of these amendments is finished.

The SPEAKER *pro tempore*. If there be no objection the order requested by the gentleman from New Jersey will be made.

There was no objection, and it was ordered accordingly.

Amendments numbered 170, 171, 172, and 173 were read and non-concurred in.

One hundred and seventy-fourth amendment:

To enable the Secretary of the Interior to pay the amount found due R. H. Taylor, June 9, 1869, for herding cattle, the sum of \$331.97, appropriated by the act of July 15, 1870, is hereby reappropriated and made available for this purpose.

Mr. HISCOCK. I move that amendment be non-concurred in.

Mr. REAGAN. I hope not, as it is a matter which has been ascertained and adjusted at the Department.

Mr. HISCOCK. If the gentleman from Texas knows it is all right I shall not object to concurrence.

Mr. REAGAN. It is all right.

Mr. HISCOCK. Let me ask the gentleman from Texas whether it is an audited claim?

Mr. REAGAN. I do not know whether in the technical sense it is an audited claim, but I do know that it is a claim which is ascertained and meets with the approval of the Department.

Mr. HISCOCK. I think, under the circumstances, it is better to non-concur, and let it go to a committee of conference.

Mr. REAGAN. It is all right, and ought to be concurred in.

Mr. HISCOCK. If the gentleman knows it is all right, then I do not object.

The amendment was concurred in.

Amendment numbered 175 was read and concurred in, and amendment 176 non-concurred in.

One hundred and seventy-seventh amendment:

After the words "geological map," strike out the words "of the national domain;" so it will read:

"For the United States Geological Survey: For the Geological Survey, and the classification of the public lands, and examination of the geological structure, mineral resources, and products of the national domain, and to continue the preparation

of a geological map of the United States, to be expended under the direction of the Secretary of the Interior, \$222,000; and the Secretary of the Interior is hereby directed to organize the force for which this appropriation is to be expended, and to fix the salaries and compensation to be paid to the members thereof, and to make his estimate for the fiscal year commencing July 1, 1884, in detail, in reference to the force to be employed, with its grades, and compensation to the respective grades, and specifying the branches of work in which it should be employed and the amount to be expended on each branch."

Mr. HISCOCK. I move the House non-concur in that amendment.

Mr. KENNA. I move the House concur.

Mr. HISCOCK. I will take the floor for an hour for the purpose of distributing the time.

Mr. KENNA. The whole matter was discussed before, and we do not want to discuss it any further unless gentlemen who are opposed to concurrence desire to do so.

Mr. ROBESON. The whole matter was not discussed. This provision of the Senate changes the paragraph of the House materially. The provision of the House confined the geological map to the national domain, while the Senate, by striking out the words "of the national domain," throws open the whole boundless continent to it.

Mr. BLOUNT. Let the amendment be reported.

The SPEAKER *pro tempore*. The amendment of the Senate is to strike out the words "of the national domain" in the paragraph as it went from the House.

Mr. KENNA. I wish to correct the gentleman from New Jersey. By concurrence in the amendment of the Senate we leave it as it was offered originally in the House. But, sir, the whole matter has been discussed and every member thoroughly understands it. [Cries of "Vote!"]

Mr. HISCOCK. I desire to call the attention of the House to one single point before the vote is taken. The amendment of the Senate proposes to strike out the words "of the national domain." The clause itself to which the amendment is proposed is to continue the appropriation for a geological map of the United States to be expended under the direction of the Secretary of the Interior, &c. The question here is whether this amendment authorizes the survey in the States of private property. I ask for order as well as for the attention of the House on this point. The question is whether the amendment of the Senate authorizes the survey of territory which does not belong to the United States simply because it provides for the making of a map of the United States.

I understand, Mr. Speaker, from the highest authority, that the construction will not be put on this clause that it authorizes the survey of land outside of the Government domain, and that under the appropriation here made for this geological map maps made by the States will be utilized. The legal construction put upon it will be, as I have said, that it does not authorize the survey of private property in the States. Therefore, if I am right in this, and the House desires to authorize the compilation of maps depending on geological surveys other than of the national domain, it will concur in the Senate amendment; if it does not desire survey of private property, it will non-concur.

Mr. KENNA. I desire to say in answer to the gentleman from New York that I think the friends of this measure know what they intended it to mean and what it does mean, and that is all I have to say about it further than I hope they will support it. [Cries of "Vote!"]

The SPEAKER *pro tempore* put the question to the House, and declared the ayes had it.

Mr. HISCOCK. I demand a division.

The House divided.

Mr. HISCOCK. No further count is demanded.

The SPEAKER *pro tempore*. No further count being demanded, the amendment is concurred in.

One hundred and seventy-eighth amendment:

And not to exceed \$20,000 of the amount appropriated in this paragraph may be applied under the direction of the Secretary of the Interior to the procuring of statistics in relation to mines and mining, and in making chemical analyses of iron, coal, and oil.

Mr. HISCOCK. I move non-concurrence.

Mr. BAYNE and Mr. KENNA moved to concur in the Senate amendment.

Mr. CANNON. I should like to be recognized for a minute or two on that proposition.

Mr. HISCOCK. Very well; I will take the floor and yield to the gentleman from Illinois.

Mr. KENNA. Mr. Speaker, I rise to a parliamentary inquiry. I do not suppose when a gentleman rises and moves concurrence in an amendment he can be taken off the floor by any other gentleman without his consent.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman from Pennsylvania [Mr. BAYNE] who moved concurrence to claim the floor.

Mr. BAYNE. Of course, if there is to be no discussion of the question I do not care to proceed; but if there is to be, I want to be heard.

The SPEAKER *pro tempore*. The Chair cannot make any agreement with the gentleman in that respect.

Mr. BAYNE. Of course not, but I can be heard after the gentleman from Illinois has finished.

Mr. CANNON. I only want to say a word in reference to this matter. I am for this geological survey; have been for it all along; was

for it when it was considered in the House before, and voted with the gentleman from West Virginia on the motion to concur in the Senate amendment striking out the words "public domain." But I am not in sympathy with the motion to concur in this amendment, and I can give in a moment the reason for my opposition to it. This amendment reads as follows:

(178) And not to exceed \$20,000 of the amount appropriated in this paragraph may be applied under the direction of the Secretary of the Interior to the procuring of statistics in relation to mines and mining, and in making chemical analyses of iron, coal, and oil.

Now, then, there is a provision in the legislative bill, and has been for two years past, enabling the Director of the Mint to get up mines and mining statistics, and he has his whole force organized, has published two very valuable volumes of statistics, and it is totally and wholly useless to duplicate the work under the direction of the Secretary of the Interior. Therefore, as we are doing the work well now under the direction of the Mint Bureau, and as it is being satisfactorily done, I think we ought to leave it as it is and non-concur in this amendment of the Senate.

Mr. BAYNE. May I ask the gentleman a question?

Mr. CANNON. Yes, sir.

Mr. BAYNE. Is the Director of the Mint pursuing an investigation of the mining operations of coal and iron and oil and such industries as that, or is his investigation simply confined to the production of the precious metals, gold and silver?

Mr. CANNON. He gathers his statistics, if the gentleman is familiar with the reports, touching the mines and mining only; but he is broadening his work from year to year, and I think we had better leave it as it is and allow him to go on in the manner which has been pursued heretofore.

Mr. BAYNE. Mr. Speaker, I think this is a very important provision, and if the Director of the Mint is making these investigations it is perfectly plain that his investigations relate only to the mining of gold and silver and possibly copper, although I do not think that falls within the purview of an investigation made by him under the authority of law. The immensity of the coal and iron interests of this country are not sufficiently considered in that direction; and so far as they are concerned are more valuable than any other mining operations, and so far transcend in importance gold and silver that no comparison is to be made. But when a duty of this sort is imposed upon somebody, it ought to be upon somebody whose investigations lead logically in that direction; and, as I understand it, the investigations of the Mint Department do not extend there. These relate entirely to the geological survey. These are elements of geology; they form part of the system of geological investigation, and have nothing whatever to do with the investigations made by the Director of the Mint.

It was a strange thing when such investigations were placed in the hands of the Director of the Mint at all, because they are not cognate to his official duties and have no pertinency whatever to his functions, while it is perfectly cognate and within the purview of geological investigation. They should be investigated and the statistics properly prepared at once. I regret, Mr. Speaker, to see a gentleman of the wide experience, ability, and information of my friend from Illinois planting himself upon a position so illogical as that which he assumes with reference to this important subject.

Mr. CANNON. Let me call the attention of the gentleman to a fact right here in the line of his own remark. The proposition which this amendment presents is the procuring of statistics in relation to mines and mining; but it goes further and provides for making chemical analyses of iron, coal, and oil. I have no objection to that part of it; but what I object to is the statistics of mines and mining, and we want to non-concur in that part of the amendment certainly, or non-concur in the whole amendment with an amendment striking out that portion with reference to mines and mining.

Mr. SPRINGER. I move to insert after the word "mining," in line 2121, the words "other than gold and silver," which I think will meet the objection of my friend from Illinois, and also meet the object that the Senate had in view. Now the investigation and compilation of statistics in relation to gold and silver is already covered by the Treasury Department; therefore I move to concur in this amendment with the amendment which I have suggested.

Mr. BAYNE. But we do not want the operations confined to gold and silver.

Mr. SPRINGER. No; and I propose to except them. If my amendment is adopted the amendment of the Senate will read as follows:

To the procuring of statistics in relation to mines and mining, other than gold and silver, and in making chemical analyses of iron, coal, and oil.

Mr. BAYNE. I have no objection to that.

Mr. THOMAS. That is right.

Mr. WILSON. Why strike out gold and silver?

Mr. SPRINGER. Because that is already provided for under the Treasury Department, and I do not want to double it up.

Mr. BAYNE. So far as I am concerned I am willing to accept that amendment.

Mr. HASKELL. Before the question is taken I desire to say a word. The gentleman from Illinois understands perfectly well that silver, as it is in the mine, is mixed with other metals, and to undertake to make a report simply excluding from the list of mines gold and silver does not cover the ground at all.

If this matter has to be adjusted it had better be all adjusted in the committee of conference. The House certainly does not want to exclude from investigation merely gold and silver, because when you exclude them you exclude the investigation of any other metal that might be mined when mining gold and silver.

Mr. ATKINS. The whole thing is left to the conference.

Mr. ANDERSON. I desire to say I also am opposed to the amendment of the gentleman from Illinois [Mr. SPRINGER] with regard to excluding gold and silver. If you are now collecting statistics through the Mint or the Treasury Department it certainly will do no harm to collect the statistics from the broader standpoint of the resources of the national domain. I understand that the Director of the Mint has in view the specific yield of the precious metals as bearing on the question of supply. Now this, as I take it, is intended to look at the matter from a different and still broader standpoint; that it is an investigation not simply as to that which has been produced, but that it is a survey with statistics with reference to that which may be produced. For that reason it seems to me it would be a good deal better to let the whole question stand as it is now.

There is just one other remark I want to make about that. When the Appropriations Committee brought in this bill they recommended, I think, \$120,000 for this geological survey. That amount was increased by the House to \$220,000. There was an increase of \$100,000 put upon the bill. Now, the purport of the whole thing is to create a geological survey. When you come to analyze it you will find there is wrapped about the idea of geology a vast amount of awe and reverence for what is supposed to be the immense value of that science. Gentlemen are disposed to vote for the survey on that ground, that geology is one of your high sciences, and that when you can get a geological survey of the domain of the country or of the States that then you have obtained some very important advantage in the interest of industrial development.

Now I wish to express the opinion there is just as much nonsense talked respecting the practical value of this science of geology as there is about any one thing I know of. You propose to expend \$220,000 for high science when you will not make provision for obtaining practical information, information that may be of practical value with reference to your mineral resources. For my own part I would a good deal rather that there should come at least one grain of wheat out of this thing than to have only slosh, for slosh it is when you come down to the practical value of this geological survey in furnishing you the data which will be of value to your miner, to your prospector, to your homesteader, to the men that settle up your country.

You will find, gentlemen, that this survey looks to your practical man for its information. I risk the statement that any report from this commission as to Leadville, for instance, is based upon the knowledge which your practical men have already obtained.

Mr. HISCOCK. It is very necessary to get this bill through, and I must call for a vote.

Mr. ANDERSON. That is all I want to say.

The SPEAKER *pro tempore*. The question is on concurring in the Senate amendment with the amendment which has been read.

The question being taken, it was decided in the affirmative.

Mr. BAYNE moved to reconsider the vote by which the Senate amendment was concurred in with an amendment; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KENNA. I desire to move to reconsider the vote by which amendment 177 was concurred in; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HISCOCK. I suggest that as it is of importance to get through with the bill as quickly as possible the remaining amendments be not read, but merely indicated by numbers, unless some gentleman calls for the reading.

There was no objection.

Amendments 179 and 180 were non-concurred in.

Amendment 181 was concurred in.

Amendments 182 to 189, inclusive, were non-concurred in.

Amendments 190 and 191 were concurred in.

Amendments 192, 193, and 194 were non-concurred in.

Amendment 195 was concurred in.

Amendments 196, 197, and 198 were non-concurred in.

Mr. HOLMAN. I must object to this method of merely having the numbers indicated, without the Clerk reading the amendments. I call for the reading of the amendments.

The SPEAKER *pro tempore*. The Clerk will read the amendments.

Amendment 199 was read and non-concurred in.

Amendment 200 was read and concurred in.

Amendments 201 and 202 were read and non-concurred in.

Amendment 203, to the paragraph appropriating for the public printing and binding, was read, as follows:

In line 244, strike out "2,400,000" and insert "2,377,650."

Mr. HISCOCK. The committee recommend non-concurrence.

Mr. HOLMAN. Why should we not concur in that amendment?

Mr. HISCOCK. I will say to the gentleman from Indiana there

has been a readjustment by the Senate in this clause of the sums that can be expended for the benefit of the different bureaus and departments. It is necessary for us, in order to have a proper understanding of what should be done, to let the whole subject go to the committee of conference. And I will say further in that connection that the Senate has reduced the aggregate amount which the House appropriated for the Printing Bureau, and has also sent over to the House to-day an amendment to a joint resolution to print the Agricultural Reports, an amendment appropriating \$219,000. We have non-concurred in that, at the suggestion of the gentleman from Illinois, [Mr. SPRINGER,] in order that the whole subject might be left open. I therefore suggest to the gentleman from Indiana that we had better non-concur in all these amendments, and let them go to the conference along with the conference upon the joint resolution that I have referred to.

The amendment was non-concurred in.

Amendments numbered 204 to 209 were non-concurred in.

Amendment No. 210 was read, as follows:

That the Secretary of the Treasury is hereby authorized and directed to pay to John J. Key the sum of \$10,000, and to W. G. M. Davis the sum of \$10,000, for their services, respectively, as attorneys at law, employed by the United States Attorney-General to aid in the case of John Young, assignee of Alexander Collier, against The United States, out of any money in the Treasury not otherwise appropriated, which said sum shall be the balance in full of the compensation of the said John J. Key and W. G. M. Davis, respectively, for their services in said cause under said employment; and that said amount shall be charged to the fund now in the Treasury of the United States known as proceeds of captured and abandoned property, under the act of Congress entitled "An act to provide for the collection of abandoned property, and for the prosecution of frauds in insurrectionary districts within the United States," approved March 12, 1863, (Statutes at Large, volume 12, page 820.)

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. ROBESON. I wish to say that this is a private claim taken off the Calendar, and I hope that the House and our committee of conference will see to it that this claim is not allowed any more than others. It is simply a claim in which two lawyers are interested, and they ought not to stand any better than the great body of the people who do not happen to belong to that profession. It is a claim which the House can properly consider at the right time, but not here.

The amendment was non-concurred in.

The amendments numbered 211 to 219 were non-concurred in, and amendment No. 220 was concurred in.

Mr. HISCOCK. All the amendments on pages 110, 111, 112, and to and including line 2770, on page 213, are in reference mainly to the employes of the Senate, and I move non-concurrence in them all.

Mr. MCCOOK. There are two very important amendments there in relation to the purchase of the Franklin papers and the Rochambeau papers, which I hope the gentleman will move to concur in.

Amendments numbered 221 and 222 were non-concurred in.

Amendment No. 223 was read, as follows:

To enable the Acting Secretary of the Senate to pay the employes of the Senate (including the Capitol police) receiving an annual compensation, who were employed on the 4th day of March, 1881, or on the 29th day of October, 1881, a sum equal to one month's pay, at the rate per annum they were receiving at the dates herein specified; and that a sum equal to one month's pay shall be allowed and paid to the session employes of the Senate who shall be so employed at the adjournment of the present session.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. ALDRICH. I think we should concur in that amendment.

Mr. HISCOCK. I have no doubt that it will be concurred in. It is a matter that doubtless will be left to the Senate; but it is entirely proper that we should understand the basis upon which they make their calculations.

Mr. HOLMAN. If the conference committee does concur in that amendment it will present a very extraordinary case. There was a pretense that the thirty-odd thousand dollars appropriated for the employes of the House was intended for the purpose of equalizing the pay of employes of the House with those of the Senate, and now it is proposed, if I understand the gentleman from New York—

Mr. HISCOCK. If I may interrupt the gentleman, I will say to him that I was speaking in reference to amendment No. 222, in relation to the sister of the late Senator Burnside. So far as amendment No. 223 is concerned, I am entirely opposed to concurring in it.

Mr. HOLMAN. I thought the remark of the gentleman was addressed to that amendment, as it is the one now pending.

Mr. HISCOCK. I move to non-concur in that amendment.

Mr. TALBOTT. I move to concur in the amendment.

Mr. ALDRICH. I made that motion some time ago.

The SPEAKER *pro tempore*. That is entirely correct, but in the confusion the Chair failed to remember who submitted the motion.

Mr. ALDRICH. On the statement of the chairman of the Committee on Appropriations I will withdraw the motion to concur.

Mr. TALBOTT. I renew it.

The SPEAKER *pro tempore*. Then the question is on the motion of the gentleman from Maryland [Mr. TALBOTT] to concur in amendment No. 223 of the Senate.

The amendment was non-concurred in.

Amendments numbered 225, 226, 227, 228, 229, and 230 were non-concurred in.

Amendment No. 231 was to insert the following:

To enable the Secretary of State to purchase the manuscript papers of Benjamin Franklin, and the collection of books, &c., known as the Franklin collection, belonging to Henry Stevens, of London, \$35,000; the printed books, pamphlets, and newspapers, and one set of the type-writer copies of the manuscripts, to be deposited in the Library of Congress, and the residue to be preserved in the Department of State.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. MCCOOK. I am not going to antagonize the Committee on Appropriations, for I have had too much experience in that line. But I want to call the attention of the gentlemen who will be on the committee of conference to the importance of this amendment, as well as to the one immediately following, in regard to the purchase of the papers of the Marquis de Rochambeau. I would refer them to the Senate report on that subject, which is indorsed unanimously by the Joint Committee on the Library.

The amendment was non-concurred in.

Amendment No. 232 was non-concurred in.

Amendment No. 233 was to insert the following:

To Jerre Haralson, the sum of \$5,000, to compensate him for expenses incurred in his contest with Hon. C. M. Shelley, from the fourth Congressional district of Alabama, in the Forty-fifth Congress, and to be in full for all claim for salary and mileage, and for everything else which he would have been entitled to had he been admitted to his seat in that Congress.

Mr. HISCOCK. The Committee on Appropriations recommend non-concurrence in that amendment.

Mr. MILLER. I desire to call the attention of the chairman of the Committee on Appropriations [Mr. HISCOCK] to the fact that two members of the Committee on Elections of the Forty-fifth Congress stated that the sub-committee had decided to report to the full committee in favor of seating Mr. Haralson. On that account several members of the Committee on Elections, I do not know how many, signed a report asking the Senate to put on this amendment. It was stated by one member of the Committee on Elections of the Forty-fifth Congress orally and by another in writing, as I understand the case, that the sub-committee had decided to report in favor of Mr. Haralson. This is paying Mr. Haralson only one-half the amount he would have received had the sub-committee reported to the full committee.

Mr. HISCOCK. I desire to make an explanation in reference to this item. If my recollection is right, and I think it is, the sub-committee of the Committee on Elections of the Forty-fifth Congress never reported to the full committee in reference to this Haralson contest, and of course the full committee never reported to the House. Now the question is whether this Congress will undertake to pay a salary to a man who might have been entitled to his seat, and who I believe was entitled to his seat—

A MEMBER. That settles it.

Mr. HISCOCK. That is, I believe so; but who never had a seat upon the floor and in whose favor no report was ever made. I will say to my Republican friends on this side of the House that I think they are venturing upon very uncertain and untenable ground when they consent to such a proposition as this.

I have stated the facts in reference to the standing of Mr. Haralson in the Forty-fifth Congress; I have stated my belief in reference to his title to a seat. I think I am justified in adding that the Committee on Elections of the Forty-seventh Congress has never investigated the question of his title.

Mr. CALKINS. On that point I desire to correct the gentleman by saying that a sub-committee of the Committee on Elections did investigate it, and did report, as I understand, to the full committee.

Mr. HISCOCK. I would like to see the report made by a sub-committee of the Elections Committee of the Forty-seventh Congress upon the question of Mr. Haralson's title to a seat in the Forty-fifth Congress, reviewing the evidence after hearing counsel on both sides, and then passing judgment upon it.

Mr. CALKINS. I wish to say with reference to this claim that personally I know very little of the matter, except it was stated, as has been said by my colleague on the committee, [Mr. MILLER,] that there was a favorable report in the Forty-fifth Congress by some part of the committee in favor of Mr. Haralson. The gentleman who is now chairman of the Committee on Appropriations [Mr. HISCOCK] was then a member of the Committee on Elections, and he ought to know what were the facts in that Congress. I do not want to dispute with him upon that question. But I do know that this matter was referred to a sub-committee of the Committee on Elections at this session, and the committee did agree that Mr. Haralson ought to have this allowance for the Forty-fifth Congress. The Senate, I believe, is in possession of that paper now.

I wish the House to understand, however, that this report of the sub-committee and the committee was informal; but I think it bore the signatures of a majority of the committee.

I will add that when the matter was presented to the Senate I was asked what I thought about it. I frankly and freely said that under the circumstances I believed Mr. Haralson ought to have something to compensate him for his failure to obtain the seat to which, as the chairman of the Committee on Appropriations concedes, he was entitled; and I said that I thought the amount ought to be at least \$5,000. I say so now.

Mr. ATKINS. If Mr. Haralson was entitled to the seat why was he not seated?

Mr. CALKINS. Because, as I understand, before the matter was ever reached to be determined finally Congress adjourned, as has been the fact in several other instances.

Mr. ATKINS. Then he was not seated?

Mr. CALKINS. No, sir.

Mr. ATKINS. Then here is a proposition to pay him his salary as though he had been a seated member on this floor, and a proposition, too, originating in the Senate.

Mr. CALKINS. This is not a proposition to pay him his salary, but to pay him a sum in gross for all demands with reference to that Congress. I think it ought to be paid.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to reports of committees of conference on the disagreeing votes of the two Houses upon bills of the following titles:

A bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha Indians in the State of Nebraska, and for other purposes; and

A bill (S. No. 126) to reimburse the Creek orphan fund.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; had insisted on its amendments to said bill numbered 35 and 36, disagreed to by the House of Representatives; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. HALE, Mr. LOGAN, and Mr. DAVIS of West Virginia.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed the consideration of the amendments of the Senate to the sundry civil appropriation bill.

Mr. HISCOCK. One word more. I may be allowed, I hope, to appeal to this side of the House upon this question. I believe, as I have stated, that we are treading upon dangerous ground when we seek to review the action of a preceding Congress with reference to its election cases. If at some time in the far future the Democracy should happen to have control of this House—I say in the far future—

Mr. ATKINS. We could go to work and take up five hundred cases from the beginning of the Government, and provide for payments of this sort in all of them.

Mr. HISCOCK. If that should be done I do not want it to be said that a Republican House of Representatives set the example of reviewing the action of preceding Congresses upon contested-election cases and paying a salary to men it thought were entitled to seats.

Mr. SPRINGER. I ask the gentleman from New York [Mr. HISCOCK] to yield to me for one moment.

Mr. HISCOCK. I will yield two minutes to the gentleman from Illinois, [Mr. SPRINGER,] and then two minutes to the gentleman from Pennsylvania, [Mr. MILLER.] I want to balance this matter.

Mr. SPRINGER. I was a member of the Committee on Elections in the Forty-fifth Congress during which this case arose. It was referred to a sub-committee, which did not report to the general committee for its action; but a report was prepared by the sub-committee in favor of Mr. Shelley. As leave was given to Mr. Haralson at the first session to take evidence during the recess between the first and second sessions, the case was not ready for final action until late in the Congress; and when it was not practicable to have a further meeting of the Committee on Elections, the report of the sub-committee in favor of seating Mr. Shelley was taken to individual members of the committee—Democratic members—and signed by all of them, I believe. We then recommended that Mr. Haralson be allowed \$2,500 for his expenses in the case, and that sum was voted to him in the sundry civil appropriation bill, approved March 3, 1879. I understood that he was perfectly satisfied with the result at that time.

Mr. HISCOCK. Before yielding to the gentleman from Pennsylvania [Mr. MILLER] I will yield two minutes to the gentleman from Illinois, [Mr. CANNON.]

Mr. CANNON. I wish to ask a question, and hope to have it answered by the gentleman from Pennsylvania or the gentleman from Indiana, and it is how the Committee on Elections of the Forty-seventh Congress obtained jurisdiction of an election case in the Forty-fifth Congress? Who then constituted that committee a committee on claims?

Mr. CALKINS. Will the gentleman yield for an answer?

Mr. CANNON. I will.

Mr. CALKINS. I do think, as I have already reported to the House, that the proper place for all such matters originating in preceding Congresses is the Committee on Claims. That is what I believe; but nevertheless it has been the usage for the Committee on Elections, when memorials have been referred to them, to take action and report to the House.

Mr. CANNON. I undertake to say, Mr. Speaker, that I do not know of a single precedent, and if there is one it is time we should

go back on it, when one Congress assumed to say somebody else was elected to a former Congress which is dead and then to pay him his salary.

Mr. MILLER. Mr. Speaker, as one of the members of the Committee on Elections I signed the report asking the Senate committee to put on this amendment.

Mr. McMILLIN. Why did you not recommend it to this House?

Mr. MILLER. From the fact that the bill had gone from the House and was before the Senate when our committee took action on the matter. I did it for the reason I was informed that Mr. Harris, who was a member of the Committee on Elections, stated to a member of the sub-committee that investigated this that the sub-committee of Elections of the Forty-fifth Congress agreed to report in favor of seating Mr. Haralson.

Mr. DUNN. Was not Mr. Harrison Mr. Haralson's attorney?

Mr. MILLER. I know nothing of this except as I have stated.

Mr. DUNN. Mr. Harrison was the attorney in the contest.

Mr. MILLER. The Mr. Harris I speak of was a member of the Committee on Elections in the Forty-fifth Congress, and I was told that he stated to our sub-committee that Mr. Haralson, legally and technically, should have had his seat.

I was informed by Mr. THOMPSON, of Iowa, that Mr. Candler, of Georgia, also a member of the Committee on Elections of the Forty-fifth Congress, wrote a letter to him stating substantially the same facts. I signed that report for the reason if that sub-committee decided Mr. Haralson should be seated then he ought to receive his full pay. Because a former Congress did him injustice and deprived him of his whole salary that is no reason why this Congress should follow that up by doing him another injustice and refusing him any salary at all.

If the facts are as I understand them, then in my judgment, instead of giving him \$5,000 he ought to be paid his full salary. If, on the other hand, the facts are as stated by the gentleman from Illinois, [Mr. SPRINGER,] then this amendment should fall.

Mr. HISCOCK. If the gentleman will give me the names of the sub-committee on elections, which heard argument on the question of the right of Mr. Haralson to a seat in the Forty-fifth Congress—

Mr. ROBINSON, of Massachusetts. The easiest way is to seat the man in this Congress. [Laughter and applause.]

Mr. HISCOCK. I ask for a vote.

The amendment was non-concurred in.

Senate amendments numbered 234, 240, 245, and 247, were read, and concurred in.

Amendments numbered 235, 236, 237, 238, 239, 241, 242, 243, 244, and 246 were read, and non-concurred in.

Mr. HISCOCK moved to reconsider the various votes taken on the Senate amendments; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HISCOCK. I now move the House adjourn, and I desire to explain my reason for making that motion. Gentlemen on the other side of the House—

Mr. ROBERTSON. I object to the gentleman debating the motion to adjourn. If he makes the motion to adjourn he has no right to debate it. [Cries of "Vote!"]

Mr. HISCOCK. Very well; then I insist on my motion to adjourn.

The SPEAKER. The Chair is advised by the Committee on Enrolled Bills that the legislative, &c., appropriation bill will be enrolled within the next ten minutes. It is important it should be received and sent to the Senate.

Mr. HISCOCK. I insist on my motion to adjourn, and we can filibuster for ten minutes or until that report has been received from the Committee on Enrolled Bills. I wish to carry out the agreement with gentlemen on the other side.

Mr. HATCH. Let me introduce a bill for reference.

Mr. HISCOCK. I move that the House take a recess for ten minutes. [Cries of "Regular order!"]

The SPEAKER. The Chair thinks it is better for gentlemen to resume their seats, and they can then understand each other.

Mr. HATCH. I understood the gentleman from New York to make a motion to adjourn, then to take a recess, and that he is going to filibuster against the introduction of any other bills.

Mr. HISCOCK. I insist on the motion that the House take a recess for ten minutes.

Mr. SPRINGER. During that time we could take advantage of the opportunity of introducing and passing some very important bills on which the Senate have made some amendments, instead of taking a recess.

Mr. HOLMAN. Regular order.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 6399) granting an increase of pension to Stephen D. Smith;

A bill (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner;

A bill (H. R. No. 5985) granting a pension to Martha Jane Douglass;

A bill (H. R. No. 2317) for the relief of Mary Bullard;

A bill (H. R. No. 219) for the relief of Elizabeth Leebrick;

A bill (H. R. No. 2966) granting a pension to Annie W. Osborne;

A bill (H. R. No. 3601) for the relief of Martha A. Jones;

A bill (H. R. No. 6317) granting an increase of pension to James Bennett;

A bill (H. R. No. 5018) granting a pension to Elizabeth F. Rice;

A bill (H. R. No. 3733) granting a pension to Mary E. Taylor;

A bill (H. R. No. 2524) for the relief of Alice J. Bennit;

A bill (H. R. No. 3717) granting a pension to Alvin Walker; and

A bill (H. R. No. 6624) granting an increase of pension to Eliza F. Porter.

MEMBERSHIP OF COMMITTEE ON ENROLLED BILLS.

The SPEAKER. The Chair desires to call the attention of the House to the fact that the Committee on Enrolled Bills state that it is now very much overworked and would like assistance. The Chair suggests that he be allowed to add two members to that committee.

Mr. RANDALL. There is no objection to that; it is the usual practice.

The SPEAKER. The Chair will appoint as additional members of that committee Mr. LYNCH, of Mississippi, and Mr. LATHAM, of North Carolina.

PRINTING AGRICULTURAL REPORTS.

The SPEAKER appointed as conferees on the part of the House on the disagreeing votes of the two Houses on the concurrent resolution of the Senate for printing and distributing the Agricultural Reports, Messrs. MCCLURE, VALENTINE, and SPRINGER.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. VAN AERNAM, indefinitely, on account of important business; and

To Mr. SMITH, of Illinois, for the remainder of the session, on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave to withdraw papers from the files of the House was granted in the following cases:

To Mr. UPSON, papers on file in the Committee on the Post-Office and Post-Roads in the case of S. P. Gambia; no adverse report.

To Mr. RYAN in the case of House bill No. 464, Thirty-eighth Congress, for the relief of J. D. Turner and W. S. Raymond.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks on general subjects was granted to Mr. MURCH. [See Appendix.]

ORDER OF BUSINESS.

Mr. HISCOCK. I now renew the motion that the House take a recess for ten minutes.

Mr. ALDRICH. I wish to correct an error as to the time required for enrolling the legislative appropriation bill. I thought the bill would be ready in ten minutes, but find it will take at least half an hour if not longer to complete it.

Mr. HISCOCK. Then I move that the House take a recess for thirty minutes.

Mr. RANDALL. Why not adjourn?

Mr. HISCOCK. I appeal to the gentleman from Pennsylvania not to insist upon the motion, for the reason that action will be taken within that time to enable us to have a conference with the Senate on the sundry civil bill.

Mr. RANDALL. I have no objection whatever to that provided the gentleman will not consent to any other business.

Mr. HISCOCK. I will not.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York.

The House divided; and there were—ayes 74, noes 22.

Mr. ROBERTSON. No quorum has voted.

The SPEAKER appointed Mr. ROBERTSON and Mr. HISCOCK as tellers.

The House divided; and the tellers reported—ayes 107, noes 6.

Mr. ROBERTSON. I withdraw the point of order as to the presence of a quorum.

Mr. PRESCOTT. I renew the point that no quorum has voted. We might just as well be engaged in voting upon this subject as in taking the recess.

Mr. HISCOCK. I hope the gentleman will not insist upon the motion.

Mr. PRESCOTT. At the request of several gentlemen, I withdraw the point of order.

Mr. RANDALL. The recess will extend for thirty minutes from this time.

The SPEAKER. Undoubtedly.

Mr. SPRINGER. Is it understood that no other business is to be transacted after the recess?

Mr. HISCOCK. I will ask further unanimous consent that the session after the recess shall be devoted exclusively to receiving communications from the Senate, and to the appointment of committees of conference.

Mr. PRESCOTT. And the introduction of bills for reference.

Mr. DAWES and Mr. ELLIS objected.

The SPEAKER. The gentleman from New York does not mean to exclude reports from the Committee on Enrolled Bills?

Mr. HISCOCK. By no means. I will state again my proposition, that there shall be no business transacted except receiving messages from the Senate; the appointment of conference committees, and reports from the Committee on Enrolled Bills.

The SPEAKER. The gentleman should also include messages from the President.

Mr. HISCOCK. And messages from the President.

Mr. ELLIS. And unanimous consents.

The SPEAKER. Is there objection to the proposition of the gentleman from New York?

There was no objection.

The SPEAKER. The Chair understands the point of order as having been withdrawn with reference to the vote just taken?

Mr. PRESCOTT. I withdraw it.

So (no further count being demanded) the motion was agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House took a recess for thirty minutes.

AFTER RECESS.

The recess having expired, the House reassembled at 5.40 p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted upon its amendment to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendments of the House to other amendments of the Senate to said bill, asked for a committee of conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALLISON, Mr. HALE, and Mr. BECK as conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I move that the House insist on its disagreement to the Senate amendments to the sundry civil appropriation bill, and also on its amendments to other amendments of the Senate, and agree to the committee of conference asked by the Senate.

The motion was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House Mr. HISCOCK of New York, Mr. BUTTERWORTH of Ohio, and Mr. BLACKBURN of Kentucky.

ENROLLED BILL SIGNED.

Mr. TALBOTT, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. HISCOCK. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifty minutes p. m.) the House adjourned.

SENATE.

SATURDAY, August 5, 1882.

The Senate met at eleven o'clock, a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Principal Legislative Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. HALE. I ask unanimous consent to dispense with the further reading of the Journal.

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLATT. I object until I can have an opportunity to say something on the subject. I want to inquire of older Senators than myself whether in the Senate we have ever dispensed with the reading of the Journal?

Mr. INGALLS. A thousand times.

Mr. PLATT. Then I do not make any further objection.

Mr. HALE. It has been done for the last few days on my motion.

Mr. PLATT. I simply wanted information.

The PRESIDENT *pro tempore*. There being no objection the further reading of the Journal will be dispensed with.

BILLS INTRODUCED.

Mr. LOGAN asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2176) granting a pension to Catharine Lanigan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT asked and, by unanimous consent, obtained leave to introduce a bill (S. No. 2177) for the relief of Redfield Duryee; which was read twice by its title, and referred to the Committee on Pensions.

NAVAL APPROPRIATION BILL.

Mr. HALE. I submit the conference report on the naval appropriation bill.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 35 and 36 to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same.

That the House recede from its disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows: Insert after the word "on," in line 2, page 13 of the bill, the words "during the current fiscal year," and strike out, in line 8, page 13 of the bill, the words "stores and" and insert after the word "property," in line 8, page 13 of the bill, the words "and stores;" and the Senate agree to the same.

EUGENE HALE,

JOHN A. LOGAN,

H. G. DAVIS,

Managers on the part of the Senate.

GEO. M. ROBESON,

J. H. KETCHAM,

JNO. D. C. ATKINS,

Managers on the part of the House.

Mr. HALE. This agreement is in accordance with what was suggested yesterday in the debate. Upon the navy-yard question a clause is put in that limits it to the current year; and the word "perishable" is inserted so as to apply to both property and stores, and it does not disturb the plant of the navy-yards. Amendment No. 36 is the proposition that was put in by the Senate providing that the Secretary of the Navy shall make a report as to the Norfolk navy-yard.

I am very glad to say that the conferees came to an agreement very readily and very easily, and I think it is now in a condition where it satisfies both Houses.

Mr. HAWLEY. I am sorry that I misunderstood the Senator yesterday as to the number of the reduction in the line of the Navy. I find that it is greater than was made by either House separately. I am now correctly informed; but it is too late to remedy that. I exceedingly regret that there is a reduction of one hundred and fifteen in the line of the Navy, when the House did not agree to as much reduction in the first place, nor did the Senate. The result of the conference is to increase the reductions, and I think increase them too much; but that is past now.

Mr. SAULSBURY. I should like to ask the Senator if the reduction is in the staff or in the line?

Mr. HAWLEY. In the line. The reduction in the line is greater than was voted by either body.

The report was concurred in.

TARIFF-COMMISSION TESTIMONY.

Mr. ANTHONY. The Committee on Printing, to which was referred a resolution for printing additional copies of the testimony taken before the tariff commission, have instructed me to report it without amendment, and recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the following resolution, submitted yesterday by Mr. ANTHONY:

Resolved, That 350 additional copies of the testimony taken before the tariff commission be printed for the use of the commission.

Mr. ANTHONY. In the tariff-commission act it was provided that the testimony taken before the commission should be published from time to time, and the mode of distribution was directed in the act, but there were no copies provided for the tariff commission itself. The Public Printer, who is a very law-abiding man, thought that he would not be authorized to make that distribution without this action.

The resolution was agreed to.

LABORERS ON FOX RIVER IMPROVEMENT.

Mr. CONGER. I am instructed by the Committee on Commerce to report favorably the bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works; and I ask for its present consideration.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Acting Secretary read the bill.

Mr. CONGER. The object of the bill is to pay the workmen employed under the contract on public works on the Fox River by distributing the 10 per cent. withheld from the contractor under the law until the completion of the work to those who performed the labor upon this river. The 10 per cent. withheld from the contractor until the completion of the work provided by law, under the regulations, amounts to about \$7,000. The contractor of the work after employing the men for some time failed in his contract, broke down entirely, and left the workmen unpaid to a large extent.

Mr. INGALLS. How much is due the laborers? What is the amount in the aggregate?

Mr. CONGER. As I understand, it is somewhere near the amount of the 10 per cent. The bill provides that that reserve of 10 per cent., which would be due from the Government to the contractor if the Government work had gone on and been completed, may be paid by the Engineer Department or by the Secretary of War, upon proper proof, to the laborers for their wages, and that no more shall be paid than the amount reserved by the Government in any event.

Mr. DAWES. Have the workmen shown that they are entitled to the 10 per cent.?

Mr. CONGER. They were entitled to the 10 per cent. withheld at the time. They have done the work and earned it.

Mr. DAWES. They could not be entitled to the 10 per cent. otherwise, if the contractors had paid their hands.

Mr. CONGER. They have done the work that would entitle them to the 10 per cent. The bill provides that that balance which would have been due the contractor if the work had been performed and which has been earned, the 10 per cent. withheld, shall be paid to these laborers, if there is enough to pay them, and if there is not enough, then to pay them *pro rata*. There is a full report and examination of the case. They are, as I understand, laboring-men who worked on this canal and on the improvement of the Fox River, and there is somewhere about \$7,000, perhaps more than that, which has been due these men for three or four years. The contractors have gone into bankruptcy.

I do not know anybody who is more entitled to the pay that these men earned themselves than these laborers. It is in that view that the committee recommend that this money should be paid to those who earned it, unless it shall appear that the assignees in bankruptcy or somebody else have a legal right which would make it improper; but the bill provides for that.

Mr. COCKRELL. I wish to ascertain from the Senator if I understand the bill. It is an old bill. My recollection is that it has been here for years in Congress. The contractors made a contract with the Government for the construction of certain public works. The Government reserved 10 per cent. upon the amount of their contract, the price of the work performed, retaining that out of the payments that were made from time to time. The contractors then became insolvent, and it was alleged that they were owing these workmen. The Government retained that amount, and it retained it not for the benefit of the laborers, but for its own protection in the completion of the work. The Government had to relet the work and have it completed by other contractors, and in the reletting of that work, the completion of it cost the Government more in addition to the amount of the 10 per cent. retained on the prior contract.

The fact, as I understand it, is that the Government retained the 10 per cent. for its own protection to enable it to get the work completed at the contract price, and that amount was more than exhausted in the excessive price that had to be paid for the completion of the work after the failure of the contractor. We set the precedent here that in every contract the Government makes where it reserves 10 per cent. to indemnify itself, if the contractor fail, we are to pay that over to the laborers. Why, then, should the Government retain it at all? The Government never assumes any responsibility to the laborers under the contractors.

It is a very dangerous precedent, an exceedingly dangerous one. If you do it in this case you have got to go back and do it in all other cases. You do not know how many contractors have failed owing their laborers. It makes the Government an insurer of the wages of all laborers under Government contractors.

Mr. CONGER. These laborers earned by their labor whatever the contractors earned. The Government has a right to keep that for the forfeiture of the contract unquestionably. I do not know whether the Government relet the contract more favorably for the Government or less favorably. I did not think this question entered into that. Of course the Government has the right to keep its money and keep it in the Treasury to make good anything it may see fit, or else we should not need to come to Congress for a law on the subject.

It seemed to me that, as a matter of equity, the men whose hard labor earned this 10 per cent., which was not paid and who are unpaid through the bankruptcy and failure of their contractors, had a right to come and ask for that money, the result of their labor and their earnings. But if Congress thinks it is better that the Government should retain it, that is the other side of the question. It appeared to me that it would be better for the Government to pay these poor men this balance that they earned rather than to keep it in the Treasury. That is my view. If other gentlemen think differently, they will vote accordingly.

Mr. ANTHONY. I quite agree with the Senator from Michigan. Although legally the case may be as the Senator from Missouri has represented it, if these poor people have no technical, legal claim upon the Government it seems to me that the 10 per cent. reserved could not be better applied than to pay them their wages.

Mr. SAWYER. That is the state of the case exactly. The Government has the money and it is just that these men should have the amount of money that they earned. It is in the hands of the Government. If any individual in my State had let a contract and the contractor failed, and his employer had money in his hands and refused to pay that over to the laborers, do you suppose he would stand well in that community? Not at all. We do not ask the Government to pay anything the laborers have not already earned. So far as I am concerned, whether the Government afterward relet the contract for more or less would make no difference. It got the work done and retained this money, and there is no reason, in my judgment, why these laborers should not have what they earned.

Mr. COCKRELL. Let me put a question to the Senator. The Senator is a practical business man. Suppose I take a contract from

the Senator to construct a building. We enter into a written contract. He agrees to pay me \$100,000 for the completion of a certain building. I am to furnish all the materials and the labor, and in order to indemnify himself he is to reserve 10 per cent. upon the amount of the payments, the payments to be made as the work progresses. I go on and expend \$30,000; I do \$30,000 worth of work upon that building; I have employed Tom, Dick, and Harry to do the work. I have been paid \$27,000 and the Senator has in his hands \$3,000. I fail, owing my day laborers and the men who have furnished material, and so on, a great deal more than the \$3,000. The Senator has not got his building completed and he has to hire some one else to complete it. He hires another party to continue the work and it costs the Senator \$80,000 to complete it. He has already paid out \$27,000. Now, I ask the Senator if he as an individual would take that \$3,000 and pay it over to my day laborers?

Mr. SAWYER. Most certainly I would, sir.

Mr. COCKRELL. When you have lost \$7,000 by my failure to complete the work?

Mr. SAWYER. I have done that same thing hundreds of times.

Mr. COCKRELL. The Senator is a remarkable man.

Mr. SAWYER. I would most certainly pay over what had been earned by the workmen; and no man in our country, if it was anybody else but the Government, could avoid paying the laborers. He would have to pay them in full; there would be a lien upon the work.

Mr. COCKRELL. We are not talking about liens now. That is not the question.

Mr. CAMERON, of Wisconsin. My colleague will allow me to state that under the lien law of our State the laborers would have a lien.

Mr. COCKRELL. We all understand that.

Mr. CAMERON, of Wisconsin. It may be that the Senator understands that. Still I can state it, although the Senator does understand it. I say under the lien law of our State the laborers would have a lien upon that property to the extent of the amount of the \$3,000 in the case the Senator has supposed, and they could enforce that lien against the property. All that is asked in this case is that the 10 per cent. shall be paid to the laborers.

Mr. SAWYER. And if there is not enough to pay them all, to pay them that amount *pro rata*. It seems to me nothing can be fairer. I think the Government should not do what an individual would not do.

Mr. COCKRELL. I am satisfied there is not one man in a thousand in the United States, taking all the honest men and putting them together, who would do anything of that kind under a contract precisely similar to this. The Senator is a very exceptional man.

Mr. SAWYER. There is scarcely a business man in our country who would not do it.

Mr. COCKRELL. This bill is not pressing; it has been in two or three Congresses before, and I think we had better have a little longer time than we can have in the morning hour for its discussion. I hope the bill will be placed on the Calendar in order that it may be discussed more fully.

Mr. SAWYER. I hope not. It will take but little time. Let it come to a vote.

Mr. COCKRELL. I know the Senator is a business man. If this were a pressing matter, if it had not been pending here for three Congresses, there would be some reason for pressing it to a vote at this time.

Mr. SAWYER. The very fact that it has been pending for a long time is the reason why it should be considered now.

Mr. COCKRELL. It is not right to bring in here a matter of this kind at the heel of the session and force a limited discussion of it. Some reports have heretofore been made on the subject, and we should have an opportunity to consult them.

Mr. CAMERON, of Wisconsin. The object of discussion is that the case may be understood. We will take the case just as the Senator from Missouri puts it, and allow the Senate to vote upon it on his own statement. What further discussion is necessary?

Mr. SAWYER. We will not discuss it if the Senator will allow it to come to a vote; and if the bill is voted down we shall submit without a word.

Mr. CAMERON, of Wisconsin. We will concede for the purposes of the argument that the facts are exactly as the Senator from Missouri states them.

Mr. COCKRELL. There is no question, I think, about the facts. The matter has been investigated.

Mr. CAMERON, of Wisconsin. Then what necessity is there for further discussion?

Mr. COCKRELL. I move that the bill lie on the table. That will test the question.

Mr. CONGER. I have already made a motion that the Senate proceed to the consideration of the bill.

The PRESIDENT *pro tempore*. The bill was read for information, and the Senator from Missouri objects to its present consideration.

Mr. CAMERON, of Wisconsin. He does not object. He has moved to lay the bill on the table.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri to lay the bill on the table.

Mr. CONGER. Does that take precedence of a motion to lay aside the regular order in order to proceed with the consideration of the bill?

The PRESIDENT *pro tempore*. If the bill is not laid on the table it will be proceeded with. The question is on the motion to lay on the table.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, and it was read the third time.

The PRESIDENT *pro tempore*. Shall the bill pass?

Mr. COCKRELL. I ask for the yeas and nays on the passage of the bill.

Mr. INGALLS. Take a division.

Mr. COCKRELL. If we cannot have a record upon the bill I shall still object to its consideration.

Mr. SAWYER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. GEORGE. Let the bill be read.

The Acting Secretary read the bill, as follows:

A bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works.

Be it enacted, etc., That the Secretary of War of the United States is hereby authorized and directed to pay to the laborers who worked upon the Government improvements upon the Fox River, in the State of Wisconsin, under or employed by Day, Call & Co., (or subcontractors under them,) late contractors with the Government in the improvement of the Lower Fox River, in the State of Wisconsin, the amount due each of such laborers, respectively, for work, labor, and services by them done and performed, respectively, upon and about said improvements as aforesaid, out of and from any moneys actually earned by said Day, Call & Co. (or subcontractors under them) under their said contract with the Government, or for work done and materials furnished by said Day, Call & Co., (or subcontractors under them,) and which have not been paid for by the Government, and which may be withheld by the Government from the said Day, Call & Co. on their said contract as a forfeiture or otherwise: *Provided, however*, That if the amount thereof is not sufficient to pay in full the amount due to such laborers, respectively, then to pay said laborers *pro rata*. Such payments may be made after giving notice four weeks successively in some newspaper published in the county of Outagamie, Wisconsin, for such laborers to present and prove their claims: *Provided further*, That such payments be made in the State of Wisconsin, by and through some engineer officer of the United States designated by the Secretary of War: *And provided further*, That no money shall be paid by virtue of the authority of this act except out of such sum or sums as in the opinion of the Secretary of War may be lawfully withheld from the assignee in bankruptcy of said Day, Call & Co. as a forfeiture under the terms and conditions of their said contract.

Mr. SAWYER. I will state that the full amount is \$7,135.01.

The PRESIDENT *pro tempore*. The roll will be called on the passage of the bill.

The question being taken by yeas and nays, resulted—yeas 41, nays 4; as follows:

YEAS—41.

| | | | |
|--------------------|-----------|------------------|------------|
| Anthony, | George, | Mahone, | Saulsbury, |
| Blair, | Gorman, | Maxey, | Saunders, |
| Brown, | Grover, | Miller of Cal., | Sawyer, |
| Call, | Harrison, | Miller of N. Y., | Van Wyck, |
| Cameron of Pa., | Hawley, | Morrill, | Vest, |
| Cameron of Wis., | Hoar, | Pendleton, | Voorhees, |
| Chilcott, | Ingalls, | Platt, | Walker, |
| Coke, | Jones, | Plumb, | Windom, |
| Conger, | Lapham, | Pugh, | |
| Davis of Illinois, | Logan, | Ransom, | |
| Ferry, | McDill, | Rollins, | |

NAYS—4.

| | | | |
|-----------|------------------|---------|---------|
| Cockrell, | Davis of W. Va., | Harris, | Slater. |
|-----------|------------------|---------|---------|

ABSENT—31.

| | | | |
|----------|-------------------|-------------------|------------|
| Aldrich, | Fair, | Hill of Georgia, | McPherson, |
| Allison, | Farley, | Jackson, | Mitchell, |
| Bayard, | Frye, | Johnston, | Morgan, |
| Beck, | Garland, | Jones of Florida, | Sewell, |
| Butler, | Groome, | Jones of Nevada, | Sherman, |
| Camden, | Hale, | Kellogg, | Vance, |
| Dawes, | Hampton, | Lamar, | Williams, |
| Edmunds, | Hill of Colorado, | McMillan, | |

So the bill was passed.

JOHN G. ABERCROMBIE.

Mr. MAXEY. I ask the Chair to lay before the Senate the bill (H. R. No. 28) for the relief of John G. Abercrombie, received yesterday from the House of Representatives. It is identical with Senate bill No. 1775, and I ask that it be put on its passage. I make the request by instruction of the Committee on Post-Offices and Post-Roads.

The bill (H. R. No. 28) for the relief of John G. Abercrombie was read twice by its title.

Mr. MAXEY. The Senate Committee on Post-Offices and Post-Roads have reported exactly the same bill, identical in words, unanimously, and it is on the Calendar. The report is in print. I ask that the bill be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John G. Abercrombie, of Benton County, Arkansas, \$110, the amount collected of him by the Government of the United States as a failing bidder on mail-route No. 21584, in the State of Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MAXEY. I move that the bill (S. No. 1775) for the relief of John G. Abercrombie be postponed indefinitely.

The motion was agreed to.

GOVERNMENT LANDS IN BURLINGTON, IOWA.

The bill (H. R. No. 2299) relinquishing the title which still remains in the United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington was read twice by its title.

Mr. McDILL. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. How much property is there?

Mr. McDILL. A few remnants or outlots. The city of Burlington was laid out in 1836. There is a very small remnant of property left in the Government. The bill has the concurrence of the Land Office and was reported favorably by the House Committee on Public Lands, and the Committee on Public Lands of this body have authorized me to ask for its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties was read twice by its title, and referred to the Committee on Commerce.

ALABAMA MINERAL LANDS.

Mr. LOGAN. I ask to call up Senate bill No. 2002. It will take but a moment.

Mr. PLUMB. Has the morning business been concluded?

Mr. VEST. Let us get through with the morning business.

Mr. PLUMB. I do not want to interfere with the Senator from Illinois, but I have some morning business to present.

The PRESIDENT *pro tempore*. The Chair will receive it.

Mr. PLUMB. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. No. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands, to report it without amendment; and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. VEST. I should like to ask the Senator from Kansas if the bill affects in any way the question as to title in regard to mineral lands.

Mr. PLUMB. It only provides for those which are *bona fide*, that is to say, in which the law has not been practically and technically complied with. It takes those out of the domain of the laws relating to mineral lands.

Mr. MORGAN. I will say to the Senator from Missouri that it only applies to *bona fide* entries.

Mr. HAWLEY. I did not catch the title of the bill. Is this the bill relating to public lands in Alabama?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. HAWLEY. I desire to say a few words upon it. I have no objection to its being called up, but I think the bill is an error. Before the war the public lands in Alabama were open to pre-emption and sale. All the land laws were suspended during the war. In 1865, June 13, the proclamation of the President opened the land offices; June 31, 1866, a law of Congress extended the homestead act, which applied before that only to Territories, over the five Southern States that had public lands in them, and then lands could be taken by the homestead act, but no mineral lands were liable to entry and settlement. In 1876, on the 22d of June, an act was passed—

That section 2263 of the Revised Statutes of the United States, confining the disposal of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida to the provisions of the homestead law, be, and the same is hereby, repealed: *Provided*, That the repeal of said section shall not have the effect to impair the right, complete or inchoate, of any homestead settler, and no land occupied by such settler at the time this act shall take effect shall be subject to entry, pre-emption, or sale: *And provided*, That the public lands affected by this act shall be offered at public sale as soon as practicable from time to time, and according to the provisions of existing law, and shall not be subject to private entry until they are so offered.

This repeals the act confining the disposition to homesteads and adds the right of private purchase which prevails nowhere save in the five Southern States, except perhaps as to some very limited extent. At present in Alabama agricultural lands can be obtained under the homestead law and by private purchase to any extent: in lots of one hundred and sixty acres or less under the homestead law; other, or mineral lands, can be obtained under the provisions relating to coal and iron lands in lots of one hundred and sixty acres by individuals and by corporations in lots as large as six hundred and forty acres—iron lands at \$2.50 to \$5 an acre according to their vicinity to a railroad and coal lands at \$10 and \$20 according to their vicinity to a railroad. The homestead act from 1866 to 1880 gave Alabama 23,850 homesteads and worked a very great benefit to the State beyond any doubt. Under the proposed law (this is the point I wish the Senate to mind) every acre in Alabama will be open for sale to everybody, citizen or alien, in unlimited quantities. The homestead act will nominally prevail there, but it will be of no mortal use under this power of wealthy individuals or great corporations to sweep all the coal and iron lands into their possession, in no matter how large tracts.

I think this is against the policy of the Government. It does not prevail, as I understand it, anywhere else. There has been some similar legislation with regard to Kansas and Missouri, but the coal lands in Kansas amount to nothing in comparison with the coal and iron lands in Alabama. Those iron lands are of inestimable value. This is to make an exception to the public policy, and to put the lands of Alabama as no other State lands are, where they can all be swept up at the shortest notice by rich men.

There was no report made upon this bill in the House that I can find, and the brief report made in the Senate contains a letter, to be sure, from the Land Office, which declines to make any recommendation concerning the measure. Secretary Schurz, as I understand it, was opposed to it, and the present Commissioner of the General Land Office says:

The policy of the proposed law is one which it is the peculiar province of Congress to determine, and concerning which I prefer to make no recommendation.

The policy of so disposing of the public lands that large areas will be owned by single individuals or corporations may well be doubted, or at least merits careful consideration. It is also to be borne in mind that a too restrictive policy is a substantial inducement to fraud, and at the best may postpone but briefly the acquisition of large titles by individuals who command the necessary capital and enterprise.

So he gives the considerations on each side and declines to make a recommendation.

There are various other facts. I have been unable to give this matter the inquiry that I ought to give it, but I am very confident from what I have heard from gentlemen informed on the subject that the bill ought not to pass without further consideration. I have in my hands a copy of a letter, not addressed to me, but sent to the Secretary of the Interior, from the special counsel of the Government in Alabama. I feel bound to read it, for I think this legislation will be a very serious mistake. He states the case clearly and emphatically. I fear the Senate is not caring much about it, though I am satisfied I am simply doing my duty in bringing it to their notice. Before Senators vote upon this bill I should be glad to have them hear this brief letter.

Mr. SHERMAN. A single objection puts the bill over.

Mr. HAWLEY. I said I did not feel inclined under the urgency of the Senator from Alabama to make that technical point.

You ought to see the Secretary of the Interior—

Says this gentleman, the special counsel of the Government—and the Attorney General and interest them in defeating the bill that lately passed the House putting all mineral lands in Alabama upon the market as agricultural lands.

Let me just there say that a geological survey of Alabama was ordered about four or five years ago, and though it was very imperfect it showed an enormous quantity of exceedingly valuable iron and coal land. It was by no means perfect, because there is a tract of 15,000 acres in the hands of a great corporation there that was not included in that survey at all. It was then in process of acquiring it.

The bill makes all land in Alabama, mineral or otherwise, subject to disposal as agricultural lands, provided that all lands which have been reported to the General Land Office as containing coal or iron shall first be offered at public sale, and provided that homestead entries may be patented without regard to the mineral character of the land—

That is an invitation to wrong-doing—

where the parties have in other respects complied with the requirements of the homestead law.

I have yet to hear a rational and sensible defense of the bill from any quarter. It is said it ought to be passed because a similar bill passed as to Kansas and one or two other States, but the fact that the interests of the Government were sacrificed in Kansas for the benefit of a ring of land sharks does not make the thing justifiable in Alabama. If it does it would justify it in every State, and this bill, instead of being confined to Alabama, should be made to apply to every State in which there are mineral lands. A person would suppose, to read the provisions of this bill, that its authors were filled with a most determined purpose to protect the Government in its rights, tempered only with a mild regard for the honest homesteaders. Doubtless they were, but they have been terribly imposed on in that case. Only such lands as have been reported to the General Land Office as containing coal and iron are required to be offered before the same are subject to entry as agricultural land. It is a well-known fact in Alabama that the lands reported by the mineralogist as containing coal and iron are but a small proportion of the lands that really contain those minerals. None of the lands belonging to the Pratt Coal and Coke Company (some 15,000 acres) were reported by that officer as containing coal, although those lands were then in process of acquisition from the Government by means of homestead entries, and coal was then being mined thereon. As an indication of the extent of the frauds which this bill proposes to legalize, I will add that the lands of that company were lately sold for \$1,000,000, the purchaser taking the land with notice given by the special agent of the fraud in the original entry.

It would appear as if the second proviso of the bill were inserted for the benefit of this purchaser, because if the universal character of the lands be eliminated from the inquiry as to the character of the entries it will be impossible for the Government to break down their *bona fide*. The parties procuring these entries to be made were always careful to see that the requirements of the law as to residence, improvement, and cultivation were complied with.

What the bill does for the Pratt Coal and Coke Company it does for thousands of others, but not to the same extent. Five million dollars would be a low estimate of the value of the lands, the wrongful acquisition of which it proposes to legalize.

There is another class of entries which this bill legalizes, and which it was evidently intended to legalize. I refer to the soldiers' and sailors' additional homestead entries. Where a soldier or sailor has homesteaded a less quantity of land than the maximum to which he is entitled, the Commissioner of the General Land Office, upon proof of compliance with the law as to the original entry, will issue him a certificate authorizing him to locate, by himself or by an agent, in any part of the country, a quantity of land sufficient with that already homesteaded to make one hundred and sixty acres. These certificates are put on the market like land

warrants or agricultural college scrip, and are sold to the man that will pay most for them. Many of the most valuable coal lands in this State have been entered by the land sharks upon these certificates, and all such entries will be legalized by this bill because they are in every respect *bona fide* homestead entries, except that they are located on mineral land. I know of a case where a strip of land eighteen miles long and not half a section wide, extending through the center of the Cahaba coal field from its northeast to its southwest extremity, was entered in one day by one man upon these soldiers' and sailors' certificates. A non-mineral affidavit was made as to each piece of land so entered.

The Government cannot afford to pass this bill; public morality forbids it, even if the Government were able and willing to give away its lands.

Mr. FORNEY, in his speech on this bill in the House, would have it appear as if the mineral lands in this State were an insignificant part of the public domain. He says that "the mineralogist reported that there were some valuable coal lands among them." (the public lands.) I am not myself acquainted with the extent of the coal lands in this State, but I have been told by those in whom I have confidence that for extent and value the lands embraced in the Warrior, the Coosa, and the Cahaba coal fields of Alabama are not to be equaled anywhere else on the face of the globe. My employment as special counsel of the Government in the investigation and prosecution of the fraudulent land entries in this State enables me to speak knowingly of the character of the entries to be legalized by this bill, and also as to the value of the lands embraced in the said entries.

I am, very respectfully, your obedient servant,

GEORGE TURNER.

I know nothing of this gentleman except his legal capacity, but I have heard these identical statements commended as just by a man thoroughly familiar with the land laws of the United States. I do not say that anybody in the world has an unjust, unlawful, or dishonorable motive in connection with the bill, but it is a reversal of the wise policy of this Government, and the matter ought to be inquired into further before the bill shall be passed.

Mr. MORGAN. Mr. President—

The PRESIDENT *pro tempore*. The hour of twelve o'clock will arrive in a minute.

Mr. MORGAN. Does the Chair hold—

Mr. ROLLINS. Regular order.

The PRESIDENT *pro tempore*. When the hour of twelve o'clock arrives the Chair has to announce that the morning hour is through and that the Calendar is in order.

Mr. MORGAN. I ask for a few moments to reply to the remarks made by the Senator from Connecticut. It is due to myself personally that I should have that opportunity.

The PRESIDENT *pro tempore*. Is there objection?

Mr. MORRILL. I must move to postpone all present and prior orders in order to take up the tax bill.

Mr. FERRY. I hope the Senator from Vermont will allow me to call up the post-route bill. It is very important that it should pass so as to go to the House and have our amendments acted on there. Every Senator is interested in it, and as the bill has been printed and laid on the desks of Senators, I think it will take but very little time to pass it.

The PRESIDENT *pro tempore*. The Senator from Alabama asks consent of the Senate to reply to the Senator from Connecticut. Is there objection to his replying to the Senator from Connecticut?

Mr. HAWLEY. I hope there will be no objection; but I wish to say before the Senator begins that I have read this letter of the special counsel of the United States simply as a matter of public duty, without the slightest idea that it is possible to reproach the Senator from Alabama with any unworthy motive in his views.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Alabama proceeding?

Mr. MORRILL. I suppose the Senator from Alabama does not require much time?

Mr. MORGAN. No, sir; I will not impose upon the Senate.

Mr. MORRILL. Then I will not object.

Mr. MORGAN. Whenever the Senate desires me to stop, of course I will do it.

The person who signs himself as special counsel for the United States, Mr. George Turner, has taken that letter or the substance of it, if not the identical letter, before two Secretaries of the Interior, Mr. Kirkwood and Mr. Teller, and he has asked for employment to resist what he calls illegal entries of coal lands in Alabama, and also to file bills in equity to the amount of hundreds at the expense of the Government of the United States to tear up patents that have been issued there for a great many years. Both these Secretaries refused him that job. He then found himself a convenient tool for two railway companies, land-grant railway companies, whose grants border this coal-land region and take in a very considerable part of it. These railway companies have established their headquarters in Washington City for the purpose of preventing the passage of this bill. They have got from the Government of the United States large land grants. They desire that the lands of the United States shall not be brought into competition with the coal lands in their grants. They border this coal field and cut it off entirely from access to the outside world. This land has been in market as coal land now for a number of years, not less than ten or twelve, at the Government prices, which are \$20 per acre within fifteen miles of the line of a railway, and \$15 an acre for the other coal lands.

During that period of time not one acre of this land has ever been sold; and the Government of the United States may keep the land there for fifty years and it will never sell an acre of it at either \$15 or \$20, and the law as it stands enables the land-grant railway companies to open their lands to market at prices just below \$15, and just below \$20, and while we are choking down all enterprise and all

industry relating to iron manufacture and coal mining in the great body of the coal belt of that State, we are merely conferring these privileges on these land-grant roads, and they are here to obstruct the Congress of the United States, to cast imputation upon the Interior Department, and upon Senators and members of the House of Representatives for their desire to open these lands to market.

This bill does not even claim what the Congress of the United States did not hesitate to grant to Kansas, to Missouri, to Michigan, and to Minnesota, for this bill provides that every foot of this land that has been segregated and called coal land shall first be put up in the regular manner that all public lands are set for sale at public auction. They cannot sell for less than a dollar and a quarter an acre; they can sell for as much more as the private buyers choose to bid for them. We desire to invite the capital of other sections of the world into our country; we desire that this great body of coal lands shall not be locked up, and that men who own capital and who are able to buy land shall not be denied the privilege of going there unless they pay fortunes for tracts of land that are mere experiments.

The Senator from Connecticut said that a geological survey had been made of this land. That is not a correct statement of the fact. Certain geological explorations have been made by interested parties; some by railway employes, some by State geologists, and Mr. Winter, one of the geologists of the Interior Department, went to work for the purpose of ascertaining what land should be segregated. I have his report here. He says there is a large body of lands which are claimed to be coal lands because they fall within the coal measure. It is impossible without test and experiment to tell which of these lands might be or might not be valuable for mining. The fact is that there is probably not more than one-twentieth part of these lands that will ever be available for mining purposes owing to the situation, the topography of the country. Persons who are interested, who make experiments, can go there and ascertain, if they wish to do so, what lands are valuable for mining and what are not. Mr. Schurz, acting upon Mr. Winter's report, drew very large lines around this body of country and called it all coal land, when perhaps there was not more than one-tenth part of it that could ever be valuable as a mining country. Then Mr. Schurz, in order to do justice to the people who wanted to go in there and make agricultural settlements, invented an affidavit called a non-mineral affidavit, by which a man could swear that he was not informed and did not believe that the land that he was entering for a homestead was mineral. There may have been some frauds perpetrated in this matter; I dare say there have been, as there have been in every class of entries of public land. There is not a mineral reservation in the United States which has not given rise to some frauds in entries; but Governor Smith, who is now the district attorney of the United States for that district, made an investigation of this subject and made a number of reports. I think there are about three hundred and forty or three hundred and fifty cases where he has made objections to the confirmation of the title.

These cases stand suspended in the Land Department now, the Secretary of the Interior having gone to the full extent that he thought was at all necessary to protect the Government against any fraudulent entries, if there be any there, and every one of these cases is suspended. This bill does not ratify or confirm anything except an honest, *bona fide* entry of land; and these suspended cases, when they come to be heard and decided upon by the Secretary, will either result in being thrown out of the Department or in the confirmation of the entries by the Secretary of the Interior. The Government has taken the most exact care to protect itself and to protect everybody else by its orders in this matter.

When Mr. Teller came into office this subject was drawn to his attention; all of these demands, all of these reports, all of these complaints were laid before him. He made a thorough investigation of the whole matter, and he writes this letter addressed to me:

DEPARTMENT OF THE INTERIOR,
Washington, July 10, 1882.

SIR: I have received your letter of the 7th instant, and the inclosed copy of Senate bill 140—

A precise copy of this bill—

to regulate the disposal of coal lands in the State of Alabama, with the report of the Senate committee thereon. The report contains a letter from my immediate predecessor, transmitting a letter from the Commissioner of the General Land Office, who submitted draft of bill on the subject, which you state is embodied in Senate bill 140.

The bill meets my entire approval, and will, I hope, become a law.
Very respectfully,

H. M. TELLER, Secretary.

Hon. JOHN T. MORGAN, United States Senate.

I do not know how much further I need go to vindicate my action in this matter. This bill originated in the House. It went through the committee of the House and through the House of Representatives, and they made a most searching examination into the whole case.

All I ask is that men who have received monopolies under Congressional action in the United States shall not shut out the capital of the country in all its borders from coming to our State and investing in these public lands. We never have sold an acre of that coal land yet under the existing law. The Congress of the United States made no sort of hesitancy in wiping these laws out so far as Kansas, Missouri, Minnesota, and Michigan are concerned.

I drew this subject to the attention of the Senate nearly two years ago, and the Senate passed a bill in the language of the Kansas bill as an amendment to another bill that was in this body at that time, and that without objection; but these men who want to keep up lawsuits and who want to make money by keeping this coal land in litigation swarm this capital for the purpose of casting imputation on the conduct of Senators here who are representing their States and trying to get their States open to settlement, to enterprise, and to industry. The State of Alabama no doubt has valuable minerals in it.

Mr. LOGAN. Do you say the same law was passed in reference to coal lands in Kansas?

Mr. MORGAN. Yes, sir; and Missouri; only a law without any restriction at all, a perfectly broad law. Michigan and Minnesota too have had the same law. There never was any sound policy in the laws locking up coal and iron lands against settlement. They ought not to be put on the ground of being mineral lands that contain the precious metals. They ought to be thrown open to settlement, and capital and industry ought to be invited into such lands as these for the benefit of the country at large. It is just as important to have coal and iron as it is to have corn and cotton.

That is all I desire to say this morning about it. I suppose, of course, the Senate will not indulge me far enough to pass the bill; I shall have to let it go over, though I regret it very much, for it is retarding settlement in that State. The gentleman who is assaulted here as being at the head of a company who went into Alabama and paid a million of dollars (for he did so) for a coal bed that had been entered there for many years is one of the most distinguished Republicans of the State of Tennessee, and a thoroughly honorable man, a man of very high character. He is the man who is assailed here by a person who represents interests that do not appear and come to the front and show themselves, though I know perfectly well what they are.

Mr. HALE. I wish to submit a conference report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had disagreed to the amendments of the Senate to the House concurrent resolution for the printing of the annual report of the Commissioner of Agriculture, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. A. S. McCLURE of Ohio, Mr. E. K. VALENTINE of Nebraska, and Mr. W. M. SPRINGER of Illinois the conferees on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. G. R. DAVIS of Illinois, Mr. H. J. SPOONER of Rhode Island, and Mr. COLUMBUS UPSON of Texas the conferees on the part of the House.

The message also announced that the House had passed a concurrent resolution granting the use of the Rotunda and adjacent rooms to the Garfield monument committee, Society of the Army of the Cumberland, from the 25th of November to the 3d of December, 1882, to hold a bazaar and reception, the object being to raise a fund to aid in the erection of a statue at Washington to the memory of the late President Garfield.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I submit a conference report.

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate numbered 47 to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purpose, having met, after full and free conference have been unable to agree.

EUGENE HALE,

W. B. ALLISON,

F. M. COCKRELL,

Managers on the part of the Senate.

FRANK HISCOCK,

GEO. M. ROBESON,

S. S. COX,

Managers on the part of the House.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of this conference report?

The question being put, it was determined in the affirmative.

Mr. HALE. This is the third report upon the deficiency bill. There has been nothing between the conferees excepting the question of Senatorial mileage. It has been submitted to the House three times, and the vote in favor of the House maintaining its position has increased each time. While the report has been made that we are unable to agree, I feel constrained to say to the Senate that my belief is that this is a proposition on which the House will not recede from its position. The Senate is in the position of seeking to put this proposition on the bill and sending it to the House. We are the moving party. I do not suppose we are in a position where we can drive the House after it has established its position, as I think

it has, firmly. I do not see any use in prolonging the contest, being fully convinced that it will only end in one way, and that is in the Senate receding; and, therefore, I make the motion now and submit it to the decision of the Senate, that the Senate recede from this amendment.

Mr. MORRILL. I hope we shall do it. I do not think it is a proposition that we ought to have made originally. The amount of mileage we receive is enough compensation, and I trust we shall recede.

Mr. SLATER. I trust the Senate will not recede from its position. To do so would be a matter of great injustice to those Senators who live at a long distance from the capital and who came here at great inconvenience to attend the called session last fall. It is but just to those who live at great distances that they should be protected in this matter. Some Senators came here at severe inconvenience.

Mr. HALE. I realize the force of the position of the Senator from Oregon. I believe as much as he does that the Senate had the right to have this mileage, that it is only just on account of the unusual expense that Senators were subjected to last summer; but let me ask the Senator, does he believe that we can drive the House on this proposition? That is the question. Does he believe that we can do any more than we have done? We have had three conferences; the question has been put three times to the House, and that body grows stronger and stronger. Now, what will be gained? Would the Senator, for instance, on this issue lose the deficiency bill?

Mr. SLATER. The Senate has well taken its position and considerably taken it; and it ought to stand by it and adhere to it.

Mr. HALE. Does the Senator think we could stand before the country if we were to lose this bill on this issue?

Mr. SLATER. I have no doubt about it at all.

Mr. HALE. I agree with the Senator in the justice of the claim; but I cannot go as far as that.

Mr. SLATER. I believe the country will sustain the Senate in its position.

Mr. COCKRELL. I desire to say as one of the conference committee of the Senate, that I do not concur with the Senator from Maine.

Mr. HALE. The Senator understands that I make the motion myself.

Mr. COCKRELL. I understand the Senator does not make this motion from the conference committee, but simply as an individual Senator. I think the Senate ought not to recede. I do not think the Senate can honorably recede.

Mr. SHERMAN. I believe that this mileage is just and right, that the Senate is fairly entitled to it in the forum of justice because Senators were compelled to come here from great distances and to incur expense; but the law, which we are all bound to obey, allows mileage only for regular sessions of Congress. The Senate proposed to change the law. Now the Senate cannot stand upon a proposition to defeat one of the regular appropriation bills in order to secure a change of the law. The uniform rule, never contested until recently, was that where either House proposed to change the law and the other declined, even less determinedly than has been done in this case, the House proposing the change of the law must recede; otherwise you could not pass the appropriation bills.

Therefore, although I think it very hard and unjust, especially to Senators from remote States, to be compelled to pay their own expenses here, I feel bound to vote to recede on the ground that we have no right to compel the House to agree to a change in existing law by an amendment to an appropriation bill.

Mr. HOAR. Mr. President, I hope never to hear again in my life a discussion of the question of our own pay. I would rather let almost any rate of compensation be fixed than have this question perpetually coming before us as it has for the last few years. While we may agree with the Senator from Ohio in his opinion as to the justice of this appropriation, we should remember that from the necessity of the case members of legislative bodies are the only class of public officers who are trusted by the people with the privilege of fixing their compensation. We being the law-making power fixing the compensation for everybody else, trusting no other public officer to determine his own, the people trust us with the great confidence of permitting us to fix our own.

Under these circumstances it seems to me that where there is any fair and reasonable difference of opinion about the justice of compensation we should yield the point, rather err on the side of making it too little than too much. Now, the House of Representatives, the co-ordinate body in the Government, thinks that it is wise to adhere to the existing law on the subject of mileage; and whatever inequalities may exist in that should be borne rather than to multiply the allowances. I hope, therefore, the Senate will recede.

Mr. BAYARD. Mr. President, I fear that the issue raised between the two Houses on this subject may be considered almost too personal an issue to the members of this body to justify their risking the passage of one of the general appropriation bills of the Government. At the same time there ought to be an expression, emphatic and positive, on the part of the Senate, and they ought to do all that they can do to place before the country their opinion of the justice and propriety of the measure that they propose. Therefore I shall be willing to vote that the Senate recede from this proposition, but I sug-

gest that a resolution be introduced by the gentleman in charge of this bill, the chairman of the conference committee, proposing to pay the mileage due to Senators for the extra session, and that it be adopted unanimously by unanimous consent without the formality of reference or lying over for a day. I think it then will present, as a Senate resolution, two things: our clear and unanimous opinion in regard to the propriety of this measure, and our unwillingness for personal reasons that affect the individual interests of members of this body, however much based on justice and reason, to stand in the way of the passage of an appropriation bill.

Mr. HALE. I hope the Senator will prepare that resolution and introduce it as soon as this matter has passed from the consideration of the Senate. I for one will be very glad to vote for and support it.

Mr. BAYARD. I should rather that the Senator from Maine, he having been indicated by the Senate as its representative, he having been the negotiator on every part of this proposition—I should rather that he having full knowledge of the proceedings in conference should introduce the resolution; but that is a very unimportant question.

Mr. HALE. I have no sensitiveness about it one way or the other. If the Senator will draft the resolution, either he or I will introduce it.

Mr. BAYARD. I should like to offer the resolution in the precise terms of the amendment.

Mr. PENDLETON. I trust that the motion of the Senator from Maine will prevail. Concurring exactly in what has been said by the Senator from Maine as to the justice of this demand, as to the propriety of enforcing it in the strongest possible manner that the Senate can, I am made painfully aware that there are many people in Washington suffering to-day from the non-passage of this bill. The clerks of the Census Bureau have been three months without pay, and the passage of this deficiency bill is the only method by which they can be relieved from actual want at this moment.

Mr. HALE. And the teachers in the city.

Mr. PENDLETON. And the teachers. I happen to know a number of persons who come within the category of census clerks, and therefore my attention was directed to that fact. I cannot with any sense of justice continue this struggle with the House for the purpose of giving Senators mileage, however much I may think it their due, while these poor people have been kept out of their money for months, and for one month at least by this struggle. I trust the motion of the Senator from Maine will prevail.

Mr. VOORHEES. Mr. President, some things have been said in the House of Representatives that I think call for a statement of the real condition of this question so far as the Senate is concerned.

I do not believe that members of the Senate or the House of Representatives ought to have mileage if they are called here in extra session because of any neglect of legislation, any neglect of public duties, any failure to pass all the necessary bills. That would be an occasion of their own making, and they ought not to lay claim to mileage for a session thus occasioned. The occasion of the session named in this amendment was far different. It was caused by a great public calamity, caused by the death of the late President of the United States and the accession of the present Executive to that position, and it found the members of the Senate scattered all over the country, some perhaps in Europe, some in the most distant parts of this continent, some engaged in professional business in court who had to give up their engagements and come here to perform the superior duty that was imposed upon them by their position.

Under these circumstances many Senators came here at far heavier expense and far greater sacrifice than they would be compensated in by the small and trifling sum that is involved in this proposition. A higher equity never supported a claim than supports this. But I bow to the superior wisdom of the House of Representatives, who know of course what we ought to have better than we know ourselves. I concede that they judge of not only their own perquisites, privileges, and pay, but of ours also; and I have not the slightest reluctance so far as I am concerned in concurring in the suggestion, which I have long been prepared for, on the part of the Senator from Maine, and letting this matter go, but I was not willing to let it go without a square statement of the high and powerful equities that are overruled by the decision of the House on this subject.

Mr. SLATER. I desire to state, in addition to what I have already said, that it seems to me, after what has been said in the House, that the Senate can hardly recede from its position. While I am not perhaps entitled to quote here directly what has been said, it seems to me the debate there has been disrespectful and personal to the Senate, and that the Senate might justly and properly take umbrage at the manner in which this question has been treated.

In the three years I have served here I have been twice summoned, I may say summarily, from the extreme verge of the continent, so that the most expeditious haste had to be made, to reach the sessions of the Senate, and under most embarrassing circumstances the last time to attend the session which is now in controversy. I was only able to reach here in time by receiving information of the call by telegraph; and I remember distinctly well that as I stepped into the stage at my door I received a telegram from the honorable Senator from Ohio, [Mr. PENDLETON,] urging my presence in this city. I made one of the shortest trips ever made across the continent and

reached here only in time to be present when the session opened, at great expense and great discomfort personally, and at great disadvantage to my private affairs.

It seems to me that these things ought to be considered. While I am willing to bow to the majority of the Senate and to the suggestions of older members, it seems to me that if we do recede from our position we are practically receding from everything, and we have no right to expect from the tone and temper exhibited in the House any better or more respectable consideration of the resolution proposed and suggested by the Senator from Delaware than the amendment has received. I think it will only be laughed out of the House.

Mr. DAVIS, of West Virginia. I fully concur with the Senator from Delaware and the Senator from Ohio. I believe it will be best for the public interests to accept the suggestion made by the Senator from Delaware, and I shall vote with him on the question.

Mr. CALL. Mr. President, this question ought not to be connected with the necessities of any public employé of the Government, the necessities of anybody in the civil service, the Census Bureau, who may be deprived of his compensation by reason of the action of the House. It ought to be considered in the light of a constitutional obligation, that there cannot be a performance of the duty of assembling here under a proclamation of the President of the persons designated by the States unless the means for their transportation is furnished, and it is not in the power of the House of Representatives to say when the President of the United States commands the assembling of the Senators here for the performance of a constitutional duty, "You shall not have the means to come, and we will decide whether or not the public money shall be expended for that purpose." If we concede this, we put it in the power of a majority of the House of Representatives to stop the continual discharge of the constitutional duties of Senators.

This might well be remedied and ought to be remedied by a practice of providing the compensation of Senators and Representatives and appropriating for it and for their expenses upon a separate bill. It ought never to be allowed that the Senate should concede its constitutional right and duty to require an appropriation to be made for the performance of its constitutional duty, because of the necessities of the public service to their dependents. I would insist, if I had the power, upon this constitutional duty and right to the uttermost; not because I am not willing to give up this sum of money, for I am willing that my salary shall go unpaid and every Senator here of every party would prefer to-day to deprive himself of every dollar of compensation for service in the Senate to conceding this right on the part of the House of Representatives, unsustained as it is by any provision of the Constitution, by any rational argument, or by any sound interpretation of public duty.

Mr. HALE. I hope we shall have a vote.

Mr. SLATER. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate recede from its position on the deficiency bill on the mileage question. On that motion the yeas and nays are ordered.

Mr. SLATER. I desire to say just one word more. I am perfectly satisfied from communication I have had with various members of the House that if the Senate adheres to its position the House will recede.

Mr. HALE. I am perfectly satisfied they will not.

The Principal Legislative Clerk proceeded to call the roll.

Mr. HARRIS, (when Mr. JACKSON's name was called.) My colleague [Mr. JACKSON] is absent from the city. If present, he would vote "yea." Upon political questions he is paired with the Senator from Kansas, [Mr. PLUMB,] but not on a question like this.

The result was announced—yeas 47, nays 11; as follows:

YEAS—47.

| | | | |
|--------------------|-------------------|------------------|------------|
| Aldrich, | George, | Lapham, | Pugh, |
| Anthony, | Gorman, | McDill, | Ransom, |
| Bayard, | Groome, | McMillan, | Rollins, |
| Blair, | Hale, | Mahone, | Saulsbury, |
| Cameron of Pa., | Harris, | Maxey, | Saunders, |
| Cameron of Wis., | Harrison, | Miller of Cal., | Sawyer, |
| Coke, | Howley, | Miller of N. Y., | Sewell, |
| Conger, | Hoar, | Morgan, | Sherman, |
| Davis of Illinois, | Ingalls, | Morrill, | Van Wyck, |
| Davis of W. Va., | Jonas, | Pendleton, | Vest, |
| Dawes, | Jones of Florida, | Platt, | Windom. |
| Ferry, | Kellogg, | Plumb, | |

NAYS—11.

| | | | |
|-----------|-----------|-----------|-----------|
| Brown, | Cockrell, | Logan, | Walker, |
| Call, | Grover, | Slater, | Williams. |
| Chilcott, | Hampton, | Voorhees, | |

ABSENT—18.

| | | | |
|----------|-------------------|------------------|------------|
| Allison, | Fair, | Hill of Georgia, | McPherson, |
| Beck, | Farley, | Jackson, | Mitchell, |
| Butler, | Frye, | Johnston, | Vance, |
| Camden, | Garland, | Jones of Nevada, | |
| Edmunds, | Hill of Colorado, | Lamar, | |

So the motion was agreed to.

MILEAGE TO SENATORS.

Mr. BAYARD. I now offer a resolution and ask for its immediate consideration.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 106) providing for the payment of mileage to Senators; and it was read at length, as follows:

Be it resolved, &c., That for the payment of mileage to Senators who attended the special session of the Senate convened on the 10th day of October, 1881, by proclamation of the President, the sum of \$33,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

Mr. BAYARD. I ask unanimous consent for its consideration.

By unanimous consent, the joint resolution was read three times.

Mr. BROWN. I ask for the yeas and nays on its passage.

Mr. MORGAN. The vote is unanimous. It is not necessary to record our names.

Mr. BROWN. Let it be recorded that the vote is unanimous.

The PRESIDENT *pro tempore*. Is there objection to the passage of the resolution? The Chair hears none, and it is passed unanimously.

PRINTING OF AGRICULTURAL REPORT.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the House concurrent resolution to print the annual report of the Commissioner of Agriculture, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ANTHONY. I move that the Senate insist on its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. ANTHONY, Mr. HARRISON, and Mr. VEST were appointed the conferees on the part of the Senate.

NIOBRARA MILITARY RESERVATION.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. No. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and authorizing the sale of a portion of said reservation, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. COCKRELL. I move that the Senate insist on its amendments and agree to the conference.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. LOGAN, Mr. COCKRELL, and Mr. HARRISON were appointed the conferees on the part of the Senate.

USE OF ROTUNDA.

The PRESIDENT *pro tempore* laid before the Senate the following House concurrent resolution:

Resolved by the House of Representatives, (the Senate concurring.) That the use of the Rotunda and adjacent rooms be granted to the Garfield monument committee Society of the Army of the Cumberland, from the 25th of November to the 3d of December, 1882, to hold a bazaar and reception, the object being to raise a fund to aid in the erection of a statue at Washington to the memory of the late President Garfield.

The PRESIDENT *pro tempore*. The resolution will lie on the table unless some Senator asks to have it considered.

Mr. MORRILL. It may as well be considered now.

Mr. ANTHONY. I move that the resolution be referred to the Committee on Public Buildings and Grounds.

Mr. HARRISON. I hope the Senator from Rhode Island will let the resolution be acted on without a reference.

Mr. ANTHONY. Very well; I withdraw the motion.

The resolution was concurred in.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States:

OFFICE OF THE PRESIDENT OF THE UNITED STATES.

Washington, August 4, 1882.

To the Senate of the United States:

In reply to a resolution of the Senate passed April 25, 1882, I transmit herewith a communication, with accompanying papers, from the Secretary of the Navy, in relation to the title by which the United States holds the land now occupied as a navy-yard at Boston, Massachusetts.

CHESTER A. ARTHUR.

Mr. HOAR. I move that that be printed and lie on the table. The motion was agreed to.

RAILROADS IN TENNESSEE.

Mr. HARRIS. I desire to submit a resolution, and ask its present consideration; it will not take a minute.

Resolved, That the Secretary of War be, and hereby is, directed to report to the Senate such information as the records of that Department contain as to the basis upon which the Government settled with certain railroad companies in Tennessee for the claim of the Government rolling-stock and material purchased from the United States by said railroad companies in or about the year 1865, with copies of the correspondence specified in the paper hereto attached, on the subject of said settlement.

It is not necessary to read the accompanying paper.

The resolution was considered by unanimous consent, and agreed to.

SAMUEL CHASE BARNEY.

Mr. FARLEY. I am directed by the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 660) for the relief of Samuel

Chase Barney, to report it favorably and without amendment. The committee have adopted the House report, and I ask unanimous consent to take up the bill now. It will not take five minutes to dispose of it.

Mr. MILLER, of New York. If it gives rise to any debate I must object.

Mr. ANTHONY. That is not a report from a committee.

The PRESIDENT *pro tempore*. The Senator from California reports a bill from the Committee on Naval Affairs.

Mr. PLATT. What is the character of the bill?

The PRESIDENT *pro tempore*. The bill will be read for information.

Mr. MILLER, of New York. Let the bill be read, and then if it leads to discussion I shall object to its consideration.

Mr. ROLLINS. I desire to know what the bill is.

The PRESIDENT *pro tempore*. The bill will be read.

The Acting Secretary read the bill.

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

DUTY ON KNIT GOODS.

Mr. MILLER, of New York. I move to lay aside informally the regular order, which I understand is the tax bill—

The PRESIDENT *pro tempore*. There is no regular order now except the consideration of the Calendar. The proper motion would be to postpone.

Mr. MILLER, of New York. Whatever the proper motion is. I am not familiar with the rules.

The PRESIDENT *pro tempore*. The regular order is the consideration of bills on the Calendar under the Anthony rule. Is there objection to postponing it? The Chair hears none.

Mr. MILLER, of New York. Now I move to take up the knit-goods bill, being the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States. I desire very briefly to state my personal reasons for moving to take up this bill at this time.

The PRESIDENT *pro tempore*. Is there objection to taking up this bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. MORRILL. I desire to say that I should resist taking up this bill now, only that I understand that the reasons of the Senator from New York for acting upon it now are that he is unwell, and is obliged to leave to go home. I shall insist immediately after the consideration of this bill on calling up the tax bill, and persisting in it until it is ended.

Mr. MILLER, of New York. I will briefly state my reasons for asking the action of the Senate on this bill at this time. This is what is known as the knit-goods bill. It is for the relief of an industry of large proportions in my State. I think the census report shows that it is followed much more largely in that State than in any other State in the Union.

For several weeks we have gone on discussing a general tax bill for the relief of internal taxes and connected with it many of the tariff questions. It was made evident in the Senate yesterday, when the chairman of the Finance Committee made a proposition to the other side to take what is known as the internal-revenue bill substantially as it came from the House, with two or three amendments which had been generally consented to, and put it upon its passage, and that proposition would not be accepted by the opposition, as it was objected to by several Senators, who claimed that much more time would be required to perfect it and to debate it, and one Senator, notably the Senator from Delaware, [Mr. SAULSBURY,] stated that it would take at least until October to finish the completion of the consideration of that bill, and that more than thirty-five amendments were still pending and that as many more would be offered upon other questions relating to the tariff—it seems, then, to be evident that if we are to continue the consideration of that bill thus indefinitely until next fall or till next winter, all other important measures must be laid aside and passed over.

This measure which I have called up is a matter of such great importance not only to the people of my own State but to many other States in the Union, that I have felt it incumbent upon me to ask the Senate to take up this bill and to lay aside informally the tax bill.

As I have said, it is a matter of great importance to many of my constituents. I have remained here week after week listening to the discussion of the general internal-revenue and tariff bill, hoping that some result might be arrived at. I find myself now, Mr. President, as the Senator from Vermont has suggested, suffering from an infirmity and under the charge of the doctor. I am well aware that my condition will not be at all improved so long as I shall remain in this climate, but I am unwilling to leave my seat here and to leave this session without making an honest effort to pass this bill. It is, as all the Senate know, a bill to correct a mistake in the Revised Statutes.

When what is known as the woolen tariff was made in 1867 a high duty, we may say, was placed upon raw wool, and the duties upon woolen goods were made to correspond to that. First a duty was placed upon the woolen goods which was supposed to be commensu-

rate with that placed upon the raw material, and then in addition to that there was placed upon woolen goods a duty which is about equal to the ordinary duties upon all imported goods of I think 35 or 45 per cent., I do not remember which.

In the revising of the statute, by accident I must assume, a few words were dropped out the result of which is entirely to change the effect of that tariff upon knit goods in this respect. The Treasury Department went on levying the same rate of duties upon knit goods as previously. The importers appealed and finally carried the case to the Supreme Court, and the decision has been that as these words were omitted in the Revised Statutes this extra duty which is imposed on all other woolen goods could no longer be imposed on this class of goods.

The condition of affairs is now that a large industry having been built up under what was the original law and what was supposed to be the Revised Statutes finds itself now helpless and at the feet of Congress asking for relief. It is a simple question of putting the law back where it was before the statutes were revised.

Now, Mr. President, they are met with this condition of affairs, that the duty levied on their class of goods is really less than was levied on the raw material; consequently, instead of having the ordinary protection which is given to silk goods and cotton goods and all other classes of woolen goods, they are entirely without protection; in fact, it is worse for them than free trade, and therefore I appeal to the Senate that they shall pass this House bill and put this matter back simply where it was before the statutes were revised, before the Supreme Court gave this decision, and let the matter rest. The entire tariff then goes to the tariff commission, which is now investigating it, and will undoubtedly be reported back to the next session of Congress. Then, if Congress in its wisdom shall see fit to change the duty upon woolen goods, it will of course change it upon knit goods as well as upon blankets or any other kind of woolen goods.

This bill, in short, simply puts this class of goods upon a par with all other classes of manufactures of woolens in this country. It is simply an act of justice to the men employed, to the capital invested in this business, and to those who have given their time to it, that this error should be corrected.

I beg of the Senate and of all Senators that this bill may in no way be interfered with by amendments. Let it be discussed as fully as the Senate may desire to discuss it, and then let it stand entirely upon its merits as it passed the House. Let amendments pertaining to the internal revenue and to the tariff be attached to the other bill which has been under discussion so long, and which it seems to-day is evidently to continue under discussion for so long a time to come.

These, Mr. President, are chiefly the reasons why I have asked the Senate to take up this bill and pass it as it is.

Mr. BAYARD obtained the floor.

Mr. CALL. Will the Senator from Delaware allow me a moment?

Mr. BAYARD. Yes, sir.

Mr. CALL. I ask the consent of the Senator from New York to allow me to bring before the Senate a bill that will require no delay and no explanation. It is a bill passed by the House granting the right of way over an Indian reservation to a railroad which is now stopped because of the absence of the necessary legislation.

Mr. MILLER, of New York. I think we can dispose of this bill in a short time. If anybody desires to discuss it we can have a fair, square vote on its merits. Every man can make his record, and then I shall have no objection to the Senator from Florida calling up his bill. I desire action on this bill.

Mr. BAYARD. Mr. President, I am perfectly ready that the Senate without the slightest disposition on my part to interpose any irregular opposition to the consideration of any measure, they may desire to consider, shall take up this bill and consider it. The Senate will observe that the title of this bill has been amended by the Committee on Finance to correspond with the facts. It was entitled a bill "to correct an error in section 2504 of the Revised Statutes of the United States." That was a misnomer. There was no error in that section of the statutes. But the bill is in fact to amend section 2504 of the Revised Statutes of the United States, by placing a certain class of woolen manufacture under a different schedule and at a higher rate of duty than the law ever has imposed upon that particular fabric.

This is but an illustration of the incongruity and incompleteness and injustice of the present tariff laws. There is no doubt that the protest made in 1873 against the ruling of the customs officials at the port of New York, the ruling being upheld by the Treasury Department and the case passing under the statute into the courts of law, has only been decided by the Supreme Court within about fifteen months. Early in the spring of 1881 the Supreme Court decided that these knitted woolen goods, knitted on frames, were not affected by the tariff law of 1867, but that they were otherwise enumerated and subject to duty under a certain schedule of the tariff as it stands now in the Revised Statutes. There was no error in the transfer of the law to the Revised Statutes. I know that very suggestion was made, and a bill was brought into the Senate in order to avoid any consideration of the tariff laws by Congress; it was brought into the Senate under the allegation that there had been an error in the codification of the laws and their transportation into the Revised Statutes, which changed the duty upon this particular article of manufacture. That bill was not sent to the Committee on Finance; it

was sent to the Committee on the Revision of the Laws, and that committee upon examining the decision of the Supreme Court felt themselves impelled to report the bill back and commit it to the Committee on Finance, where it lay and where no action whatever was taken upon it nor mention made of it. In the mean time in the House of Representatives, seeing this, what I believe to be an accident in the tariff, not an error in the sense of a clerical omission—

Mr. MORRILL. Allow me—

Mr. BAYARD. May I make my statement? Then I will give way to my friend with pleasure. A bill was introduced in the House of Representatives with the title to correct an error, and I believe they made themselves a clerical error by putting in the wrong section in their haste. However, it came to the Senate, and here it is now, its title amended to state the facts.

Mr. MORRILL. I merely desired to correct the Senator in one respect. The Committee on the Revision of the Laws, as I understand, were unanimous in favor of the correction. When the bill was sent to the Finance Committee the Senator says it never was called up. He is mistaken; it was called up and decided that it was a tariff measure, that the Senate could not originate.

Mr. BAYARD. Yes, that is true, and there was the difficulty. We cannot originate bills touching the revenue. You cannot put it under the color of the revision of an error in the statutes. It really was not an error in the revision; that is a mistake. There is this plain, palpable fault in the present tariff law as interpreted by the Supreme Court; that to-day there is a tax upon raw wool which is in excess of the tax upon this manufacture of wool called knitted goods on frames. No man can sustain that; no man can frame a tariff discriminating against your own labor and your own manufacture, and no man proposes to do so that I have ever heard.

Therefore the law of 1842 (which I shall show described these goods by that specific description which the Supreme Court says controls the general allocation of the article in the tariff) taxed these goods under the same name under which they are taxed to-day. They were taxed under the same name in the tariff of 1861. They were taxed under the same name in the tariff of 1842, and then were taxed 30 per cent. ad valorem. Under the tariff of 1857 the duty was lowered to 24 per cent. It was raised to 35 per cent. by the tariff of July, 1862, and March, 1863, and it was placed at 35 per cent. by the tariff of June 30, 1864, and March 3, 1865. Now the question was whether the tariff law of 1867 did or did not embrace this schedule of articles, and the Supreme Court decided that it did not.

I have before me and the Senate shall have before it the authorized digests by Heyl, by Ogden, and by other tariff experts employed by the Treasury Department to prepare these tariff laws for the use of the customs officers in which this description of manufacture is allocated in the same place precisely, in the same schedule that the Revised Statutes place it in. I will agree that it requires a most acute criticism, I will agree that it requires a most penetrating examination to find out under our present tariff on wools and woollens or steel or iron what is the duty upon almost any complicated fabric of manufacture. It is that very vice in our present tariff that has brought according to the testimony of the Assistant Secretary of the Treasury, Mr. French, 18,000 cases upon the dockets of the courts of justice to ascertain what the duty is, the importer averring a lower and the Treasury Department averring a higher rate of duty, and those cases must be submitted to the courts and there stands that fearful mass of litigation of itself constituting a vast tax upon the property of the country, throwing all business into confusion, which is the result of a tariff so complicated, so incongruous, so out of date to all the progress in invention, in art, in science, in manufacture that you cannot successfully carry on a business in this country to-day under a new invention unless your tariff is adjusted to it according to common sense and the interpretation of plain language and the requirements of the commerce of the day.

What has been the consequence? These manufacturers of knit goods in this country, as estimable and worthy a class of my fellow-citizens as any we have, have just the same sympathy from me if public laws shall bear hardly upon them as any other class of men here; but they are suffering to-day under a judicial interpretation of the tariff, and many thousand others are suffering also in other ways. There are duties under this tariff absolutely prohibitory, and I wish to say that if any of these articles are restored to the schedule or are now to be placed there—for they never were there—by the action of Congress on Schedule L instead of Schedule M, so that 50 cents per pound upon the weight of the imported article shall be added, you will have on more than one half of all these articles of common popular wear and use a duty absolutely prohibitory. Upon a large proportion of the woolen caps knitted on frames, stockings knitted on frames, drawers knitted on frames, undershirts knitted on frames, you scarcely have received in the last five years \$500 duty. I propose to deal with this tariff question upon the broadest, purest, and most just terms that I can. I propose to make no exception. If this bill shall be taken up, if it shall come before the Senate I shall move to amend it. It has already been amended and it must go back to the House for its concurrence in the amendment.

The PRESIDENT *pro tempore*. The Chair will inform the Senator from Delaware that the bill is up for consideration.

Mr. BAYARD. All the same—

Mr. COCKRELL. How did it get up?

The PRESIDENT *pro tempore*. By a vote of the Senate.

Mr. SHERMAN. By unanimous consent.

Mr. COCKRELL. I beg pardon, there was no vote taken, and I was here and listening to every word.

Mr. BAYARD. No such question was put.

The PRESIDENT *pro tempore*. The Reporter's notes will show it.

Mr. COCKRELL. There was no vote to take it up.

Mr. McMILLAN. It was distinctly put.

The PRESIDENT *pro tempore*. The Chair put the question and asked if there was any objection to taking up this bill at the request of the Senator from New York. Unanimous consent was given.

Mr. MILLER, of New York. No one objected.

Mr. COCKRELL. Nobody knew it. I did not hear it. I was in my seat and listening to what the Senator was saying.

The PRESIDENT *pro tempore*. The Chair put the question in as loud a voice as he could, and the bill was read by its title.

Mr. MILLER, of New York. I not only gave the number of the bill but I stated distinctly it was what was known as the knit-goods bill.

Mr. COCKRELL. I understood the Senator to say distinctly what it was, and he went right on with his remarks, and I did not hear one solitary word that was said about submitting it to the Senate.

Mr. McMILLAN. The question was put twice.

Mr. MILLER, of New York. The Chair asked if there was objection. No objection was made, and the President distinctly said "the bill is before the Senate."

Mr. McMILLAN. The question was put twice.

The PRESIDENT *pro tempore*. The Senator from New York was about going on with his speech when the Senator from Ohio told him he had better wait until the bill was taken up. Thereupon the President of the Senate put the question to the Senate, and it so appears in the Reporter's notes.

Mr. SHERMAN. I have no doubt it was an inadvertence that some gentleman over there did not object; but no objection was made.

Mr. COCKRELL. The question was put in such a way that it could not be heard, for I was listening.

Mr. SHERMAN. On the contrary, I thought the attention of every Senator was drawn to it.

Mr. COCKRELL. I was watching it distinctly.

Mr. HAWLEY. The Senate has not been so still in two days as when the question was put.

Mr. COCKRELL. The Senator from New York went on and proceeded with making a statement which I understood was preliminary to putting the question to the Senate to take up the bill.

Mr. HAWLEY. I hope there will be no complaint, because I am perfectly willing as an individual that the vote shall be taken upon taking up the bill.

Mr. COCKRELL. I have understood all the time that the question of taking it up was under consideration.

Mr. HAWLEY. I am perfectly willing myself that the vote shall be taken on taking it up. I would have no man surprised.

The PRESIDENT *pro tempore*. The Senator from Missouri makes a reflection on the Chair.

Mr. COCKRELL. I do not make a reflection on the Chair, and meant no such thing. I only meant to say that I was here listening, and I thought certainly there must be a mistake on the part of the Chair. I was listening distinctly to hear it, and the Senator from New York was talking on the motion to take up. I so understood.

Mr. PLATT. The Senator's attention must have been momentarily diverted. Everybody heard it on our side.

Mr. COCKRELL. Nobody around me here heard it. If there is any one on this side of the Chamber who heard it, I would thank him to state it.

Mr. MORGAN. I have to state that I heard it, and I understood that the bill was taken up without objection.

The PRESIDENT *pro tempore*. The Chair asked if there was any objection in as loud a voice as he could.

Mr. COCKRELL. A half dozen Senators here say they did not hear it, and I know I was watching to hear it.

Mr. DAVIS, of West Virginia. I will say to my friend that I heard it distinctly, and the Senator from Vermont, [Mr. MORRILL,] after the bill was taken up, got up and said that as soon as this bill was disposed of he would call up what is known as the tax bill.

Mr. McMILLAN. And the Senator from Florida [Mr. CALL] got up and asked the Senator from New York to permit the bill to be laid aside temporarily to take up a bill granting the right of way to a railroad through a military reservation.

Mr. CALL. I understood the facts as stated by the Chair.

Mr. SHERMAN. There is no doubt about it. I called attention to it myself.

Mr. BAYARD. Mr. President, I did not know that the bill was before the Senate, and supposed I was arguing a motion to take it up; but it seems, although I cannot imagine how, that it is. As it is, I shall feel myself now at liberty to refer to the merits of the bill. I supposed the question was whether it should be taken up, and the Senator from New York in moving to take it up gave what he supposed to be the legislative history of this bill, and therefore as he had referred to it for that reason I thought I was justified in stating what I believe to be the facts of the case.

I wish to call the attention of the Senate to the fact that you have by this bill selected a single branch of manufacturing industry which I will admit to be entitled precisely to the same favor and the same care of the Legislature as every other, which finds itself by reason of the obscurity of the tariff and under the decision of the Supreme Court of the United States lately rendered, in the unfavorable position of having a higher duty upon the foreign raw material which enters into its product than is imposed on the manufactured fabric. I will agree that is not the way the tariff should be framed. Not only is it not a tariff for revenue but it is a tariff for the protection of the industry of foreigners.

There is already upon this article of knitted woolen goods a tariff duty of 35 per cent. ad valorem, and it is proposed to add 50 cents a pound. That will more than double the tax. That will make a duty of not less than 70 per cent. and in many cases of more than 90 per cent. upon certain classes of these manufactured goods.

I wish to submit to the reason and justice of Senators, are we now in the month of August, 1882, to create a prohibitory duty by an affirmative law? Do you believe in prohibitory tariffs? Do you think there is any ground of justice or right upon which a law can be passed that prohibits the importation of manufactured goods? I will read the statement of a man so careful in his statements, so high in intelligence and character as Mr. CARLISLE of Kentucky:

For instance, in the year 1880 the whole revenue derived from one grade of these goods was only \$9.65, and from another \$39.39, the rates of duty on them being 96½ and 92 per cent. respectively.

In 1881 the whole amount collected on one grade was \$24.15 and on another \$19.86, the rates of duty being 89½ and 88½ per cent. respectively.

That was the amount of revenue collected under the supposition that the rate now proposed by this bill, and which the Supreme Court of the United States said was illegally imposed to the extent of 50 cents per pound upon knit goods, shall be restored.

We speak of a tariff for revenue, a tariff for protection. I aver, as a proposition fundamental and true, that you have no right to use the taxing power of the Union except you do it for a public end, and not for the sake of private interest, however meritorious, and what public end is there in a tax that amounts to prohibition? It is a stifling of trade; it is the crushing of commerce and yields no revenue. It has no justification, and can have none, nor do I believe that such a principle will ever be sustained by an aroused and intelligent popular opinion in the United States when it is fairly discussed and comes to be understood.

I know not what may come from the tariff commission, but I do believe the time will come, and very shortly, when there will be a maximum of duties ad valorem established by law upon imported merchandise. If Mr. Clay and Mr. Webster, those two distinguished friends of a protective tariff, were willing to frame in 1833, as they did, a tariff that gradually should be scaled down to a maximum of duties of 20 per cent. ad valorem, where are we and what progress have we made when it is proposed to restore by affirmative legislation a tax which is shown to be nearer 100 than 90 per cent.?

Mr. MORRILL. I know the Senator will thank me to correct any error that he may make. So far as he states that Mr. Webster voted for or advocated the compromise measure of Mr. Clay in 1833 he is decidedly mistaken. His vote was the other way, his speech was the other way, and he so stated distinctly, as is reported in the debates. I will read just what is recorded:

Mr. Webster, of Massachusetts, was not averse to the introduction of the bill; but he could not at present see how he could concur in a measure which contained such a surrender as that contemplated by it.

Mr. Webster, in pursuance of previous notice, introduced a series of resolutions expressive of his views in regard to the tariff, and declaring the impropriety and inexpediency of adopting a plan of reduction which should immediately or prospectively reject all discrimination on articles to be taxed, or give any pledge or assurance which would tend to restrain Congress from the full exercise of all its constitutional powers in giving reasonable protection to American industry.

Mr. BAYARD. The Senator has read that extract from Mr. Young's Compilation on Customs and Tariff Legislation. I propose as this discussion shall proceed to bring him ample proof that Mr. Webster would have scoffed at such a tariff as is proposed to-day upon the woolen manufactures. I can find his arguments and reasons for voting against such an absurd proposition as that you are to tax an article until you virtually prohibit its importation and prevent the production of revenue.

Mr. MORRILL. That is a very different proposition from saying that he voted for the tariff of 1833.

Mr. BAYARD. I am very willing to invoke the great name of Mr. Webster against the Senator from Vermont, and do so very confidently. I say you cannot find in Mr. Webster's arguments or doctrines anything to sustain such a tariff as exists to-day and is now proposed here. I will show that to the Senator, I do not say to his heart's content, but I will show it to his intellectual satisfaction.

I wish to come back to the tariff history of this description of manufactures. Perhaps it would be well to refer to the last census bulletin to show the extent of capital engaged and the foreign wool used by the class of manufacturers in aid of whom this proposed amendment of the tariff is sought. Mr. Seaton, the Superintendent of the Census, in census bulletin No. 285, gives the statistics relating to manufactures from wool, and I will read from the title Hosiery and Knit Goods. It seems there were three hundred and fifty-four

establishments in the United States. The capital employed was \$15,133,991. The total number of hands employed was 28,328. Of males over the age of sixteen there were 7,395; of females over fifteen, 17,397; of youths under that age, 3,536. They consumed of foreign wool 448,789 pounds; they consumed of domestic wool 8,146,137 pounds.

As I make it, something less than 5 per cent. of the wool they consumed was foreign wool. The total value of their material was \$14,054,199, and the value of their product was \$28,613,727.

I do not stop now to make an estimate of the profits upon the manufacture, because that is a very complex and difficult question. The invention of new machinery, the discarding of old, its repairs, its changes, the adaptations to modern inventions, all require a great deal of money, which must be deducted from the sum total of the product. Therefore I do not state what the profit has been, although I have seen it estimated at about 14 per cent. per annum upon the capital engaged.

By the tariff of 1842 caps, gloves, socks, stockings, wove shirts and drawers, and all similar articles made on frames, worn by men, women, and children, and not otherwise provided for, were taxed 30 per cent. ad valorem. The same tax was continued on the same articles in the tariff of 1846. It was reduced to 24 per cent. in the tariff of 1857. It was advanced to 30 per cent. by the tariff of August, 1861. It was advanced to 35 per cent. in July, 1862, and kept at 35 per cent. in 1864. Then came the tariff of 1867. I hold in my hand the Digest of Heyl of 1870, adopted and used officially by order of the Treasury Department, and the Digest of E. D. Ogden in 1867, made by the order of the Treasury Department, and I find that those two officials continue the same allocation and classification of the articles in question. I read from page 170 of Heyl's Digest of Duties on Imports, 1870:

Caps, comforters, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles, wholly or partly of worsted and not part wool or silk, made on frames, 35 per cent. ad valorem.

Ogden in 1867, at page 156, has the same:

Caps, wove on frames, 35 per cent.; hose, wove on frames, 35 per cent.; drawers, wove on frames, 35 per cent.; gloves, wove on frames, 35 per cent.; mitts, wove on frames, 35 per cent.; shirts, wove on frames, 35 per cent.

There is the allocation and the classification of 1867 and of 1870, made without reference to the Revised Statutes at all, and that is what the Supreme Court decided in the cases in which the protests which were filed, and out of which grew the suit which was decided last year by the Supreme Court. I have the protest here and it is dated in the fall; and I have the response of the Secretary of the Treasury to it. The protest was taken under the statute in 1873, before the revision. The revision of the statutes was not passed until June, 1874.

Mr. PLATT. I have disliked very much to interrupt the Senator, but I trust he will pardon me for a single interruption, because I know he does not wish to make any misstatement.

Mr. BAYARD. Certainly not. If I had done so I should be very glad to be corrected.

Mr. PLATT. If it be true that the case decided in the Supreme Court was decided upon the protests made in 1873, before the revision, then the Supreme Court did not understand the case, because in the very opening words of their decision they say:

The question in this case is whether stockings of worsted, or worsted and cotton, made on frames, and worn by men, women, and children, imported after the Revised Statutes went into effect, June 22, 1874, are dutiable as knit goods, under Schedule L, class 3, section 2504, or as stockings under Schedule M.

The Supreme Court may have mistaken the case; it is possible they did not understand it correctly; but they understood it to be a case arising under the revision, because they say so.

Mr. BAYARD. Here is the answer of J. F. Hartley, Assistant Secretary of the Treasury, dated November 3, 1873:

TREASURY DEPARTMENT,
Washington, D. C., November 3, 1873.

GENTLEMEN: The Department has, by letter of this date to the collector at New York, decided your appeal (955 B) dated the 16th ultimo, relating to the assessment of duties at 50 cents per pound and 35 per cent. ad valorem, less 10 per cent. on certain knit gloves and wristlets, by affirming his decision on the entries per Bremen, July 7; Hermann, September 2; Köln, July 28; New York, August 2; Deutschland, August 26; City of London, August 13, and Hansa, August 8; and by declining to entertain the appeal as to the entries per Rhein, June 23, and Hermann, July 22, 1873. The collector reports that case No. 406 did not arrive per Bremen, as stated in your appeal.

Very respectfully,

J. F. HARTLEY,
Assistant Secretary.

I am given to understand that this distinction in duties was protested against at the date that I mention, and there were protests out of which this suit grew, and in which the decision was reached. I wish to state to the Senator that I will agree that the Supreme Court is bound by the revision of the statute, but I wish to show that the revision of the statute did not change the law.

When the Supreme Court decided the case in question in 1881, of course they had recourse to the latest expression of the legislative will, and were controlled by that.

I have read from the two authorized publications of the tariff issued under the direction and with the approval of the Treasury Department to show that these woolen goods knit on frames were subjected to the duty of 35 per cent. ad valorem, and no more. I

should like just here to read the law of 1867, which is supposed to have changed the duty on the articles in question.

I have cited these compilers of the tariff to show that they, being experts, retained woolen goods, knit caps, and so on, the same article now affected by this proposed amendment of the tariff, under the 35 per cent. duty subsequent to the passage of the act of 1867. Now, take the act of 1867. I read from Heyl's Digest of 1870, at page 50:

Sec. 2. That in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned—

I wish Senators to notice that it is "on the articles hereinafter mentioned"—

Sec. 2. That in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say:

On woolen cloths, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, not herein otherwise provided for, 50 cents per pound, and, in addition thereto, 35 per cent. ad valorem.

On flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool not otherwise provided for, valued at not exceeding 40 cents per pound, 20 cents per pound; valued at above 40 cents per pound and not exceeding 60 cents per pound, 30 cents per pound; valued at above 60 cents per pound and not exceeding 80 cents per pound, 40 cents per pound; valued at above 80 cents per pound, 50 cents per pound; and in addition thereto, upon all the above-named articles, 35 per cent. ad valorem.

When this act came to be carried afterward into the Revised Statutes the question arose, did that act repeal the acts prior, or did that enumeration include the goods specified in former laws as knit on frames and allocated to the schedules which I have read? The revisers thought not, and when they came to transfer existing laws into the Revised Statutes you find in Schedule L, class 3, page 471—

Woolen cloths, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, not herein otherwise provided for, 50 cents per pound, and, in addition thereto, 35 per cent. ad valorem.

This is page 471 of the Revised Statutes. Turn now to page 474 of the Revised Statutes, Schedule M:

Clothing, ready-made, and wearing-apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, woven shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up, or made wholly or in part by hand, not otherwise provided for: 35 per cent. ad valorem.

Under which of these schedules in this complicated tariff were you to impose the duty? The Supreme Court, following a principle of construction laid down at an early day, decided that where Congress has designated an article by its specific name and imposed a duty on it by such name, general terms in a later act, or other parts of the same act, although sufficiently broad to comprehend such article, are not applicable to it. Therefore when you find a tax of 50 cents per pound laid in addition to 35 per cent. upon goods "not otherwise provided for," and then you find a class of goods that were otherwise provided for, you look to see what is the duty specially imposed upon them, and the special shall control the general imposition. That is the principle, and upon that the decision was made which has turned out to be so unfortunate for a class of the constituents of my learned friend from Connecticut.

I believe this is a fair statement of this case. If I had framed this tariff with my friend from Connecticut this thing would not have occurred, because I think we would have taken care to simplify the laws, so that there should be no misunderstanding and no such obscurity as to make long and expensive litigation necessary.

I agree as to the hardship in which this particular class of manufacturers find themselves as compared to many other branches of manufacture in wool; that they have 35 per cent. tariff, and a corresponding protection upon their manufactures and the raw material of which it is in part composed has a tariff duty averaging over 40 per cent. I do not know what the average of the wool tariff upon raw wool is, but I think it is over 40 per cent. Of course it is ad valorem so much per pound, but it is a very high, an exorbitant, and an absurd tariff.

Mr. President, these are days of proposed tariff reform, and the Senate has now before it an opportunity of deciding, and of illustrating what they really mean by that. We are adjusting the duty on this especial manufacture, which to-day, so far from being a protection to our manufacturer, is a protection to his foreign rival, because, as I said, the duty upon the raw wool, and I am here corrected by my friend from West Virginia, [Mr. DAVIS,] has an average ad valorem duty of about 50 per cent.

Mr. PLATT. I will state that the ad valorem duty on the kinds of wool used in this manufacture of the lowest grade is 41.61 per cent., of the highest 76.41 per cent. It runs from 41.61 to 76.41 per cent.

Mr. BAYARD. I am obliged to my friend from Connecticut for reading that, for it sustains the idea I have stated. I did not know what the tariff was upon the wool used in this special manufacture. I stated that the average duty upon all wools was about 50 per cent. ad valorem.

Mr. PLATT. That is true.

Mr. BAYARD. The Senator shows now that on some wools it is upward of 70 per cent. The question is, ought you to raise the tariff already so high upon woolen manufactures, or ought you not rather to lower the excessive tariff upon raw wool? There is the question. Are you to intensify and maintain and continue the obvious evils and injustice of this tariff system, or do you propose fairly to reform them? Because the manufacturer of goods in the United States has to pay from 41 to 76 per cent. ad valorem on the raw wool he uses, ought you to make his customer in this country pay a greater tax than 35 per cent. ad valorem upon the manufactured product?

I say the proper remedy and relief is to lower the duty upon wool, and not to raise the duty upon the manufactures of wool.

We are entering in a very untimely hour of this session upon this subject. But, nevertheless, what more obvious thought is there to an American, a man who knows something of the vast expanse of land in this country, who knows something of the endless pasturage and that land fit for the production of sheep can be had within two hundred miles of this Capitol for 25 cents an acre? The production of wool is a simple question of the extent of pasturage, and broad ranges of mountain pastures abound and are almost as free as the blue sky above us. Do you tell me that an American wool-grower needs protection? I have not the figures by me now, but I believe I am correctly informed in saying that the tax upon foreign wools has not advanced the price of American wool. There are so many paradoxes in these tax questions arising from the complication of this system of tariff that it is hard for one unless specially prepared to meet and explain them, but I believe that I am stating the fact that the advantage to the wool-growers in America has never been advanced under this system of heavily taxing foreign wool. A comparison of the prices current before and since the imposition of heavy tariff duties on wool will, I believe, sustain the allegation.

Is that the reason why we should double the tax upon this article of wear to the working people of this country, their woolen underclothing, stockings, drawers, shirts, knit caps, mittens, wristlets, all the variety of knit goods manufactured upon frames? We are asked now to double the tariff upon that when we could grant an adequate relief by lowering the tariff on wools. I ask in reason and common sense why should we not prefer the latter course?

I sincerely wish to see this special interest relieved. I do not think it fair or right that a solecism should exist in law. I am disposed to give them the full and even measure of justice and of protection that our revenue laws give to our other manufacturers, for wherever a law can be passed which, by its discrimination, shall aid the American manufacturer and producer I shall select that mode of raising revenue, first for revenue and incidentally for the protection to our home industries.

I have received a letter from an intelligent man, who made this subject more a study than my duties have enabled me to do, who says in regard to the present tariff upon wool and woolen manufactures:

Thus, when the wool tariff was framed in 1867 it was agreed, after compensating the manufacturer for the increased duties on wool by the enactment of specific pound duties, that 25 per cent. ad valorem would be sufficient protection for the manufacturers but for one thing, and that was the existing internal revenue duties on domestic goods and the duties on drugs and dye stuffs. Ten per cent. was therefore added on this account and the ad valorem made 35 all round. Now, these internal and other taxes have long been repealed, but the compensating tax or tariff never has been. But the manufacturers demand the reinstatement of the original duties and are unwilling to make any concession.

Second. The high pound duties in the respect of knit goods were framed on the assumption that only a comparatively small proportion of materials other than wool entered into the composition of the domestic articles. There was, therefore, an enormous temptation offered to the American manufacturer to use cotton and shoddy as cheaper materials, and so well has he availed himself of his opportunity that the ordinary shirts, drawers, and stockings sold to the masses in this country are not entitled to be called woolsens, and are of the most worthless description.

Then he refers to the statement published in the Boston Herald, which was read in the Senate the other day, and which gave such offense to the Senators from Massachusetts, and possibly to my friend from Connecticut.

I take no pleasure at any time in reading unpleasant charges against any portion of my countrymen. I take no pleasure in reading of rascality or cheating anywhere; but still I do know that the exigencies of trade, the desire to gain money, induces men to resort to all sorts of expedients in manufacturing; and I believe it is the common belief of every man who hears me, and still more of the many millions outside of this Chamber that the so-called woolen underclothing manufactured in this country is utterly misnamed, and that it contains but a remarkable small percentage of pure wool.

The table that I have read shows less than one-twentieth of imported woolen was used in this manufacture, 8,146,137 pounds of native wool, and something less than a half million pounds of imported wool. I am somewhat assisted in my belief by an article in a magazine called the Hosiery and Knit Goods Manufacturer, published in the city of Philadelphia, in July, 1882, upon the comparative cost of foreign and American knit goods. I have read that article, and if its figures were true it would disclose the slightest possible inducement for anything like increased protection. But I can see, even with my imperfect knowledge of woolen manufacture, statements which are evidently erroneous. For instance, I do not hold it fair to put the price of wool in America and in England upon a parity, nor do I believe it is correct to state either at an average

of 80 cents a pound. I believe it is a great overestimate of the cost of the ordinary wool used in manufacture. I do not accept the Hosiery and Knit Goods Manufacturer or its statement and its tables as authority, and yet my friend from Connecticut will probably know better its true weight. It seems to be the special representative of this industry.

Mr. PLATT. That is the second number of the journal that was ever published, pretending to be an organ of the knit-goods industry. It was formerly a self-styled organ of the carpet manufacturers under the name of the Commercial. A young man, conceiving that he could make a little money by getting advertisements, bought up the old paper and assumed to turn it into a paper in the interest of hosiery and knit goods and solicited advertisements. That is the second number published, although it appears to be volume second. It is in no sense the organ of the knit goods manufacture. As is very well suggested by the Senator from Delaware, it is an entire misstatement of the cost of manufacture in this country and in another, and it needs no particular skill or judgment to see that it is the work of an enemy rather than the work of a friend.

Mr. BAYARD. I did not cite it as the work of an enemy or of a friend, nor did I accept it. That it should be the organ of the manufacture was not necessary to give it weight; on the contrary, if it was the disinterested statement of a person fairly examining a public question, I would much rather rely upon that than I would upon the paid organ of a particular interest. I never have heard of it before, and I am free to say in looking over it I find errors in the figures upon which its computations are based which I could not accept. But what I meant to say is, if these figures are approximately true, if their results are approximately true, there is no great suffering, and there is no great difference between the powers of production at a given rate by the American manufacturer and his foreign competitor.

I rejoice in everything that shows my countrymen are becoming able to compete in manufactures everywhere, and I have no other object in legislation than to make them the successful competitors. I believe the theories I have and the principles I hope to see put in force in this country will give to the production of American capital and American labor combined the control of other markets than our own.

This system of indiscriminate taxation in the shape of alleged protective duties fails to protect either capital or labor. It stimulates production unduly. The tax being upon all products alike, it benefits each only at the cost of all others, and thus destroys the benefit to all; and when we have an overstocked market at home we are disabled, handicapped, and fettered in our attempt to compete in foreign markets.

Mr. President, I propose to amend the bill reported from the Committee on Finance by an additional section:

That from and after the 1st day of November, 1882, the duty upon all wool shall not exceed 25 per cent. ad valorem, and the duty upon all manufactures of wool, or of which wool shall be the component material of chief value, shall not exceed 50 per cent. ad valorem; and all laws and parts of laws inconsistent herewith are hereby repealed.

It will therefore be seen that as things now stand, and until we shall have a general reformation of the tariff, I am in favor of increasing the duty of 35 per cent. ad valorem to 50, and at the same time providing that the tariff upon wools shall not exceed 25 per cent. ad valorem.

This is not the proper mode, this is not the season, nor the kind of bill which ought to have been introduced to meet this general subject; but the minority cannot control the business of the body; they cannot compel the majority to bring in schemes of reformation; they can only raise questions before public opinion in a fair and regular way in order that they shall be ultimately decided at that bar.

Yesterday and last evening we were kept here in session for nearly nine hours under the pretense, for I must call it so, of considering a bill to reduce the burdens of taxation. On this side we were reproached for not proceeding with that bill, although we remained here and outnumbered our friends upon the other side of the Chamber until the very close of the debate; and the roll-call will disclose the fact. To-day that bill to reduce taxation is, I understand, again by the caucus decree of the majority laid aside, in order that taxation may be more than doubled upon a single manufacture.

Mr. HAWLEY. Will the Senator allow me to make a correction? It is not upon a material point, because the order of business might well be the subject of consultation; but, as a matter of fact, calling up this measure now is in no respect the result of any caucus. It comes from the fact that the Senator from New York, [Mr. MILLER,] who is deeply interested in it, must go home, and he desired to have it considered to-day. That is the leading motive.

Mr. BAYARD. Any fact that is stated by the Senator from Connecticut I have no doubt is true. I came to the Capitol and hearing that the majority were taking private counsel, which they certainly had a right to do, and having adjourned yesterday evening upon the tax bill, upon which we were forced to sit here without our dinners yesterday, and then having the tax bill laid aside by their consent, it appeared to be naturally the result of the caucus.

Mr. HAWLEY. Naturally, but this all arose after the caucus. You have had caucuses as we have. This is not the result of a caucus.

Mr. BAYARD. I do not find any fault with it. I have never been disposed to delay for an hour or a day the decision of this or any other bill of a fair business character as this is, but the fact stands, (and I cannot say that I blame any one for it,) that we have taken up a bill that I conceive puts their immediate friends and constituents to a great deal of inconvenience and possible loss.

If I had had the drafting of the tariff, the knit-goods manufacturers never would have been in the unfortunate position in which they are found now; they never would have been put to the disadvantage which the present tariff by its obscurities, and absurdities has placed them. If they find themselves at a disadvantage to-day they may thank those who drafted and arranged these laws so fine-spun that it requires close judicial investigation and careful interpretation to discover what they do mean or what is the tax to be imposed upon a commodity.

I have read the history of these laws and I expect to hear the Senator from Connecticut take a different view. I believe the counsel which sustained that case before the Supreme Court was legally justified as a question of statutory interpretation in insisting on that which the court finally sustained, that the allocation of duties of this particular manufacture was under the same association and in the same schedule by name in which it has existed since 1842, and has never yet been taken out, and the Revised Statutes have not changed it.

I do not wish to detain the Senate. When the question came up I meant to meet it openly and fairly, and give the reasons why we should not select this particular industry for relief when so many others in the country demand and are entitled to equal relief. Perhaps you may say, better a small measure of justice to one than justice to none; but if it is done I submit to the Senate the real relief, and the just relief, and the proper step to be taken is at once to relieve our manufacturers from this excessive duty upon raw wool. A measurable relief would be on raw wool 25 per cent. ad valorem, instead of from 40 to 75 per cent. Whatever may be the revenue or whatever protection may come from it, let it stand until we decide, as I hope we ultimately will, to place it on the free list and be satisfied as to this special manufacturer's industry to raise it from 35 to 50 per cent. ad valorem.

Fifty per cent. ad valorem is understood to be about the average of this strange tariff, many duties exceeding 100 per cent., and one, as I showed the other day before the Senate, amounting to 340 per cent. Averaging altogether, I believe, 50 per cent. ad valorem. Up to that rate I propose this industry should go for the present until we shall have some more scientific and just arrangement of the tariff and coupled with that a reduction of the duty upon wool. Those are the propositions that I think should accompany this measure of relief.

I can only say, so far as I am personally concerned, there is no one more contented to see any class of our fellow-countrymen relieved from an unjust mistake in the law. I believe it was an oversight, but it never was the error in the revision of the statute that it was claimed to be.

The PRESIDING OFFICER, (Mr. SEWELL in the chair.) The amendment of the Senator from Delaware will be reported.

Mr. PLATT. There is a committee amendment pending.

Mr. HARRIS. Let the amendment of the Senator from Delaware be read for information, at any rate.

Mr. PLATT. Certainly.

The ACTING SECRETARY. It is proposed to add at the end of the bill:

SEC. —. That from and after the 1st day of November, 1882, the duty upon all wool shall not exceed 25 per cent. ad valorem, and the duty upon all manufactures of wool, or of which wool shall be the component material of chief value, shall not exceed 50 per cent. ad valorem; and all laws and parts of laws inconsistent herewith are hereby repealed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 35 and 36 to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. H. CALKINS of Indiana, Mr. BENJAMIN BUTTERWORTH of Ohio, and Mr. R. W. TOWNSHEND of Illinois managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

- A bill (S. No. 96) for the relief of Joseph Conrad of Missouri;
- A bill (S. No. 1440) relating to the registration of trade-marks;
- A bill (S. No. 2171) to remove the political disabilities of Frank C. Armstrong, of Maryland;
- A bill (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; and
- A bill (H. R. No. 6743) to establish diplomatic relations with Persia.

DUTY ON KNIT GOODS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

Mr. PLATT. Mr. President, a single word with regard to the amendment of the Senator from Delaware. The manufacturers who must shut up their factories, the employes who must be idle, come to Congress and ask for bread. The Senator from Delaware proposes to give them a stone. That fitly illustrates the amendment, and I propose to pay no further attention to it at this time. I take issue with the Senator, and if I can, wearied as I am somewhat physically by these protracted sessions—

Mr. BAYARD. We all are.

Mr. PLATT. If I can express myself clearly, I will undertake to convince even the Senator from Delaware that there was no such law in existence prior to the revision of the statute as imposed only a duty of 35 per cent. ad valorem upon this class of goods. I put the argument which I am to make in this case to every member of the Senate without reference to the views which he may entertain upon the subject of the tariff.

I claim that this is an error; that the law prior to the revision of 1874 upon all this class of goods, upon all articles pertaining to this class, imposed a duty of 35 per cent. ad valorem, and in addition thereto certain specific or pound duties which were put there for the purpose of offsetting the duty upon wool. I can show it to any Senator who will give me careful attention.

Before I come to that point of the argument, however, (and I am not unmindful of the time of the Senate and therefore I shall be brief,) I wish to speak for a moment of the importance of this question. I ask Senators not to couple it with any proposed tariff legislation. This industry has grown up in this country since 1870. In 1870 there was only produced in this country, as appears by the census of 1870, 223,000 pounds of yarn and hosiery, only 4,080 dozen of shirts and drawers; and yet in 1880 we had \$15,000,000 of capital and over invested, and we had a gross product of \$28,000,000.

There are no great capitalists in this business. Notwithstanding all the sarcasm of the Senator from North Carolina, [Mr. VANCE,] it is an infant industry, and it illustrates the doctrine which my friend the Senator from Georgia [Mr. BROWN] believes in, and which I believe in—that is, that the primary province of all tariff legislation is the raising of revenue, and that incidentally it is well to foster and encourage American manufactures.

The tariff of 1867, which I will show embraced all this class of goods and was the law up to the revision of the statutes, when it was changed either by an error, a mistake, or a wrong—the tariff as adjusted in 1867 enabled American manufacturers to do what they had never before done in this country, to establish factories for the production of knit goods. They have done so. That tariff properly fostered them; incidentally it protected them. The courts understood the law to be as I claim it; collectors of the ports understood the law as I claim it; Secretaries of the Treasury understood the law as I claim it. It was so administered everywhere; and acting upon the faith of it then, manufactories began to spring up all over the country, and within the last ten years have been multiplied.

It is not Connecticut alone that stands here asking that you shall not strike at and destroy these manufactures; it is nineteen States in this Union that ask it. They are scattered from Maine to the Missouri, in all the States. They are not capitalists; they are not overgrown corporations. The average capital of these corporations is less than \$45,000 each, and knowing what I know of the corporations in my own State and the private parties who are engaged in this manufacture, that is a fair estimate of their capital. They are not in a condition to go on with this business. If the law as they understood it, if the law upon the faith of which they built their factories and employed their men and made this production and cheapened these articles in the American market, is not to stand, they are willing to take their chances with all other woolen manufacturers. If the duty on woolen manufactures is to be reduced, they are willing to be reduced upon their manufacture; but they do come here and protest against the injustice, weak as they are, young as they are, of being singled out and not protected as other woolen manufacturers are.

I do not believe that a manufacturer is a public enemy to be punished or suppressed. I know that my friend the Senator from Delaware does not so believe. I do believe it is a public calamity that a large number of men, women, and children shall be thrown out of labor. We have been told that the strikes of which we have heard are matters of the first importance; that they should engage the careful attention of every honest legislator. Refuse to pass this bill, put the amendment of the Senator from Delaware upon it, and send it back to the House with a reduction of the tariff on wool, and before next December there will be more people idle and thrown out of employment in these factories than there are now idle on account of the strikes.

We do not need to go back of the tariff of 1861, because it repealed the tariff of 1846 and was the only tariff in existence after it became a law. In that tariff were three clauses—

Mr. BAYARD. The tariff of 1861?

Mr. PLATT. The tariff of 1861, called the Morrill tariff.

One clause which went to make up Schedule M in the Revised Statutes is:

Clothing, ready-made, and wearing apparel of every description, of whatever material composed, except wool, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer.

That has in terms nothing to do with knit goods. I simply read it to show that it was one of the clauses taken to make up a paragraph in the revision.

The next is—

Articles worn by men, women, or children, of whatever material composed, made up or made wholly or in part by hand, not otherwise provided for.

That is another one of the clauses which went to make up Schedule M of the Revised Statutes.

The next clause, the third clause of Schedule M, is:

Caps, gloves, leggins, mitts, socks, stockings, wove shirts, and drawers, and all similar articles made on frames, of whatever material composed, worn by men, women, or children, and not otherwise provided for.

Upon all the articles enumerated in these three clauses 30 per cent. ad valorem duty was laid by the tariff of 1861.

There was at that time no duty on wool such as was placed upon it afterward. There was, therefore, at that time no reason for imposing the specific duties which were laid afterward on articles of knit goods as an offset to the duties, which were afterward imposed upon wool for the benefit of the wool-grower.

Mr. SAULSBURY. Will the Senator from Connecticut allow me to ask him what percentage of imported wools enters into the knit goods made upon frames?

Mr. PLATT. I beg the Senator from Delaware not to interrupt me, because I am making a legal argument. I will say, however, that none of these articles which are referred to are made on frames. That has nothing to do with it; they are no longer made on frames. That is a clause which comes from the early history of the manufacture, away back in the tariff of 1842, as the Senator from Delaware read. It has been continued down through the statutes, but no longer is applicable to this class of goods. That is an additional reason why I claim that it never was intended to include in these clauses as they finally went into the Revised Statutes knit goods as they are now made.

That continued to be the law, 30 per cent. ad valorem, and the only law which imposed a duty upon knit goods of any description, until 1862, when an additional 5 per cent. was levied, as I will show. The three clauses are still continued in the act of 1862; and it is there provided:

That from and after the day and year aforesaid, in addition to the duties heretofore imposed by law on the articles hereinafter mentioned, there shall be levied, collected, and paid on the goods, wares, and merchandise enumerated and provided for in this section, imported from foreign countries, a duty of 5 per cent. ad valorem, that is to say:

That raised the duty on caps, gloves, leggins, mitts, and wove shirts and drawers to 35 per cent. Still there were no specific duties, and the reason for it was that the duty had not been imposed on wool, which made the specific duty necessary. Then we go on until 1864, when a new law was passed on the subject. It is to be found on page 208 of volume 13, Statutes at Large.

Mr. BAYARD. Will it disturb my friend if I ask him, does he mean that there was no tariff tax on raw wool in 1862?

Mr. PLATT. I do not say that, but I say it was largely increased afterward.

Mr. BAYARD. Oh, yes.

Mr. PLATT. And when the large increase was made in the duty on wool then the specific or pound duties were added to knit goods to offset the increase made of duties upon wool. The first specific duty appears in the statute of 1864, in the clause which I will soon read, and this is a complete act. It was intended to cover this entire branch of manufacture; it includes by name many of the articles which appear in the old statute of 1862.

Mr. BAYARD. The same articles precisely are kept together in the tariff and taxed together.

Mr. PLATT. The law of 1864 provided:

On shirts, drawers, and hosiery of wool, or of which wool shall be a component material, not otherwise provided for, 20 cents per pound, and in addition thereto 30 per cent. ad valorem.

The act reduced the ad valorem duty 5 per cent., and put a specific duty of 20 cents per pound upon all that class of goods. There is where the specific duty first comes in.

Mr. BAYARD. Will not my friend find in the same law the class of articles, caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames and used by men, women, or children, and not otherwise provided for?

Mr. PLATT. I have read the law through. I believe I have read every word of it, and it is not there.

Mr. BAYARD. Does the Senator say that the statute does not contain it?

Mr. PLATT. It did not go into that statute unless I am very much mistaken. It is possible that the Senator may take the book and by diligent examination of the statute find something which I have not been able to find there; but certainly so far as I have been able to give it an examination the whole class of knit goods is embraced in the statute of 1864 in the words "shirts, drawers, and hosiery of wool, and of which wool shall be a component material, not other-

wise provided for." It is possible I am mistaken, but, whether I am or not, it is manifest that it was intended to put in the statute of 1864 upon all articles of hosiery, of shirts and drawers, a duty of 30 per cent. ad valorem and a specific duty of 20 cents per pound, provided they were of wool.

Mr. BAYARD. Now, may I say one word there? The Senator has read, correctly read, the charge of duty of 30 per cent. ad valorem and then the specific duty per pound upon the articles he there has mentioned and upon the articles "not otherwise provided for." Now, what articles were those which were otherwise provided for? The articles that were left under the law of 1862 and 1861, which are to-day the same as they were then, kept together and taxed under a separate schedule. That is what the Supreme Court said.

Mr. PLATT. Let me go on. The Senator cannot claim that when it is said that on shirts, drawers, and hosiery of wool, there shall be a duty of 30 per cent. ad valorem and 20 cents per pound, those same articles still stay at 35 per cent. ad valorem. That cannot be so.

Mr. BAYARD. Suppose you find at the same time and under the same law, they leave untouched 35 per cent. duty on caps, gloves, mitts, socks, wove shirts, drawers, and other similar articles made on frames and worn by men, women, and children and you find that tax, which shall apply?

Mr. PLATT. The Senator takes the old law as not repealed by this section, leaving cotton goods at that price, and takes what Mr. Heyl says and supposes he refers to wool. This statute of 1864 did most manifestly repeal the statute of 1862 so far as relates to woolen hosiery, to woolen shirts and drawers. It left it in force so far as it related to cotton goods and to any other goods made of material other than wool, except that in the same statute it took out of the original act two other classes of goods, that is, those made of silk and those made of linen. The act of 1864 excluded from the old act of 1862 the articles I have referred to made of wool and all manufactures of silk and linen. It left the act of 1862 in force so far as related to knit goods of cotton or of any other material not excepted.

Mr. BAYARD. Now, will my friend be kind enough to explain to the Senate why it is that Messrs. Ogden and Heyl, the authorized codifiers of these laws, classify these things under woolen manufactures? Here they are.

Mr. PLATT. I have had no opportunity to examine those books. I ask the Senator to explain to me why it is that after every Secretary of the Treasury, that after every collector of a port, that after the courts themselves decided differently, he brings up to me the compilation of somebody who undertook to make a statement of the tariff?

Mr. BAYARD. I did not bring up to the Senator anything. My supposition was that he desired to state this correctly. Neither he nor I can have any personal object except to find out the true state of fact. He tells me these duties were not as I have stated. I merely hand him the authorized publication of the Treasury Department and show him that they were classified as wool, taxed as wool, and there they are. I did not make them so. I may say here that the Senator's tone toward me is as though I had framed this law. I did not frame this law, I did not make this law. It was revised by Republican revisers and passed by a Republican Congress and decided by a Republican court. If there is error or hardship in it, it has been created by them, not by me.

Mr. PLATT. If in my earnestness I have been betrayed into a tone which is in the slightest degree disrespectful or offensive to the Senator I beg his pardon, for I certainly did not intend it.

Mr. BAYARD. The Senator seemed to arraign me as though I had caused this miserable, unhappy condition of the tariff. I want to remedy it.

Mr. PLATT. I have not had the opportunity to examine those books. I know this, that whatever may be in them the Secretary of the Treasury did not heed them if the construction of them is such as the Senator claims; collectors of ports did not heed them; the circuit court in New York did not heed them when it decided distinctly the case against that view of the Senator.

Mr. BAYARD. Some Secretaries do not heed laws anyhow.

Mr. PLATT. When the Secretaries, the collectors of the ports, and the courts all decide one way is it worth while to claim that they did not understand the law, and that the law was not so because some one who summarized the list of duties made a table which seemed to indicate the contrary?

Now, to take the Heyl code of 1879, I find he states this both ways. I do not know whether he is correct. He is certainly not the Revised Statutes; I do not understand that his book is taken in court as the Revised Statutes. The court had to decide upon them, not upon an interpretation of the Revised Statutes by Heyl or Ogden.

I may say right here that prior to the revision and after the act of 1867 it is true that importers in New York did file protests and claim that there was only 35 per cent. duty ad valorem on this class of goods. It is equally true that they brought suit to recover the specific pound duty which they had paid under protest, and it is also true that that suit was decided against them in New York in the case of *Krause vs. Arthur*, and that they took no appeal from it. It is equally true that they brought another suit, *Victor vs. Arthur*, claiming under the act of 1867 that only these ad valorem duties could be assessed, and seeking to recover back the specific duty; but when the revision was passed they abandoned that suit. They

acquiesced in the decision of *Krause vs. Arthur*, and then brought another suit of *Victor vs. Arthur* under the revision and under a new protest, and that was the suit carried up to and decided by the Supreme Court. It is hardly a conclusive argument, when the parties filed the protest in relation to the original act, tried their case in court and before a jury and were beaten, and acquiesced in it, that simply because they filed a protest originally the law is as they claimed it and not as decided in the suit, the result of which was adverse to them. The law as it was prior to the revision of 1874 was fully settled in the case of *Krause vs. Arthur*, as I claim it to-day.

Now I go on. Being so interrupted the continuity of my argument has been somewhat broken.

In 1864 for the first time specific or pound duties were placed on these articles. An additional duty was placed on wool. It therefore must be perfectly apparent that Congress intended to give the additional duty of 20 cents per pound as an offset to the additional duty that had been imposed on wool. So it went on until 1867, when the provision found in Schedule L of section 2504, Revised Statutes, was passed, and here for the first time comes the description "knit goods" in this act. The other articles which had been enumerated by name in the prior acts were not touched, not enumerated, and the whole class of manufactures of this description is included within one general term, that of "knit goods." That statute was manifestly intended to repeal all duties imposed upon knit goods, and to make an entire new provision in relation to them. It is this:

SEC. 2. And be it further enacted, That in lieu of the duties heretofore imposed by law on the articles hereinafter mentioned, and on such as may now be exempt from duty, there shall be levied, collected, and paid on the goods, wares, and merchandise herein enumerated and provided for, imported from foreign countries, the following duties and rates of duty, that is to say:

On woolen cloths, woolen shawls, and all manufactures of wool of every description made wholly or in part of wool, not herein otherwise provided for, 50 cents per pound, and, in addition thereto, 35 per cent. ad valorem.

There they made a general description of manufactures of wool, and imposed 50 cents a pound and 35 per cent. ad valorem. There it says "on all articles manufactured of wool not herein otherwise provided for." Then they go on immediately and provide for knit goods. I will read the whole clause. The term "knit goods" is first used here. The words "on frames" are left out of this statute entirely.

Mr. BAYARD. But the words "otherwise provided for" remain.

Mr. PLATT. "Otherwise provided for herein," that is, in this statute, not in some former statute. The duty, so far as related to woolen goods, was repealed except as herein otherwise provided for. That does not mean provided for in the act of 1861; it means provided for in this act. I read from the statute of 1867:

On flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description, composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding 40 cents per pound; 20 cents per pound; valued at above 40 cents per pound and not exceeding 60 cents per pound; 30 cents per pound; valued at above 60 cents per pound and not exceeding 80 cents per pound; 40 cents per pound; valued at above 80 cents per pound; 50 cents per pound; and in addition thereto upon all the above-named articles, 35 per cent. ad valorem.

It will be seen they did not put the pound duty upon this class of goods as high as they did upon the general class of woolen manufactures. They did not protect it so well, to the same extent that they did other woolen manufactures.

These are all the provisions relating to this subject until we come to the revision. When we come to the revision we find that the revisers took the act of 1867 and incorporated it in Schedule L, in these words:

Flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding 40 cents per pound; 20 cents per pound; valued at above 40 cents per pound and not exceeding 60 cents per pound; 30 cents per pound; valued at above 60 cents per pound and not exceeding 80 cents per pound; 40 cents per pound; valued at above 80 cents per pound; 50 cents per pound; and, in addition thereto, upon all the above-named articles: 35 per cent. ad valorem.

It is the precise language of the statute of 1867. If it did not intend to include all the articles formerly subject only to ad valorem duty, the words "knit goods" there did not mean anything. There is no article made, so far as I am informed, outside of the articles it is claimed are now subject only to 35 per cent. ad valorem, which can be classed under the head of "knit goods" except cardigan jackets.

Mr. BAYARD. If that be the case the law is all right for these articles "on frames."

Mr. PLATT. They do not make articles on frames.

Mr. BAYARD. Then there is nothing in it.

Mr. PLATT. The difficulty about it is that the Supreme Court said there was, and I will show why the revisers, after having stated in Schedule L the entire law relating to woolen knit goods, woolen hosiery, and everything of that sort, went back to the statute of 1861 and took the three clauses which I have heretofore referred to, and, reversing them in their order, constructed Schedule M, which I will read. If Senators could remember—and they cannot, of course, because this matter is complicated—the three clauses which I read from the statute of 1861 in the early part of my argument,

they would see that these three clauses reversing the order go to make up Schedule M.

Clothing, ready-made, and wearing-apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, woven shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up, or made wholly or in part by hand, not otherwise provided for: 35 per cent. ad valorem.

The Supreme Court decided that woven shirts and drawers, caps, gloves, leggins, mitts, socks, and stockings, which embrace the whole line of hosiery, were specifically mentioned in Schedule M, and therefore the specific designation must control and override the general designation of knit goods in Schedule L. When they were asked to go back of the revision they said they could not do it under the rule of construction which must govern them. They said this distinctly:

It may be true, as suggested, that if there had been no revision, and we had been required to construe the statutes as they stood before December 1, 1873, a different conclusion might have been reached.

Showing that they had looked at the statutes as they existed prior to the revision, and intimating that but for the rules of construction to which they were shut up they would have held that under the statutes prior to the revision these goods were obliged to pay both an ad valorem and a specific duty.

But how came this section in Schedule M to be here? The law of 1861 had been repealed as to wool; it had been repealed as to silk and linen. It stood as to cotton goods and as to all goods made of materials other than those three kinds, wool, silk, and linen. Cotton hosiery and other cotton knit goods were only subject to an ad valorem duty of 35 per cent., but woolen knit goods were subject to the specific duties in addition to the ad valorem duties. Silk and linen goods had been provided for at ad valorem duties exceeding 35 per cent.

In the first clause, which does not touch us, they excepted wool. They said "except wool, silk, or linen." In the second clause, and the one which touches us, they except only silk and linen. In the third clause, which does not touch us, they except only silk and linen. I have shown that knit woolen goods had already been taken out of that statute, just as much as silk and linen had been taken out of it. They started to except articles of wool, silk, and linen. In the first clause of which the paragraph is composed they did do it; in the second and third clauses they only excepted silk and linen. What is the fair presumption? The courts had decided in New York that these goods, prior to the revision, must pay both the ad valorem and the specific duty. The revisers ought to have known that. They certainly did know that at every port of entry in the United States that was the construction put upon the law. They certainly did know that the Secretary of the Treasury, and all Secretaries of the Treasury who had administered the law, put that construction upon it.

Is it to be believed, then, that they intended to change the law? They had no right to change the law; they had no power to change the law. They were expressly directed by the law which gave them authority to act not to change the law, and it cannot be presumed that they intended to violate the directions given them in the act from which they derived their authority. The inevitable conclusion, then, is this: that they inserted the words "wool, silk, and linen" as an exception to the first clause, intending also to insert the same words "wool, silk, and linen" as exceptions to each of the other two clauses, but omitted the word "wool" by mistake in the second and third clauses. They used the words "silk and linen" in making the exceptions to clauses 2 and 3, but the word "wool" was dropped out.

Whether they supposed the first clause covered the whole, whether it was a mere clerical error, or in whatever manner this omission is to be accounted for, it must be conclusively held that it was an error; otherwise you must hold that they intended to change the law, and that is a violent presumption, one which cannot be maintained.

Mr. President, I have endeavored to make clear, I have made clear to my own mind, and I trust to the minds of Senators, that the law prior to the revision did put a duty upon these articles of 35 per cent. ad valorem and a scale of pound duties or specific duties from 20 to 50 cents, according to the value of the product, the value of the manufactured article. I have shown that it was so understood everywhere, except by some few importers who protested against it and undertook to claim differently, and they took their case into court, where they were beaten, and then they abandoned the claim under the law of 1867 and under the law prior to the revision.

I do not propose to go into a general discussion of the tariff question. I do not propose to go into any statement as to the precise cost of manufacture or the precise profit which was made under the duty as it was understood by everybody to be. I simply say to Senators that these manufacturers, who are not to be presumed to be other than honest men, come from all sections of the country, supported by the petitions of all their employes, and they say to you this: they say to you we built our manufactories, we commenced this manufacture upon what we understood to be the law and you understood to be the law and Congress intended should be the law, and

upon the law as it has been administered until this decision of the Supreme Court. And they say, we ask you now to restore us to the position which we had a right to assume we occupied; we ask you to disconnect this case from tariff legislation; we ask you to put us back where we supposed we were, and let us take our chances with the whole woolen industry when a revision of the tariff shall be made. We ask you not to stop our manufactories. We ask you not to turn these laborers into the streets; we ask you to enable this industry to go on until the revision of the tariff. We ask you not to bankrupt us.

I have made this appeal. I ask it as a matter of justice; I ask it as a matter of right. I beg of Senators not to stand here for any purpose and oppose this measure of just relief by adding to it tariff legislation now in these few remaining hours of the session, and I believe the session to be drawing to a close. Do not send this bill back to the House with any amendment whatever upon it. Any amendment will kill the bill. The House has no quorum. The bill will be lost there if it shall be amended.

Mr. HARRIS. I should like to ask the Senator from Connecticut a question. Under the law as it now stands, as construed by the Supreme Court, the duty on knit goods is 35 per cent., I believe.

Mr. PLATT. It is.

Mr. HARRIS. What will the duty be if this bill shall pass?

Mr. PLATT. Just what it was understood to be before, and what it was in fact before the revision.

Mr. HARRIS. What was it understood before to be?

Mr. PLATT. I will answer the question. I have it from a book published by the Treasury Department. I do not take Mr. Heyl's statement of it, I take the authorized publication of the Treasury Department. On goods valued above 80 cents per pound there will be a duty which will be equivalent to an ad valorem duty of 55.78 per cent.; on goods valued at above 60 and not exceeding 80 cents per pound the duty will be 88 per cent. ad valorem; valued at above 40 cents and not exceeding 60 cents per pound it will be 89 per cent. ad valorem. At the same time the duties on the wool will run from 41 per cent. to 76 per cent. ad valorem; 41 on one class, 55 on another, 64 on another, 67 on another, 76 on another. You can see very well how much protection there is. The average protective duty by the law as it was before the revision was in the neighborhood of 20 per cent. ad valorem. Surely that was not excessive, it was not a high protective duty; but the 35 per cent. ad valorem duty affords no protection. As the Senator from Delaware [Mr. BAYARD] well says, it protects the foreign manufacturer.

Mr. HARRIS. Then the object of this bill is to increase the duties on knit goods from 35 per cent. ad valorem to from 55 to 89 per cent. ad valorem, if I understand the statement of the Senator from Connecticut?

Mr. PLATT. The object of this bill is not to increase duties at all. It is to put the duty where everybody in this country except the importers have understood it to be.

Mr. HARRIS. Is not the effect of the bill to be passed to increase the duties on knit goods from 35 per cent. ad valorem to from 55 per cent. to 89 per cent.?

Mr. PLATT. It is.

Mr. HARRIS. Then I suppose the object that you and others have in seeking to pass it is to produce the effect that you admit it must have; therefore I think the Senator's denial was quite gratuitous and unnecessary as to the object with which the bill is pressed.

Mr. PLATT. The object of it is this: it is no longer (as the law now is) to protect the foreign manufacturer as against the American manufacturer, but it is to give the American manufacturer a fair, even chance with the foreign manufacturer. We ask it. It does not give so much as on some other articles of wool manufacture. We were the least protected of all woolen manufacturers by the law as it was. We ask that we may be put back and have that modicum of protection which the country supposed it was giving to us, and which we supposed we had when we commenced this industry, and which has only been taken away from us upon the plain, palpable, conclusive errors of the revisers of the statutes.

CHARGE OF DESERTION.

Mr. COCKRELL. I ask that the Chair lay before the Senate House bill No. 5224.

The PRESIDING OFFICER (Mr. SEWELL in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion.

Mr. COCKRELL. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to; and the President *pro tempore* being authorized to appoint the committee, Mr. LOGAN, Mr. HAWLEY, and Mr. COCKRELL were appointed the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 2092) for the relief of Major W. R. King.

The message further announced that the House had agreed to the amendment of the Senate to the joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document

No. 47 and subsequent land laws, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the amendments of the Senate to the following bills and joint resolutions:

A bill (H. R. No. 3414) granting a pension to Sarah J. Cameron;
A bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic;

A bill (H. R. No. 4684) to amend section 4400, of title 52, of the Revised Statutes of the United States, concerning the regulation of steam-vessels;

A bill (H. R. No. 4888) increasing the pension of John F. Ellis;
A bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson;

A bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, and for other purposes;

A bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad;

A bill (H. R. No. 6593) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6743) to establish diplomatic relations with Persia;

A joint resolution (H. R. No. 205) granting the use of tents at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882;

A joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Tip" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls (or field-piece) for monumental purposes; and

A joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 97) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy;

A bill (S. No. 126) to reimburse the Creek orphan fund;

A bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha Indians in the State of Nebraska, and for other purposes; and

A bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

DUTY ON KNIT GOODS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

The PRESIDING OFFICER, (Mr. SEWELL in the chair.) The amendment of the Committee on Finance will be read.

The ACTING SECRETARY. In line 4 the committee propose, after the word "twenty-five," to insert "hundred and four;" so as to read:

That the paragraph beginning with the words "clothing, ready-made, and wearing apparel," under Schedule M of section 2504 of the Revised Statutes of the United States, be, and the same is hereby, amended by the insertion of the word "wool" before the word "silk" in two places where it was omitted in the revision of the said statutes; so that the same shall read as follows.

Mr. PLATT. I hope the Senate will disagree to this amendment.

Mr. MORRILL. I ask that the Senate non-concur with the committee amendment, in order that the bill may not be sent back to the House.

Mr. PLATT. The bill is complete as it stands. It should not go back to the House.

The PRESIDING OFFICER. The Senator from Vermont moves to non-concur in the committee amendments.

The motion was agreed to.

Mr. HARRIS. That is the committee amendment?

The PRESIDING OFFICER. Yes, sir.

Mr. HAWLEY. There are two committee amendments.

The PRESIDING OFFICER. They are both non-concurred in. The Secretary will now read the amendment of the Senator from Delaware, [Mr. BAYARD.]

The ACTING SECRETARY. It is proposed to add, as an additional section, the following:

That the duty upon all wool shall not exceed 25 per cent. ad valorem, and the duties upon all manufactures of wool, or of which wool shall be the component material of chief value, shall not exceed 50 per cent. ad valorem, and all laws and parts of laws inconsistent herewith are hereby repealed.

Mr. COKE. I hope this amendment will be adopted. I do not propose to inflict a speech upon the Senate. I have listened with interest to the honorable Senator from Connecticut, [Mr. PLATT.] I have

failed to hear anything from him which, in my judgment, justifies the taking of knit goods, the subject-matter of this bill, out of the same category in which hundreds of articles on the tariff list are found as much needing modification and amendment in the duties imposed as, according to his argument, this bill provides for touching knit goods. I do not believe, sir, that the change desired by the friends of this bill should be made, unless at the same time other changes equally necessary and equally desirable are also made. There are many articles on the tariff list which are as monstrous and as enormous in the excessiveness of the duties imposed as the honorable Senator contends this bill will remedy with reference to the duties imposed on knit goods. I do not believe that a bill professedly to decrease taxation should have been laid aside for the purpose of increasing taxation upon the articles embraced in this bill. I think it would have been much better that these articles should have shared the fate of the rest of the articles on the tariff list, and whenever the tariff is revised that they should have been revised with the remainder.

I rose, Mr. President, however, to make an observation upon one particular point with reference to the amendment offered by the honorable Senator from Delaware. The Senator from Connecticut says if the amendment of the Senator from Delaware with reference to the reduction of the tariff on woolen goods prevails it will throw a vast amount of labor out of employment in the manufacturing districts. I have to say, in reply to that remark, that Mr. Burchard, the Director of the Mint, a few years ago a distinguished member of Congress, in a very able speech made by him in the House of Representatives, in which the tariff question was discussed, stated—I have the extract from his speech on my desk—that 17½ per cent. ad valorem represents all the money paid for labor in the manufacture of woolen goods; that 17½ per cent. ad valorem represents all the labor employed in the manufacture of woolen goods. The amendment of the honorable Senator from Delaware allows 50 per cent. ad valorem. Now, take 25 per cent., which represents the duty on the raw material, from that and it leaves 25 per cent. So that the manufacturer is paid back every dollar he expends for labor in the manufacture of woolen goods, and has 7½ per cent. of protection for his capital besides. If labor goes out of employment by reason of the reduction, if this amendment is adopted it will be simply because the manufacturer refuses to pay to the laborer that which the law places in his possession ostensibly for the protection of American labor. When 17½ per cent. ad valorem will pay for all the labor, what excuse, what apology is there for saying that a 50 per cent. ad valorem duty is an insufficient protection?

Sir, I am one of those who believe that under this Government no class, no industry, no avocation is entitled to call on the Government to tax all others for its protection. I believe that every industry should stand on its own merit, that there should be free competition, and that the impost duties should be laid exclusively for revenue. I do not believe that it is a part of the duty of this Government to lay impost duties, except to raise money to support the Government. The protection of private interests by onerous burdens upon the public is not within the constitutional power of Congress. But take the theory of the gentlemen who favor and who say that they should have protection, with the amendment of the honorable Senator from Delaware adopted, they have protection to the extent of 50 per cent. These gentlemen say it is for the protection of American labor, when the facts show that 17½ per cent. will pay for every dollar's worth of labor employed in the production of woolen goods, when the figures further show that 5 per cent. will pay the entire alleged difference claimed to exist between labor in Europe and America.

Sir, the whole theory upon which the protective tariff rests is that our people must be protected against the pauper labor of Europe. What other protection is there? Three thousand miles of ocean are to be traversed by the European product before it can get to our markets to compete with our home product. What other protection have we? We have in a profusion which exists nowhere else in the world of raw material ready to hand; we have the cheapest, the best, and the most abundant food for our operatives, while England, the great competitor most feared by our manufacturers, sends her ships here for our wheat and corn and beef and pork and canned goods, to feed her operatives, at the same time procuring her raw material from all quarters of the globe. Surely under these circumstances 50 per cent. ad valorem ought to be sufficient protection for American woolen products in American markets.

Our present tariff averages from 43 to 45 per cent. I believe that a tariff of 18 per cent., such as we had in 1857, would bring more revenue than the present tariff brings, and would give more protection than is needed by any branch of American industry. It was estimated that the tariff of 1846 would produce \$22,000,000. It actually produced \$64,000,000. Multiply sixty-four millions by three and it will be one hundred and ninety-two millions. The product of our present tariff in 1881 was \$193,000,000 in round numbers. Multiply the product of the low tariff of 1846 by three and it produces exactly the product of our tariff in 1881, yet the volume of trade and of commerce and of business resulting from the growth and development of the country is five times, as the figures show, as great now as in 1846. If a tariff of 18 per cent. would produce \$64,000,000 in 1846, a tariff of 18 per cent. would certainly produce \$300,000,000 now.

There can be no question about this. Any gentleman who will

take the tariff list and see how many articles there are which produce absolutely no revenue, because the duties are prohibitory, will see at a glance that we have only to lower the duties, reduce the tariff, and let foreign goods come in and pay the duties in order to fill our Treasury. If we will reduce our tariff we can greatly modify, if we deem it wise to do so, our internal-revenue system.

Mr. President, I shall support the amendment of the honorable Senator from Delaware. It is not unobjectionable to me. The duty on woolen goods at 50 per cent. is too high; but I will vote for it as the best we can do now. I contend now, and shall always contend, for a reduction of duties until we get down to an average not exceeding 20 per cent. I will take this amendment, though, as a step in the right direction, and will vote for it. It will give to the producers of the raw wool 25 per cent. It will give to the manufacturers of woolen goods 50 per cent., when it has been shown that 17½ per cent. pays them back for all their labor, leaving in the balance a clear margin for an immense profit. I will not vote to reduce the duty on raw wool unless at the same time the duty on woolen goods, as is done in this amendment, is reduced.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware.

Mr. ALDRICH. I call for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. HARRIS, (when Mr. JACKSON's name was called.) My colleague [Mr. JACKSON] is paired with the Senator from Kansas, [Mr. PLUMB.] My colleague is necessarily absent from the city.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. JACKSON.] If he were present, I should vote "nay."

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. KELLOGG. I am paired with the Senator from Mississippi, [Mr. LAMAR.] If he were here, I should vote "nay."

Mr. SAWYER. I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were here, I should vote "nay."

Mr. LAPHAM. I was under the impression that I was paired with the Senator from Florida, [Mr. JONES,] but he is here and I vote "nay."

Mr. HALE. My colleague [Mr. FRYE] is paired with the Senator from Georgia, [Mr. HILL.]

Mr. CAMERON, of Wisconsin. I announced that I was paired with the Senator from Virginia, [Mr. JOHNSTON.] I have transferred my pair to the Senator from Maine, [Mr. FRYE.] So that the Senator from Maine and the Senator from Virginia are paired. I vote "nay."

The result was announced—yeas 23, nays 31; as follows:

YEAS—23.

| | | | |
|-----------|--------------------|-------------------|-----------|
| Bayard, | Davis of West Va., | Jonas, | Ransom, |
| Beck, | Farley, | Jones of Florida, | Slater, |
| Butler, | George, | Maxey, | Vest, |
| Call, | Gorman, | Morgan, | Walker, |
| Cockrell, | Hampton, | Pendleton, | Williams, |
| Coke, | Harris, | Pugh, | |

NAYS—31.

| | | | |
|------------------|--------------------|------------------|-----------|
| Aldrich, | Conger, | Lapham, | Platt, |
| Allison, | Davis of Illinois, | Logan, | Rollins, |
| Anthony, | Dawes, | McDill, | Sewell, |
| Blair, | Hale, | McMillan, | Sherman, |
| Brown, | Harrison, | Mahone, | Van Wyck, |
| Cameron of Pa., | Hawley, | Miller of Cal., | Voorhees, |
| Cameron of Wis., | Hoar, | Miller of N. Y., | Windom, |
| Chilcott, | Ingalls, | Morrill, | |

ABSENT—22.

| | | | |
|----------|-------------------|------------------|------------|
| Camden, | Groome, | Jones of Nevada, | Saulsbury, |
| Edmunds, | Grover, | Kellogg, | Saunders, |
| Fair, | Hill of Colorado, | Lamar, | Sawyer, |
| Ferry, | Hill of Georgia, | McPherson, | Vance, |
| Frye, | Jackson, | Mitchell, | |
| Garland, | Johnston, | Plumb, | |

So the amendment was rejected.

Mr. HARRIS. I offer the following amendment:

Strike out all after the enacting clause and insert:
"From and after the 1st day of November, 1882, the duty on wool imported into the United States shall be 25 per cent. ad valorem."

Messrs. ALDRICH and ROLLINS called for the yeas and nays, and they were ordered.

The Principal Legislative Clerk proceeded to call the roll.

Mr. KELLOGG, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. LAMAR.]

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, I should vote "nay."

Mr. PLUMB, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. JACKSON.] If he were present, I should vote "nay."

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.]

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I will announce, once for all, that upon this bill the Senator from Virginia [Mr. JOHNSTON] is paired with the Senator from Maine, [Mr. FRYE.]

Mr. SAWYER. I will announce, once for all, that I am paired with the Senator from West Virginia, [Mr. CAMDEN.]

Mr. DAVIS, of West Virginia. I will say to my friend from Wisconsin that I voted "nay" on this proposition. I think my colleague would vote with me if here, and he can vote if he wishes.

Mr. SAWYER. Then I vote "nay."

Mr. VAN WYCK. I desire to say that I am paired during the day with the Senator from Oregon, [Mr. GROVER.] I did not discover at the last roll-call that the Senator from Oregon was not in his seat, and I inadvertently voted. I should not have done so. I would vote "nay" on this amendment.

The result was announced—yeas 12, nays 35; as follows:

YEAS—12.

| | | | |
|---------|-----------|-------------------|---------|
| Bayard, | Cockrell, | Hampton, | Morgan, |
| Butler, | Farley, | Harris, | Pugh, |
| Call, | George, | Jones of Florida, | Walker, |

NAYS—35.

| | | | |
|------------------|------------------|-----------------|-----------|
| Aldrich, | Conger, | Lapham, | Rollins, |
| Allison, | Davis of W. Va., | Logan, | Sawyer, |
| Anthony, | Dawes, | McDill, | Sherman, |
| Blair, | Hale, | McMillan, | Slater, |
| Brown, | Harrison, | Mahone, | Vest, |
| Cameron of Pa., | Hawley, | Maxey, | Voorhees, |
| Cameron of Wis., | Hoar, | Miller of Cal., | Williams, |
| Chilcott, | Ingalls, | Morrill, | Windom, |
| Coke, | Jonas, | Platt, | |

ABSENT—29.

| | | | |
|--------------------|-------------------|------------------|------------|
| Beck, | Gorman, | Kellogg, | Saulsbury, |
| Camden, | Groome, | Lamar, | Saunders, |
| Davis of Illinois, | Grover, | McPherson, | Sewell, |
| Edmunds, | Hill of Colorado, | Miller of N. Y., | Vance, |
| Fair, | Hill of Georgia, | Mitchell, | Van Wyck, |
| Ferry, | Jackson, | Pendleton, | |
| Frye, | Johnston, | Plumb, | |
| Garland, | Jones of Nevada, | Ransom, | |

So the amendment was rejected.

Mr. BAYARD. I move to amend by adding as a proviso:

Provided, That the rate of duty on the merchandise described in this section shall not exceed 60 per cent. ad valorem.

My object in offering this amendment is to gain an expression of opinion of the Senate as to whether a range of tariff duty should exceed 60 per cent. ad valorem. The last amendment the Senate voted down was to diminish the duty on the raw material, and now I propose to test the sense of the Senate on whether the duty upon a manufacture should exceed 60 per cent. ad valorem. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I do not expect to vote for the amendment just offered by the Senator from Delaware for the reason that as I understand it the average of tariff duties on other woolen goods such as are manufactured in this country exceeds 60 per cent., and I think it would be but fair that this particular branch of woolen manufactures should be placed upon something like an equality with other branches of woolen manufactured articles. I think the tariff is too high on woolens in the United States, but I am not willing to single out a particular article and take advantage of an accidental circumstance or a misunderstanding and put it clear below other manufactured articles of the same character or manufactured from the same material. I do not think that is right.

When we come to a general readjustment of the tariff I expect I shall vote for a reduction on all woolens, probably. I do not think now is the time, however, to enter upon that general reduction. We have referred this question to the tariff commission and they are now in session acting upon it under our authority, and it seems to me it will be time enough when they have reported and we have seen what their report is, to enter upon a readjustment of the tariff of this Government. Therefore I am not willing to single out at this stage individual articles and raise or reduce the duties on them unless there be some imperative necessity or very cogent reasons that make it absolutely necessary in the particular case.

It seems to me that that reason does now exist in the case now before the Senate. No matter who may be right as to how the law stood prior to the late decision of the Supreme Court, or who may be right as to how the change in the law was produced, or whether indeed there was any change made by the compilers, still the fact stands in bold relief that the Government and its officials understood the tariff to be on this particular class of woolen manufactured articles 35 per cent. ad valorem and 50 cents per pound specific duty. That was the practice of the Government. The Secretary of the Treasury put that construction upon the law; all the officials of the Government put that construction upon the law. That was the rule at every custom-house in the United States. Therefore it was the practice of the Government, and that placed this particular class of woolen manufactures on an equal footing with other classes of that character of manufactures, and that seemed to be right, whether the general tariff in favor of all that class of articles is right or wrong.

The case was brought, as we are told by the honorable Senator from Connecticut, before the United States circuit court in New York, and a decision was there rendered in favor of the construction put upon this law by the officers of the Government, and the plaintiffs in that case dismissed their case. Subsequently, in another form, there

was an action brought which finally went to the Supreme Court of the United States. The practice of the Government pending all this litigation, as I understand, was still the same; these manufactured articles had a protection of 35 per cent. ad valorem and 50 cents per pound upon the manufactured article as a specific tariff.

Finally, within the last three or four months, if I am correctly informed—probably in May last—the Supreme Court of the United States rendered its final decision upon this question, holding that these articles were not entitled to the 50 cents per pound specific tax that was imposed in their favor.

What condition did that leave them in? It is agreed, I believe, by the honorable Senator from Delaware and the honorable Senator from Connecticut in their colloquy that the average tariff upon wools is something over 50 per cent. Then this class of manufacturers who use the finer qualities of wool that pays a still higher per cent. have to pay on the raw material of which they make these goods somewhere from 50 to 60 per cent., and they get protection to the extent of 35 per cent. That is a discrimination of, to say the least, 15 per cent. against the home manufacturer and in favor of the foreign manufacturer.

Mr. SAULSBURY. Will the Senator allow me to ask him what proportion of the manufacture is imported wool and what proportion domestic wool?

Mr. BROWN. I do not know the exact proportion. I have never looked carefully into that point. Probably the Senator himself is better informed on that subject than I am.

Mr. SAULSBURY. I have a statement made by a gentleman whose intelligence on this subject I believe to be equal to that of any man in the Senate in which he states that less than \$4,000,000 would buy all the wool in more than \$28,000,000 of knit goods; that if the wool used was all imported and duty paid upon it the duty would be but 5 per cent. or 5 cents on every dollar's worth of knit goods made. The official statement taken from the census return shows that less than 6 per cent. of the wool used in these knit goods is imported and that the duty paid on the wool used in making knit goods valued at \$1 is less than 1 cent. That is the statement made by a gentleman familiar with this matter based on the returns of the Census Bureau, that \$4,000,000 pays for all the imported wool that enters into the manufacture of \$28,000,000 worth of knit goods, and that less than 6 per cent. of the wool used in these knit goods is imported wool, and the imported wool does not amount to 1 cent in a dollar's worth of knit goods.

Mr. BROWN. I hope the Senator from Delaware will not make his speech in the midst of mine. I thought he interrupted me to make a correction and to give information. The argument I prefer to make myself.

The Senator tells us that there is a very small proportion of the wool that enters into the manufacture of these articles that is imported from abroad; but he does not take into the account that the tariff fixed upon foreign wool regulates the price of the home-raised wool. There is where the trouble is; it does not matter whether 1 per cent. or 10 per cent. or 50 per cent. of the wool that enters into these articles is imported, that imported wool regulates the price of the home wool as well as the foreign wool, and the manufacturer has to pay the same price whether he uses foreign wool or home-raised wool. Therefore the proportion of imported wool used does not affect the argument at all. It does not in the slightest degree affect the manufacturer, if the wool is of the same quality, whether he use foreign wool or whether he use home-raised wool. He pays the same price for it in either case. I was not therefore in error, I think, in the statement I made to the Senate.

It seems to me, therefore, in this particular state of the case that it does call for legislative action to place this particular class of manufacturers upon something like an equality with other manufacturers. If there had not been the misunderstanding about the law that I have referred to, and the tariff had been standing in this condition for years, although it might have been very unequal, I would not consent at this stage to enact any legislation to change it; but it turns out that the law has been differently construed by the Government and by its agents, and the tariff collected under a different rule until within the last three or four months, when the decision of the Supreme Court astonished this class of manufacturers, and left them where the large investments they have made must not only prove fruitless but disastrous to them.

If I understood correctly the statement made by the Senator from Connecticut, [Mr. PLATT,] it was that there were now about \$15,000,000 invested in this particular industry. That investment has been made, stimulated by the tariff as it was then understood, and if the tariff is now taken off by virtue of this decision of the Supreme Court of the United States, and there is a discriminating tariff in favor of foreign manufacturers of 15 per cent. against them, I can see very readily that that \$15,000,000 is sunk and that industry is ruined, and I am not willing, as an American Senator, bail from what State I may, or belong to what party I may, to do that injustice to them. I do not think I should do it from any party consideration or any other consideration. I will try to do justice to them, but at the same time that I would do this I would not enter into a general change of the tariff or a change of it at all where there has been no misunderstanding as to the true construction of it or the true meaning of it.

I did not vote for the amendment offered by the honorable Senator from Delaware for the reason that it reduced the tariff on wool about one-half. If the average tariff on wool is as was agreed between him and the Senator from Connecticut, about 60 per cent. ad valorem, then his amendment proposed to take off a little more than one-half of the tariff that now exists in favor of the Southern and Western wool-growers. I am not willing at this stage of the tariff proceeding to vote for any such change as that. We may reduce it; doubtless we shall when we readjust the tariff. Whether it will be put down to 25 per cent. I do not know; I hope it will not go that low, but at any rate I am not able to single out that particular industry now and take off more than one-half of the protection it has where there is not a general reduction made on manufactured articles.

Again, I would not vote for it because it only gave to the manufacturers of knit goods 25 per cent. protection. They paying 25 per cent. on wool, and getting 50 per cent., would have but 25 per cent. protection. This is a long way below the average of what is given to other woolen manufacturers. Therefore I think that would not be just; but disconnecting the two, and taking the amendment of my honorable friend the Senator from Tennessee, [Mr. HARRIS,] it would be still more objectionable, because it reduced single-handed and alone the tariff on wool in this country against the wool-growers of this country a little more than one-half.

Mr. HARRIS. Will the Senator allow me a single moment to say only that the complaint in this case, as I understand it, is that the raw material of which knit goods are made is taxed very much higher than the manufactured article? Now, such an evil as that deserves remedy. I would rather remedy the evil by reducing the tax on the raw material than by increasing the tax on the manufactured article. It was for that reason, and that reason only, that I introduced the amendment that I did, to which the Senator and other Senators have objected.

Mr. BROWN. I know my honorable friend had none but the purest and best motives in introducing his amendment. I am speaking of the reasons why we differ about it. Here is one particular class of woolen goods that we are legislating about, and the Senator says that he had rather reduce the tariff on wool than to raise the tariff on that class of manufactured articles. Now let us look where that goes to. When you reduce the tariff on wool the reduction applies to the manufacturer of some other woolen article who may get 100 per cent. protection, as it does to this class of woolen articles. In other words, you reduce the tariff on all wool slightly over one-half; you make a strike at our wool-growers by withdrawing protection from them more than one-half of what is now allowed them, while on the other hand you only protect the people of this country against the tariff on a very small class of the manufactured wools of this country. I cannot therefore vote to reduce the tariff on wool and make this great discrimination against our own wool-growers, or in other words withdraw this protection, which is their very life, in order to get rid of a little higher tariff on a particular class of woolen goods and not on woolen goods generally.

Again, Mr. President, when we come to a final vote I cannot vote for the amendment of my friend from Tennessee making a general reduction of 10 per cent. on the tariff; but I believe that is on a different bill and not on this. I cannot do it, for the reason that I think there are great inequalities in the present tariff. There are specific duties that are entirely too high on some articles and entirely too low on others. I would not therefore reduce them by striking 10 per cent. off and by leaving those that are entirely too high still too high and crippling those that are now entirely too low.

These are substantially the reasons why in this case I cannot vote for these amendments and will vote for this bill.

Mr. HAWLEY. Mr. President, whatever might be the apparent fairness or whatever plausible argument might be made for any amendment suggested here, I beg those who are friendly to our view of the case to remember that any amendment is simply death to this general purpose of ours to relieve these manufacturers from this stroke of lightning.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 6226) granting a pension to Mrs. Sarah Robb;
A joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses;

A joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests; and

A joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette.

The message also announced that the House had passed the following bills:

A bill (S. No. 2172) to amend section 4702, title 57, Revised Statutes of the United States, and for other purposes; and

A bill (S. No. 2099) for the relief of the executors of John W. Forney.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes; and it was thereupon signed by the President *pro tempore*.

DUTY ON KNIT GOODS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

Mr. MORGAN. Mr. President, the House of Representatives has sent us a tariff bill in the nature of a bill to amend an act of Congress which the House, as probably a majority of this body, think has been either misconstrued or in some way deformed by the compiler of the Revised Statutes. In sending us this special tariff bill, this bill to increase the duties upon knit goods, the House has selected from among 20,000 taxed articles one particular object which it desires to increase the tariff upon.

The Revised Statutes were enacted and adopted under the direction of Congress. The manner of their adoption and their enactment has never been an agreeable subject of reflection among American statesmen. The committee who reported upon the work of those gentlemen who were intrusted with the revision of the statutes found that there was an excessive mutilation of existing law. How that occurred, or why it occurred, it is impossible for me to say, but I know that we have been called upon from time to time to correct the revision of the statutes, so as to make them express what is alleged to have been the previous intention of Congress.

This tariff bill—for it is nothing else—is artfully cloaked under the pretext of an amendment of a preceding statute, which, it is alleged on all hands here, violated the intention of Congress after it was found to be incorporated in the revised code. The remarkable political skill exhibited in separating this particular provision of law from the bill which the House sent us is worthy of comment and of notice and of reflection. The bill which the House sent us and which we have been considering for some time related entirely to the internal revenue, a subject standing by itself, a subject not committed to the commission on the tariff, which is now sitting at Long Branch.

This particular bill, however, as I have remarked, was sent to us to revise the existing tariff as decided by the Supreme Court of the United States upon knit goods. After the bill called the internal-revenue bill, or the little tax bill, came into the Senate and had been referred to the Committee on Finance, and had been considered by that committee and had been reported to this body, it contained no provision at all touching the general tariff laws of the United States. Thereupon certain gentlemen on the other side of the Chamber—and I am glad that they were on that side of the Chamber—moved some amendments to that internal-revenue bill, that reduction-of-taxation bill, which amendments did not relate to the internal revenue but to the tariff, a distinct and substantive subject.

When those amendments came into the Senate there was found among the number one in favor of a peculiar industry which I think has its home in Pennsylvania. It has been supposed that that industry had its home in Massachusetts, but my information is that the production of hoop-iron in the form of cotton-ties and all other manufactured bands of iron has its chief home in Pennsylvania and has had for many years. Republican Senators selecting that particular form for increasing the taxation upon a particular product which affected a particular industry in a particular section of this country, introduced into that general bill the amendment relating to hoop-iron or cotton-ties; in other words, they separated that from all the other amendments they desired to present, and they stand in the attitude to-day of having two tariff bills here, each of which has been reported by the Committee on Finance, one relating to the increase of duties upon knit goods and the other relating to the increase of duties upon hoop-iron, upon cotton-ties.

The honorable Senator from Georgia thinks that this special bill which we have before us now in reference to the increase of the tariff on knit goods is entitled to great consideration and respectful consideration because it undertakes to remedy a defect that by accident it seems has crept into the Revised Statutes, if the accounts of this matter be true. The same argument will be used upon the Senator from Georgia with respect to cotton-ties, for it is claimed here that the Secretary of the Treasury made an unfortunate decision by which he reduced the tariff upon cotton-ties from 80 to 35 per cent. ad valorem. That is the claim which is set up in behalf of that feature of the tariff bill introduced and reported by the Committee on Finance. The argument for the correction of the record, for the correction of the legislation heretofore existing, is precisely the same in the one case as it is in the other.

Mr. BROWN. I ask the Senator, with his consent, if there is not this difference: in the one case the Supreme Court had decided that the ruling of the Treasury was wrong, and in the other case it did not.

Mr. MORGAN. There is that difference; but the situation is precisely the same notwithstanding the difference, for the reason that

the custom-house officers had been collecting the duty on cotton-ties at 35 per cent. ad valorem instead of 80 per cent. ad valorem under the ruling of the Secretary of the Treasury, and no one interested in the question ever saw proper to appeal to the Supreme Court.

The cases are precisely parallel. In the one case a decision has been made by the law officer of the Treasury Department in which he fixed the tariff upon cotton-ties at 35 per cent. ad valorem, reducing it from the claim of 80 per cent. contended for by the manufacturers; and in the other the decision has been that the tariff on knit goods instead of being somewhere between 60 and 90 per cent. must be also 35. The cases are entirely parallel. The honorable Senator from Georgia must select his ground because he is bound if he finds a difficulty in the one case to sustain it in the other.

Mr. BROWN. I will interrupt the Senator again. I have no difficulty in selecting my ground there. It does not appear here that there has been any error whatever in the matter of cotton-ties. It does not appear that there is any mistake; there is no decision of any court that shows there is. You might as well say that in every other case in the whole range of the tariff we must readjust it because somebody might desire to have it raised or lowered a little. In the case now before us the Supreme Court of the United States has ruled that the construction heretofore put upon the law was an error, and that ruling caused a discrimination of 15 per cent. in favor of the foreign manufacturer against the home manufacturer. There has been no ruling of any court that shows any wrong decision in the matter of the tariff on cotton-ties.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia, and for the relief of the Little Sisters of the Poor, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 249) for the relief of Helen M. Scholefield.

ENROLLED BILLS SIGNED

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 2092) for the relief of Major W. R. King; and

A bill (S. No. 2099) for the relief of the executors of John W. Forney.

PRINTING OF AGRICULTURAL REPORT.

Mr. ANTHONY. The Senator from Alabama kindly permits me to make a report from a committee of conference:

The Acting Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the resolution of the House of Representatives "to print 300,000 copies of the annual report of the Commissioner of Agriculture for the year 1881," having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, namely, "and \$219,161.54, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out this resolution;" and also the amendment to the title of the said resolution changing the same from a concurrent to a joint resolution; and the Senate agree to the same.

H. B. ANTHONY,

G. G. VEST,

BENJ. HARRISON,

Managers on the part of the Senate.

A. S. MCCLURE,

E. K. VALENTINE,

WM. M. SPRINGER,

Managers on the part of the House.

Mr. COCKRELL. Will the Senator explain what that does?

Mr. ANTHONY. The House recedes from its disagreement to the amendment of the Senate. The amendment of the Senate was to make an appropriation to provide for the expense of the publication.

Mr. COCKRELL. It changes it to a joint resolution.

Mr. ANTHONY. It changes it from a concurrent to a joint resolution.

Mr. DAVIS, of West Virginia. How many thousand copies will be printed?

Mr. ANTHONY. Three hundred thousand.

DUTY ON KNIT GOODS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

Mr. MORGAN. The Senator from Georgia says that I am mistaken in reference to the amount of tax on scroll-iron. I may be; it may be 70 instead of 80 per cent. My information has always been that it was really 80 per cent. ad valorem on the value of scroll-iron. That makes no difference in the argument. I will accept his figure of 70 per cent.

All the importations of scroll-iron had been taxed by officers of the Treasury Department of the United States at 70 per cent. That matter went on for several years, and very important establishments were built up in different States, and among others one in my State. They commenced manufacturing cotton-ties, putting a little buckle, some fixture, and cutting it in lengths so that it might be

applicable to the subject of banding cotton. Thereupon the question was raised before the officers of the Treasury Department whether iron manufactured from scroll-iron in these forms and cut in lengths bore an ad valorem duty of 70 per cent., or whether it came under the classification of articles of iron not otherwise provided for. Two Secretaries of the Treasury took the subject under consideration. They are both present in the Senate. They both decided in favor of 35 per cent. ad valorem tax upon cotton-tie iron.

Mr. SHERMAN. There was no question at all arising out of the revision of the statutes. It was a mere construction of the law as to the classification of the article.

Mr. MORGAN. The other was nothing but a mere construction of the law as to classification.

Mr. BROWN. No; there was a decision of the court.

Mr. SHERMAN. The courts had decided various ways, but they finally settled down—

Mr. MORGAN. The Supreme Court has not decided it as to cotton-ties.

Mr. SHERMAN. No; but the circuit courts of the United States in New York and New Orleans have decided it.

Mr. MORGAN. There have been a variety of decisions about it. Mr. HOAR. There was no claim of a legislative mistake.

Mr. MORGAN. No, there was no claim of a legislative mistake. The claim was that the mistake was made by the Secretaries of the Treasury in interpreting the legislation.

Mr. SHERMAN. On a simple question of classification.

Mr. MORGAN. I know.

Mr. SHERMAN. It was simply whether the article belonged to the class of manufactured articles not otherwise specified.

Mr. MORGAN. I understand all that; but a final adjudication was arrived at that hoop-iron cut in lengths, with a buckle affixed, came under a classification which entitled it to a 35 per cent. ad valorem tax. It was claimed, on the other hand, that the statute really meant and was intended to mean that scroll-iron, although cut in lengths, with a buckle attached to it, should be subject to an ad valorem duty of 70 per cent.; and so under these pretensions or these ideas and understandings these establishments went to work, and they expended large amounts of money in their plants, and they supplied the people of the South and all other parts of the United States with cotton-ties and similar bands of iron at a tariff of 70 per cent. ad valorem, making thereby large profits.

Then the question came up and the question was decided, and it was decided by the law officers of the Government, and that decision made by these law officers was just as conclusive as if it had been made by the Supreme Court, for the tax affected the industry all the same, and if you will allow me to say it with all due respect, it is the sheerest quibble to speak about judicial decisions of this court, that, or the other, whether it is the Supreme Court or a circuit court, in the interpretation of a statute.

What is the claim now set up in the little tax bill? It is that the Secretaries of the Treasury in the interpretation of the laws misunderstood and misapplied the intention and design of Congress in their enactment. That is precisely the question presented, except that they charge that Mr. Boutwell or somebody else who had a hand in the revision of the statutes perhaps dropped some words out. The Congress of the United States nevertheless re-enacted these statutes, and you can collect revenue under them or you can hang a man under them. It does not make any difference whether Mr. Boutwell made a mistake or not, a man who may be sentenced to death under a statute which Mr. Boutwell might have left a word out of or interpolated a word into, after the Congress of the United States re-enacted those statutes and made them absolutely compulsory and obligatory upon the country, whatever is done under them is conclusive, because that is the law of the land.

Now, what are we trying to do to-day? We are trying to correct, not a mistake of Mr. Boutwell, but a mistake of Congress in the re-enactment of this law. There is the proposition, for if Congress had not re-enacted this law upon Mr. Boutwell's report of the Revised Statutes it would not now be the law. It is your own enactment; it is your own expressed judgment; it is something that you have no right to withdraw from or retreat from, except upon the principle of self-stultification. It is your law and not Boutwell's, because you re-enacted it.

Mr. HAWLEY. May I ask a question?

Mr. MORGAN. Certainly.

Mr. HAWLEY. Were not the revisers instructed not to change the law in any respect?

Mr. MORGAN. But they did change it. Does not the Senator know that?

Mr. HAWLEY. But did not Congress approve their work under the universal belief that they were not changing the law? There is only one answer to both those questions.

Mr. MORGAN. Universal belief includes heaven and hell.

Mr. HAWLEY. The universal belief in Congress, at any rate, was that they were not changing the law, because they told the revisers not to do that.

Mr. MORGAN. The currency of the country that the people had used from the time of the foundation of this Government and guaranteed in the Constitution, the silver of this country was also changed by this same process. The change was universal, but whose change

was it? There is the point I make. It was not Boutwell's work; it was the work of Congress. Now, sir, the proposition is here to repeal an act of Congress; and if Senators desire to repeal an act of Congress to get a higher tariff on knit goods, let them do it. I shall not participate in an act of that kind; neither will I participate in a repeal of an act of Congress to get a higher tariff on cotton-ties. We have got to do exactly the same thing in both cases. What would lead me to cast my vote for the one proposition would compel me to cast my vote for the other. I cannot get out of it logically or reasonably.

I have been very much concerned about the situation of this tariff bill before the Senate of the United States. Last night, when I essayed to make some remarks before the Senate about it, they were in a very impatient mood, and thinned out the benches until we had no quorum left, and I was cut off from the expression of the humble opinions that I had to advance on this question about the time that I was giving a heartfelt welcome to this method of legislation in this Congress before my term as Senator should have expired. I have been waiting here ever since I came to the Senate to see if the House of Representatives would not permit us to take into consideration the question of the tariff, against which the whole common sense of the American people rebels. All the grand industries of the country stand in battle array against this enormous, outrageous, unnecessary, and improper system of taxation. I have been waiting to welcome a measure of this kind, as I say, ever since I have been here.

I stated last night that I was not going to berate either of the political parties for not allowing it to come here. I do not believe that the Democratic party is as much to blame as a party for it as the Republican party; but I do believe, and I am free to state it, that there have been men in the House of Representatives that have been upon the Committee on Ways and Means, a body that has the exclusive jurisdiction of this subject, a body without whose consent we cannot touch this matter by legislative action at all; men who, knowing the demand of the country, knowing how much the future prosperity of this great people is involved in the question of the investigation of the tariff, have for reasons that affect them in their districts, for reasons that affect them in their personal affairs or political prosperity or success, absolutely withheld from the Senate of the United States the right to consider any question of this kind.

I do not know if the people of the United States at large are informed of the fact, though I presume they are, that the Senate of the United States cannot originate a bill that touches the tariff in the slightest degree; that is, a revenue bill. The Constitution prohibits us from originating any measure of that kind, else I believe that long since this country would have been relieved of some of the burdens which are crushing the people to-day, and which are making corporations and monopolies rich, and have been for fifty or more years past. But the House of Representatives, with its exclusive power, whether in the hands of Democrats or in the hands of Republicans, has refused to allow this question to come to us for consideration. The Senate of the United States might as well never have existed as to have been vested with powers thus cramped and limited on questions of this kind.

So, sir, I have welcomed this question to the Senate. When it comes up and we have a chance for consideration upon it, I feel an earnest desire to go into it. True, I know we have appointed a commission to consider it. That commission is now in session, but I know as well as I know that I stand upon this floor, and I charge it upon gentlemen in charge of this measure on the other side, including the honorable chairman of the Committee on Finance, that the action which is now expected to be taken upon these two bills is to bury them under the debris of this long eight months' session so that when we meet again in December and that commission shall make its report there will be found another Committee on Ways and Means in the House that will never allow a bill to come forth. That is the declaration of a foregone conclusion; that is the decree of fate that we are now trying to combat with. I repeat it, sir, to give it emphasis, when that commission shall have reported next December, if it shall report then, no Committee on Ways and Means of the House of Representatives will ever allow the House or the Senate to vote upon a bill that brings the subject of tariff reform within the reach of the Senate of the United States or of the American people.

It is for this reason that the honorable Senator from Vermont finds himself constrained to waste his energies, which have been so long contributed to the welfare and honor of this country, in the approaching dog-days to the killing of his own bantling. It is this and nothing else that calls the caucus of the Republican party this morning to determine that we should stay here as long as the honorable Senator from Vermont had a demand for our services to help him lay his bill beneath the clods. Perhaps if we should vote the knit-goods bill, that might be something of a *placebo* to the demands for tariff legislation that come from the North. There seems to have been three demands for tariff legislation coming from that section of the country, two of which the honorable Senator from Vermont himself offered in this Senate as amendments to his own bill, which he had previously reported. What were they?

Sugar and cotton-ties, two demands distinctly and earnestly made by the very Senator who had reported a bill that had not a word of tariff upon it. That was a demand from his own section of country.

That clamorous voice which has not been able to be silenced even in the far North where so much of industry and money is engaged in manufactures, reached the ear of the honorable Senator, and he rose in the Senate and offered an amendment to his own bill touching the tariff. I was glad to see him do it; but the matter has gone too far. The honorable Senator from Ohio injected into that tariff bill his pet idea of a polariscope upon which he had wasted the genius and energies of his nature while he was Secretary of the Treasury and as to which the Supreme Court decided that he had mulcted the Government of the United States in damages to the amount of about \$3,000,000 by a mistake in judgment.

So, sir, the improvements upon the present condition of the country in reference to taxation, whether internal or external, have been moved originally on that side of the House, and we are now required to take that bill as it was reported and to take the knit-goods bill as reported, and we are required not to entertain the idea that without insulting the American people, stultifying ourselves or perhaps revolutionizing the Government, we shall avail ourselves of this first opportunity to get some relief for our own country and our own people, and not for ourselves only but for all others. That is the attitude of affairs here to-day. Having a commission to which they were willing to intrust the whole subject of the tariff, they flout an insult into the face of that commission by saying to them, "We cannot intrust you with the tax on matches; we have refused to allow you to interfere with the internal revenue at all; we will deal with that subject to suit ourselves and those we represent; neither can we trust you with the polariscope, nor can we trust you with the tariff on sugar, nor can we trust you with the tariff on cotton-ties; we must make a groove for you upon these questions in which you are compelled to run."

The supreme will of the Government of the United States must be expressed to this commission in advance upon these questions, and they must obey it, and not take the subject into consideration after Congress has passed upon it, and why? "Because, while we are willing to trust your fidelity and your humility and your supplianee and your compliance with our will in every other matter, we cannot trust you upon these pet measures of ours."

No, sir, the honorable Senator from Ohio would as soon trust his polariscope scheme to King Cetewayo as to that commission at Long Branch; and the honorable Senator from Pennsylvania would as soon have trusted his pet scheme of 70 per cent. tariff upon cotton-ties to the King of the Fiji Islands as to have intrusted it to that commission. They must pick out various things. Those who moved this knit-goods bill and got the Committee on Finance to report it would as soon leave it to a Southern rebel to decide what should be the tax on knit goods as to leave it to that commission that the honorable Senator from Georgia [Mr. BROWN] seems to be so much in love with.

No, sir; they pick out this thing and that thing and the other thing from the internal-revenue and from the tariff laws of the country; out of a broad, immense field of 2,000 articles they pick out two or three little articles on which they want legislation on the subject of the tariff; and the honorable Senator from Tennessee [Mr. HARRIS] rises and says, "You want thirty-five or forty million of reduction of general taxation; you are getting too much money into the Treasury; there is too much plethora here; and I propose now that we shall relieve it by a reduction of 10 per cent. this year, 10 per cent. decrease of the general tariff that you have constructed," and Senators on that side arise and denounce us as lunatics for making such a proposition.

Mr. President, I hope I am deceived about this, but I feel the deepest possible consciousness that I am not. I hope that I am deceived about the plans and purposes of those who are advocating these measures in this curious form before the Senate of the United States, two bills, one following in the track of the other immediately; but I believe I am not, and, sir, to test the sense of the Senate upon the question of tariff reformation, as the knit-goods bill and the hoop-iron or cotton-tie proposition are both akin and both stand upon the same ground precisely, I shall move at the proper time to amend the knit-goods bill by introducing all the legislation that the Senate has accomplished at this session upon the little tax bill as an addition thereto; so that we can have the whole thing to run together; and our friends on the other side shall not have the delectable opportunity of picking out a special measure of tariff reform or internal-revenue reform which they think will make to their personal interests or the interests of their own constituents to the exclusion of everything else connected with this general and grand subject.

Mr. CONGER. May I ask the Senator if it will interrupt his remarks to have some bills from the House of Representatives on the table referred to the appropriate committees?

Mr. MORGAN. No; nothing ever interrupts me.

HOUSE BILLS REFERRED.

The bill (H. R. No. 6226) granting a pension to Mrs. Sarah Robb was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses was read twice by its title, and referred to the Committee on Privileges and Elections.

The joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette was read twice by its title.

Mr. ROLLINS. I ask that that joint resolution be considered at the present time. It will take but a moment, and I presume there will be no objection to it.

Mr. SHERMAN. It had better be referred.

Mr. ROLLINS. It is very short. I do not think there will be any objection to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. SHERMAN. I do not think this is exactly fair to the Senator from Vermont, who is out of his seat temporarily.

Mr. CONGER. I hope the Senator from Alabama will not be interrupted further. I only wished to have these bills referred.

Mr. MORGAN. I do not want to lose the floor; that is all.

The PRESIDING OFFICER. There is objection made.

Mr. ROLLINS. Who objects?

The PRESIDING OFFICER. The Senator from Ohio.

Mr. ROLLINS. Then let the joint resolution lie on the table for the present.

The PRESIDING OFFICER. The joint resolution will lie on the table.

DUTY ON KNIT GOODS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States.

Mr. MORGAN. Mr. President—

Mr. FERRY. I should like to ask the Senator from Alabama if it would not relieve him to allow me to have the post-route bill passed?

Mr. MORGAN. It would, because I have some amendments that I wish to put on that bill. It would relieve me very much, but not physically. I will keep the floor.

Mr. FERRY. Does the Senator say it would relieve him?

Mr. MORGAN. It would relieve my people of course, and I am always in favor of relieving them. I yield to the Senator, if he desires to take up the bill.

The PRESIDING OFFICER. Is it the pleasure of the Senate to consider the bill at this time?

Mr. SHERMAN. In the absence of the chairman of the Committee on Finance, who has charge of the pending bill, I object to the interposition of the post-route bill.

The PRESIDING OFFICER. There is objection. The Senator from Alabama will proceed.

Mr. FERRY. I had no disposition to take advantage of the absence of the Senator from Vermont. I did not notice that he was out of his seat, but I thought it would relieve the Senator from Alabama on this warm evening to allow the post-route bill to be passed. It is very important that it should pass before next week.

Mr. MORGAN. Not physically. I have not been crying for quarter yet. We expect somebody else to do that before we get through. It is the honorable Senator from Ohio who is so anxious to pass the knit-goods bill. I do not wonder at that, because I think that having been a prominent member of the Government for the last twenty or twenty-five years, he should be very willing to do what he can to correct all the mistakes of the Government in that time.

Mr. President, I have not had, and few persons on this side have had, any participation in putting the tariff, fixed by law as it now is, upon the people of the United States. That is one thing that we cannot be answerable for. We may commit a great many sins or absurdities or follies in trying to get rid of it, in trying to respond to the general demand, yes, the universal demand, from the north to the south and the east to the west, that the tariff shall be accommodated to the existing condition of affairs in this country; but we are not responsible for its present shape.

The honorable Senator from Kentucky [Mr. BECK] some days ago put into the debate on the other bill a statement, for which I understand he gave credit to Mr. MORRISON, of Illinois, which sets forth the articles in the tariff now existing which bear a rate above 50 per cent. ad valorem. That table shows what would be the reduction of the revenue in the event that we should put the tax upon all imports into this country at a rate not exceeding 50 per cent. ad valorem. It shows that it would yield a revenue, according to computations based upon existing and known facts, of between \$30,000,000 and \$40,000,000. The precise figures are given and the sums are made out with great exactitude. I am very much in favor of that amendment when we shall come to it, because I believe that it will increase the revenues of this country. I believe it would take off a burden that rests upon all the industries of this land, and more particularly upon the manufacturing industries, and would enable our people, under a more liberal system, to manufacture goods for all of those distant, far-off countries where our enterprise and our commerce are now seeking markets and are finding such valuable returns.

The proposition of the Senator from Tennessee [Mr. HARRIS] is a

more moderate one, and perhaps it is preferable, because it makes its impression upon the tariff more gradually and at certain fixed periods of time, so as to enable all the different industries of the country to accommodate themselves to the proposed change. Ten per cent. from the tariff during this year and 10 per cent. during the next year, the precise period of the operation of the law being fixed in the act itself, would give a moderate, regular, safe relief to all the industries of this country, including the manufactures. I believe that no class would prosper under such a reduction more rapidly and more thoroughly than the manufacturing classes themselves. There can be no doubt of it, because we have a surplus revenue that far exceeds the amount that such a reduction would bring about.

We desire to reduce the revenue. That is our boast in the bill. If it was entitled, as it ought to be entitled, a bill to increase taxation upon certain classes of people to the exemption of others, then there is not a Senator on that side of the Chamber who would dare to advocate it; but by a false and fictitious title at the head of it that it is a bill to reduce taxation Senators feel that they can deceive the American people as to the actual effects of the bill by the flaming title that they write at the head of it, that it is a bill to reduce taxation.

Sir, I can scarcely speak of it in proper terms when I come to think of the fact that it is a bill to throw away taxation, a bill to preserve and perpetuate armies of unnecessary officeholders as a burden upon the people, and a bill to discriminate against those men who by their toil produce the real wealth of this land. The men who delve in the mines and work in the iron-works and in the factories, the men who navigate the rivers and plow the soil and reap the harvests, are the only class of men who are neglected, and they are industriously neglected in all the measures that have been brought forward, whether in reference to knit goods, bank taxes, patent-medicine taxes, the tax on matches, taxes on cotton-ties, or taxes on sugar. Those men upon whom we depend—yes, this body of Senators depend—with their families and all their belongings who earn the bread of life day by day, who toil and sweat to contribute the money that you appropriate yourselves for your support while you are here, the men who sustain by their nerve in battle as well as by their skill in times of toil and peace the honor of the country that you so much boast of, are left as neglected as stepchildren under your bill, and those are selected by you who are your pets and whom you can control in political adventures according to your own will and pleasure. There is the animus of all this legislation, and I denounce the whole of it as not having one shadow or particle of good faith in it.

Mr. HAWLEY. Oh, do not say that, please; you have no right before God and man to say things like that.

Mr. MORGAN. Then I will go before the country on it.

Mr. HAWLEY. I pledge my life and honor to our sincerity in this bill, now and anywhere.

Mr. MORGAN. Then put it into this general bill and let us modify the tariff as we think it ought to be modified, and you too; for it was Republicans who introduced amendments upon the tariff in this Chamber. If we are here to represent the American people and not a particular section of them or a particular class of people, if we are not here to represent a special industry against the whole country, then open your doors and let us have a fair consideration and a full consideration of those measures which look to the relief of the whole country. But do not leave out the people whom I have mentioned, upon whom you and I depend for our daily bread, the agriculturists, the miners, the toiling men through this land, giving them no relief.

What relief is it to be to the family of the toiler in the North, whether in a factory or not, that he has got to pay 50 cents a pair for stockings that he can now get for 30 cents or 25 cents? Where is the relief in that? You have a bill here under the pretense of reforming a statute so as to make it speak its original meaning, under which you raise the taxes 100 per cent. upon these goods; and when some of us, at least, from the South come forward and offer you to reduce the taxes upon wool, in order that the excuse may be taken out of your mouths that you are making the pretense of before the world, you vote solidly against it.

If that side of the Chamber were willing to take off the tax on wool why did they vote solidly against that proposition? It was not an act of magnanimity. It was because they felt that by keeping up the tax on wool they could have a better excuse, a more plausible pretense, for raising the tax 100 per cent. on knit goods.

Mr. HOAR. It is the gentlemen on your side.

Mr. MORGAN. I do not account for anybody else but myself.

Mr. HOAR. I thought you were accounting to our side.

Mr. MORGAN. I am accounting to myself for your side, not to the honorable Senator. I submit those impressions as striking an ordinary, common mind, and they will strike the mind of the common people throughout the United States, and, thank God, there is a heap more of them than there is of uncommon people in this country. The safety of our institutions depends on that fact. There are a great many common people in this country, and while they have rights guaranteed under the Constitution of the United States they will have men who will stand by them.

I have never defined my position upon a tariff in the Senate. I have never thought it worth while to do so. I have never thought

there was any occasion for my doing so, and I have often thought that perhaps it might be presumptuous in me to do it, but by the votes I have given here, the few expressions that I have given utterance to, I have not shown any hostility to any branch of American industry. I believe in the doctrine of live and let live, and I would root out to the very bottom every feature of every law in this land which by discrimination gives a monopoly in favor of any class or any party or any set of persons.

I believe this is a Government in which the American citizen as he is described in our Constitution, in our laws, and in our treaties, is the chief object and ought to be the chief object of the care of the American Congress; that every man should have his equal rights in this country under these laws; and that the power of the Government of the United States ought not to be exercised for the purpose of putting one man down and making another rich at his expense. It ought to be exercised equitably and justly, taking into consideration the quality and condition of all men and what they contribute to the general welfare. But a law that expressly discriminates against any man or any set of men cannot be called a law that is either wise, just, or constitutional in the American sense of the phrase.

I would not discriminate in these laws against the manufacturers of the country. I desire to see them plant themselves wherever they can turn a spindle or establish an iron furnace for the manufacture of those things that are essential not merely to our comfort and support in this land, but also to our commerce with foreign countries. More than that, I will go as far as the furthest man can reach in making appliances and conveniences and security in transferring the commerce of this country into foreign markets and opening to us the rich return which we must have if our people continue to prosper in this land.

So I would not discriminate against the manufacturer. I would not take from him any advantage that he ought justly to enjoy.

But it is a different thing when he comes to demand that a law shall be amended to give him 100 per cent. increase upon the tax to be imposed upon a special article of his own manufacture, and then refuses to receive at our hands the compliment of the reduction of price upon wool, whereby he can manufacture the article without injuring himself or injuring the man who buys the goods from him. I hope that at least this side of the Senate, and I hope that all gentlemen who are concerned in a proper system of legislation on this question will concur with me that these two bills ought to be considered together. They are both tariff bills and both made so by Republican action; and there is no reason why the Committee on Finance or the Senate either should insist upon the separate consideration of one of these bills apart from the other.

The amendments which have been proposed are said to number thirty-five. I do not know that I shall vote for all of them. I think there are some of them for which I shall not vote. There is one that I shall be sure to vote for, and that is the reduction of the tariff upon machinery, so that the newly settled parts of this country in the West and in the South may have a chance to plant themselves with their infant industries, and may have a chance to compete with the great accumulations of capital and power and influence and goodwill in markets which are controlled by the gentlemen who have done such a splendid business in planting their manufactories in the East.

I shall appeal to the generosity of the manufacturers of the East that they will assist us in reducing the tariff on our machinery so that spinners and weavers of flax, of hemp, of jute, and of cotton, and of silk also, if you please, may have a chance to invest their capital at something like living rates in manufactures, so that we can make all parts of this great country speak upon the commerce of the world as our flag bears it to all the different shores.

Will it astonish any gentleman here that I should say to him that a Massachusetts man, I believe he is, honored and respected and esteemed among us as if he had been born in our midst and fought with us during the war of the confederacy—I speak of General Tyler and his noble son—have gone into a county in my State and erected manufactories there, and their chief if not their sole market for their cotton goods, of excellent quality, is in China? That one fact, standing by itself without associating it with a number that I could mention of a similar character, ought to satisfy gentlemen of the pride that I feel in cotton goods bearing the brand of that company at Anniston in Alabama sold in the marts of China.

I shall ask for a reduction of the tax on machinery in order that our people may plant their infant industries, in order that they may contribute to the general prosperity and welfare of this country, in order that they may feel that it is their home, not here alone, but wherever the American flag floats, and shall feel proud of all its productions.

Is there a gentleman on that side of the Chamber interested in manufactures who will oppose me in my request that the infant industries of the South may be built up by a reduction of something upon the tax on machinery? I hope not. After we have built up factories like those at Anniston, like those at Atlanta and Columbus, in Georgia, at Montgomery, at Selma, at Florence, and away out forty miles from any river or railroad transportation at South Lowell, where there are two, at Tuscaloosa, at Tallahassee, and at Augusta, and many other places in the South—after we have built up these industries that we are trying to build up, if you will remove the

tax on machinery and allow us to spin our cotton on or about the fields where it is produced, as we are compelled to manufacture the sugar on the fields where it is produced, and the iron at the mines where it is dug out—if you will assist us in this, then you will have no right to complain of us in our votes upon tariff questions. We will then assist you, not in monopolizing a home market, not in keeping up high prices in America when they are low everywhere else, not in confining your gains to the 50,000,000 people of this continent and the coming millions who are to inhabit it, but we will assist you in building up such manufactories in the United States as that the contributions to the commerce of the world shall be unparalleled, and that we shall be put into a condition which every American who has got his eyes about him at all must see that we must always occupy, that of rivalry with the great power of England in the control of the commerce of this earth.

I will help you in all that. I will not be niggardly about it. I will not confine myself to the particular text of doctrine by which this is to be done or that is to be done, but I will labor with you for the promotion of all that is American, doing it first and mainly by increasing the power of the people of this land, whether agricultural or manufacturing. I am opposed to a Chinese shoe system being applied to this grand continent and its many people.

I have taken the liberty of expressing these views upon this question for the first time in the Senate because I thought that there was perhaps some propriety, at least not an impropriety, in my doing so on this occasion. The tariff which you have builded, the tariff which is the work of your own hands, the tariff in which every sentence and every line is yours, the enormous and burdensome tariff which now rests upon this country that is attributable alone to the work of your hand—I am not reproaching you for it, for I believe you have been compelled to build it that way—but that tariff now is the subject of modification, and the demand comes from your side of the Chamber first. It was your Committee on Finance that demanded a reduction upon internal revenue; it was your own Senators who demanded a reduction of the tariff upon sugar; your Senators who demanded an increase of the tariff upon cotton-ties; and your Senators demand an increase of the tariff upon knit goods.

It is your tariff, every line and word of it. It stands there a monument to your patriotism and your labors, if you choose to accept it as such. Now, when you come to modify it, are you going to destroy it by taking off 10 per cent. of the premium one year and 10 per cent. another? It was not so molded; it was not so made; for if it be a system that cannot bear a touch of reduction in the form presented in the amendment of the Senator from Tennessee, it is a system that is vicious from top to bottom. When you admit that you have got a system of tariff taxation that you cannot reduce 10 per cent. this year and 10 per cent. next year upon a horizontal plane of reduction, you then admit that you have a system that is artificial to the last degree, that is not just, a system without integrity, a system without structure, and you confess before the American people that you have a tariff that you cannot knock the cap-stone off of without knocking down the whole fabric.

The proposition of the Senator from Tennessee is a just proposition. It is a fair and an equitable one; it is a safe one. It is a matter of plain common sense. It is a proposition that ought to be yielded by everybody in the United States, that if we have \$50,000,000 or \$100,000,000 too much revenue coming in, and the tariff is responsible for half of it, we can certainly reduce from \$30,000,000 to \$40,000,000 a year in the next two years without destroying the welfare of the country or without destroying the integrity of that tariff. If it be such a system as that it will not admit of this planing down on this horizontal scale, then it is a system that no man can defend. That seems to be the attitude of the question.

Hence I shall vote with the Senator from Tennessee when that matter comes up. I shall not vote for this little tax bill. I might vote for its provisions if it can be incorporated in the other bill. If it should be incorporated in the bill you have brought here yourselves, and I should find in it a disposition to do justice to all parts of this country, notwithstanding that might be in it, I could get my consent to vote for it if the change resulted from a mistake merely in the compilation of the law, and men have lost something by that. Then you would not be allowed, I think, or at least I would not sanction it, if acting upon the same or any kindred principle you should insist upon doubling the tax upon cotton-ties. This subject cannot be fairly treated apart. It is not justice to ourselves; it is not justice to the general country; and it is gross injustice to that commission sitting at Long Branch for us to strike at this feature and that feature and the other feature of the tariff, and to discuss and pass upon here and fix it in the form of law that seems intended at least to be irrevocable.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Delaware, [Mr. BAYARD,] on which the yeas and nays have been ordered. The amendment will be read.

The ACTING SECRETARY. It is proposed to add the following proviso:

Provided, That hereafter the rate of duty on the merchandise described in this section shall not exceed 60 per cent. ad valorem.

The Principal Legislative Clerk proceeded to call the roll.

Mr. FERRY, (when his name was called.) I am paired with the Senator from Delaware [Mr. SAULSBURY] on this question. Were he present, I should vote "nay."

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, I should vote "nay."

Mr. RANSOM, (when Mr. VANCE's name was called.) My colleague [Mr. VANCE] is paired with the Senator from Pennsylvania [Mr. MITCHELL] on this question.

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.]

Mr. HAWLEY. The Senator from Illinois [Mr. LOGAN] and the Senator from Missouri [Mr. COCKRELL] are absent together on a conference committee, and they are paired.

The result was announced—yeas 20, nays 28; as follows:

YEAS—20.

| | | | |
|---------|------------------|------------|-----------|
| Bayard, | Davis of W. Va., | Harris, | Pugh, |
| Beck, | Farley, | Jones, | Ransom, |
| Butler, | George, | Maxey, | Slater, |
| Call, | Gorman, | Morgan, | Vest, |
| Coke, | Hampton, | Pendleton, | Williams. |

NAYS—28.

| | | | |
|------------------|-----------|------------------|-----------|
| Aldrich, | Chilcott, | Ingalls, | Morrill, |
| Allison, | Conger, | Jones of Nevada, | Platt, |
| Anthony, | Dawes, | Lapham, | Rollins, |
| Blair, | Hale, | McDill, | Saunders, |
| Brown, | Harrison, | McMillan, | Sewell, |
| Cameron of Pa., | Hawley, | Mahone, | Sherman, |
| Cameron of Wis., | Hoar, | Miller of Cal., | Voorhees. |

ABSENT—28.

| | | | |
|--------------------|-------------------|-------------------|------------|
| Camden, | Garland, | Jones of Florida, | Plumb, |
| Cockrell, | Groome, | Kellogg, | Saulsbury, |
| Davis of Illinois, | Grover, | Lamar, | Sawyer, |
| Edmunds, | Hill of Colorado, | Logan, | Vance, |
| Fair, | Hill of Georgia, | McPherson, | Van Wyck, |
| Ferry, | Jackson, | Miller of N. Y., | Walker, |
| Frye, | Johnston, | Mitchell, | Windom. |

So the amendment was rejected.

The PRESIDENT *pro tempore*. The bill is still as in Committee of the Whole, and open to amendment.

Mr. BAYARD. There is an amendment I believe not yet voted on as to the title.

The PRESIDENT *pro tempore*. That question will come up after the passage of the bill.

Mr. VEST. At the end of the bill I move to add:

From and after the passage of this act salt in bulk or bags, sacks, barrels, or other packages, shall be placed upon the free list.

Mr. MILLER, of New York. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. VEST. Mr. President, just a word before the vote is taken. The duty upon salt now provided by the existing tariff is—in bulk, 8 cents per 100 pounds; in bags, sacks, barrels, or other packages, 12 cents per 100 pounds. Then by statute passed, I suppose, for the purpose of protecting the American fisheries in this interest, it is provided:

Sec. 3022. Imported salt in bond may be used in curing fish, taken by vessels licensed to engage in the fisheries, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used in curing fish, the duties on the same shall be remitted.

Unless it is proposed to make a discrimination, palpable, unmistakable, and without any disguise or concealment in it, in favor of a particular interest in a particular locality as against the interests of the general people in regard to this great staple, an article of necessity throughout the country, there can be no pretense whatever for keeping this tariff duty in its present condition.

It requires no sort of argument, no sort of rhetoric, to present this case in any other than the strong light in which it presents itself at once to every mind. Why is it (and I ask the question to-day for the purpose of eliciting an answer) that salt when brought into the country and used in the preservation and curing of fish shall be free of duty, shall be upon the free list by an order of the Secretary of the Treasury, when salt that is used all over the country in curing beef, in curing hogs, in the thousand and almost universal applications that are made of it when so used, a discrimination is made against it of 8 and 12 cents to the hundred pounds? I can imagine no defense that can be made of this proposition; and I ask for the yeas and nays upon it, so that we can record our votes for or against.

The PRESIDENT *pro tempore*. The yeas and nays have been already ordered. The question is on agreeing to the amendment.

Mr. MORRILL. This bill has received a two-thirds majority in the House, and I trust that no amendment will be placed upon it.

Mr. CONGER. Not at this time, but some time I will have a conversation with the Senator from Missouri on the subject of salt that may save him. I shall not detain the Senate now, for I cannot conceive it possible that there are enough Senators so blind as the Senator from Missouri on this subject as to make even such a proposition as this possible to pass now.

Mr. BROWN. Mr. President, I simply desire to say that if there was any chance to pass a bill at this period of the session to reduce the duties on salt, I should not hesitate to vote for it; but I know the adoption of this amendment would simply defeat a meritorious bill that I think ought to pass. On that account I vote against it, although on no other account.

Mr. MAXEY. I wish to say in connection with the remarks of the Senator from Missouri that there is a tax of 8 cents in bulk on salt to the hundred pounds, and 12 cents a package to the hundred pounds. There is also a clause in the statute which gives a rebate to those who use salt in the packing or curing of fish. The practical effect of that is that the people of Texas cure their pork and beef with salt which is taxed, and the people of New England cure their fish with free salt. I do not think that is fair.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on agreeing to the amendment of the Senator from Missouri, [Mr. VEST,] and the roll will be called.

The Principal Legislative Clerk proceeded to call the roll.

Mr. LAPHAM, (when his name was called.) On this question I am paired with the Senator from Florida, [Mr. JONES.]

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, I should vote "nay."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. JACKSON.] If he were present, I should vote "nay."

Mr. SAWYER, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were here, I should vote "nay."

Mr. RANSOM, (when Mr. VANCE's name was called.) My colleague [Mr. VANCE] is paired with the Senator from Pennsylvania, [Mr. MITCHELL.] If my colleague were here, he would vote "yea."

The roll-call was concluded.

Mr. HARRIS. I desire to say that my colleague, [Mr. JACKSON,] whose pair the Senator from Kansas [Mr. PLUMB] has already announced, if present would vote "yea" on this question.

The result was announced—yeas 21, nays 26; as follows:

YEAS—21.

| | | | |
|---------|----------|------------|-----------|
| Bayard, | Gorman, | Pendleton, | Voorhees, |
| Butler, | Hampton, | Pugh, | Walker, |
| Call, | Harris, | Ransom, | Williams. |
| Coke, | Jones, | Saulsbury, | |
| Farley, | Maxey, | Slater, | |
| George, | Morgan, | Vest, | |

NAYS—26.

| | | | |
|------------------|-----------|------------------|-----------|
| Aldrich, | Conger, | Jones of Nevada, | Rollins, |
| Anthony, | Dawes, | McDill, | Saunders, |
| Blair, | Ferry, | McMillan, | Sewell, |
| Brown, | Harrison, | Mahone, | Sherman, |
| Cameron of Pa., | Hawley, | Miller of Cal., | Windom. |
| Cameron of Wis., | Hoar, | Morrill, | |
| Chilcott, | Ingalls, | Platt, | |

ABSENT—29.

| | | | |
|--------------------|-------------------|-------------------|-----------|
| Allison, | Frye, | Johnston, | Mitchell, |
| Beck, | Garland, | Jones of Florida, | Plumb, |
| Camden, | Groome, | Kellogg, | Sawyer, |
| Cockrell, | Grover, | Lamar, | Vance, |
| Davis of Illinois, | Hale, | Lapham, | Van Wyck. |
| Davis of W. Va., | Hill of Colorado, | Logan, | |
| Edmunds, | Hill of Georgia, | McPherson, | |
| Fair, | Jackson, | Miller of N. Y., | |

So the amendment was rejected.

Mr. VEST. I move to add at the end of the bill the following proviso:

Provided, That from and after the passage of this act the duty on flannels and blankets shall not exceed 50 per cent. ad valorem, and all laws imposing any other duty on said articles are hereby repealed.

Mr. ALDRICH. I ask for the yeas and nays on agreeing to that amendment.

The yeas and nays were ordered.

Mr. BROWN. I shall vote against it for the same reason given in the case of the last amendment.

The Principal Legislative Clerk proceeded to call the roll.

Mr. LAPHAM, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland [Mr. GROOME] on this question. I should vote "nay" if he were here.

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. JACKSON.] If he were present, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 21, nays 26; as follows:

YEAS—21.

| | | | |
|------------------|----------|------------|-----------|
| Bayard, | George, | Morgan, | Vest, |
| Butler, | Gorman, | Pendleton, | Walker, |
| Call, | Hampton, | Pugh, | Williams. |
| Coke, | Harris, | Ransom, | |
| Davis of W. Va., | Jones, | Saulsbury, | |
| Farley, | Maxey, | Slater, | |

NAYS—26.

| | | | |
|------------------|-----------|------------------|-----------|
| Aldrich, | Conger, | Jones of Nevada, | Rollins, |
| Anthony, | Dawes, | McDill, | Saunders, |
| Blair, | Ferry, | McMillan, | Sewell, |
| Brown, | Harrison, | Mahone, | Sherman, |
| Cameron of Pa., | Hawley, | Miller of Cal., | Windom. |
| Cameron of Wis., | Hoar, | Morrill, | |
| Chilcott, | Ingalls, | Platt, | |

ABSENT—29.

| | | | |
|--------------------|-------------------|-------------------|-----------|
| Allison, | Garland, | Jones of Florida, | Plumb, |
| Beck, | Groome, | Kellogg, | Sawyer, |
| Camden, | Grover, | Lamar, | Vance, |
| Cockrell, | Hale, | Lapham, | Van Wyck, |
| Davis of Illinois, | Hill of Colorado, | Logan, | Voorhees. |
| Edmunds, | Hill of Georgia, | McPherson, | |
| Fair, | Jackson, | Miller of N. Y., | |
| Frye, | Johnston, | Mitchell, | |

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. SAULSBURY. Mr. President, I do not intend to occupy much of the time of the Senate, but I am not willing that a vote shall be taken on the passage of the bill until I at least express my astonishment that Senators on the other side of the Chamber have manifested such a desire to relieve a particular interest which they suppose to be afflicted and at the same time have manifested such a determined purpose to refuse all relief to the great body of the American people who are suffering from oppressive taxes. For several days we have been engaged in a discussion with reference to the tariff question. It is admitted by Senators on the other side that we are in the receipt of a large excess of revenue; they admit that the people of this country are too heavily taxed; and yet they only propose to relieve certain interests which are specified in another bill which we have been considering for some time past. To-day we are met with another proposition, that a particular manufacturing industry which they say is not sufficiently protected shall have the benefit of legislation at this late hour of the session.

I would have no objection if there is any particular interest in this country that is unduly oppressed to see that particular interest relieved, whether it is a manufacturing interest or any other kind, but I cannot believe, and I do not believe, that the manufacturers of knit goods are oppressed or are wanting in the proper protection for their business. I have seen a statement somewhere which averred that that particular interest was now making 14 per cent., clear of all expenses, upon the capital invested; and when I read that there are only \$8,000,000 worth of wool that enters into the fabrics which they make, and that less than half a million dollars' worth of that is foreign wool, and that a large portion of the fabrics which they make are shoddy and composed of cheap material, I do not doubt but that the present tariff rate is sufficient to afford them reasonable profits upon their business.

While there has been great anxiety on the other side to relieve this particular interest, they have to-day voted down various propositions that have been made here for the relief of the great body of the people. One was the proposition offered by the Senator from Missouri [Mr. VEST] to take a certain amount of duty off salt, which enters into every-day life. Yet that was voted down in the face of the fact that the New England fishing interests are absolutely exempted from the payment of any tax whatever upon salt.

Is there any justice in that kind of legislation? Shall one particular section of the country be exempt from the payment of taxes upon an article which everybody else must pay a tax upon?

I want this to go out before the country. I want the people of this country to understand that on this side of the Chamber we have been endeavoring to reduce their burdens, while we have been met by the party controlling the legislation of the country with a positive refusal upon every such proposition.

The Senator from Georgia, [Mr. BROWN,] who has voted with the other side, avers his willingness to vote for a proper reduction upon all the tariff equally. I say to the Senator from Georgia that if he waits until the hour arrives when there will be a general revision of the whole subject, he will wait until he is in his grave.

What is the policy of the protectionist? They cry out, "We will not fight the tariff in detail," and they combine their interests against reducing the tariff in detail from any particular interest, yet when you make an attempt at a general revision of the tariff there is such potency of influence in favor of protection in the country by a combination as to defeat any general legislation. If I had the voice to-day to speak to the entire American people, I would send them the message of despair from any relief which they can hope for from this Congress and the majority controlling the legislation of this country. They will never get it world without end. When we propose to take it off one article, "No," say these gentlemen, (and I am sorry that the Senator from Georgia joins in that effort,) "we will not take it off in detail, but we will wait until there can be a general revision of the tariff."

Mr. BROWN. Will the Senator permit me to interrupt him?

Mr. SAULSBURY. Certainly.

Mr. BROWN. I have given the reasons for my course here, which are entirely satisfactory to me, and I have no doubt they will be to my constituents. As to the time when the tariff can be modified, it will be done whenever a majority of the people of the United States desire it, for they will send representatives here who will be instructed to do it. Until the majority of the people desire it it cannot be done. It is said it was not done in the four years the Democracy were in power because the Committee of Ways and Means I believe would not permit it in the House. The people have this thing in

their own hands every two years. They have the power whenever they determine upon a course to have it carried out. My hope is that they will elect a Congress the next time that will make the necessary readjustment and modification of the tariff, but until the majority of the people desire it and elect representatives who are in favor of it I shall not expect to see it done.

Mr. SAULSBURY. I have no doubt the reasons stated by the Senator from Georgia are perfectly satisfactory to himself; and I have no doubt they are as honestly entertained as they are honestly expressed. At the same time, while he may entertain those views honestly and express them candidly, from what I have seen since I have been a member of this body, eleven years, I think if we shall wait until there is a general revision of the tariff before we take the duty off of those things that are admitted to be too high we shall have to wait until our heads will all, I fear, be under the sod. When a proposition is made to reduce the duty on salt, that article which enters into everybody's life, which is as necessary for the poorest man in this country as it is for the richest man, which is absolutely an essential of life, without which we cannot live, that proposition is voted down in the face of the American people.

What hope can the American people entertain from this Congress and the party controlling the legislation that they will have any relief whatever in any respect? So, too, when we propose for the purpose of expediting matters a general revision and modification of the tariff by taking off the 10 per cent. additional duty that was levied in 1875, we are met with opposition and we cannot secure that.

Therefore I say now and here that I never expect to see much revision of the tariff unless the people throughout this land rise in their majesty and demand it. I want to emphasize it so far as my feeble voice can do it, in order to call attention throughout the country to the fact, so that the people may come up in the majesty of their strength and take possession of these Halls through members that they send here who will meet their just demands. I shall be sorry to see my associates, with all of whom I have the most pleasant relations, leave these Halls; I would be glad to see them turn from the error of their ways; but I say to them frankly that if they will not obey the high behests of the American people they ought to give way, and we all ought to give way who will not do it, and take our positions in the ranks, and let men come here who will represent faithfully the constituency that sends them.

I know that the great body of the people want relief from taxation. Look at this little bill to relieve the manufacturers of knit goods. Does that affect the people? I can imagine that I see now some poor family wanting to clothe their children, to give them mitts that they may go to school, leggins for the little children, socks for the little baby, and undershirts for the father, who has worked and toiled and labored for the support of his family. I see them going with their little gatherings and paying tribute to these men, as is to be put on to-day by this legislation, far beyond what is necessary for their protection, in order that the manufacturers may grow rich, while the poor people of the country, who must have these knit goods as well as other people, are compelled out of their scanty earnings to pay 50 and 60 per cent. more than the cost of the goods and more than their actual worth because of the protection that it is proposed now to put upon them.

I want to emphasize, so far as I am able to do it, this fact, so that the people of the country may understand that they can expect no relief whatever from those now controlling the legislation of this country.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. ALDRICH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BAYARD. I merely wish to say that I have comprehended from the first the very disadvantageous position in which this class of manufactures have stood, and I have regretted it. The reason, I suppose, why the Senate will not amend the bill sufficiently to describe the section of the Revised Statutes to be affected is that they have waited until the very end of the session when it is doubtful whether there is a quorum of the other House to act upon the bill in case the Senate should amend it, however formally.

I think it is a question of doubt whether if the bill is passed in its present shape amending "section 25" it can ever be held in a court of justice to amend section 2504. The fault of that lies in the haste with which this bill was hurried through the other House. If the bill should fail to become an effective law, and to produce the relief to these manufacturers that was intended, it will have been, in my opinion, because it has not been dealt with as it should have been.

The bill should have been introduced in the other House early, and deliberately passed upon and considered and brought here and voted upon, for which there was plenty of time; but there has been a good deal of finesse in the manner in which the bill originally appeared in the Senate, and then disappeared from the Senate, and then came back from the House in what I fear is to be an imperfect shape.

I have proposed amendments to the bill intended to give substantial and abundant relief to a class of manufacturers who are unfortunately placed in the position they are by the obscurities and complications of the present tariff. I have endeavored to give them relief that should increase the duty upon this manufacture to 50 per

cent. ad valorem, and coupled with that a reduction of the duty upon the raw material to 25 per cent. ad valorem. I believe it not only was fair to this class of manufactures, but it was fair to all woolen manufactures, and would not be injurious to the wool-growers.

The Senate have, however, decided that they will not reduce the tax on the raw material, and they will not reduce the tax upon manufactured woollens even to make it 60 per cent. ad valorem. The question with me is shall I assist in keeping this class of manufactures at a disadvantage with others. I am unwilling to do it. Therefore it is that having endeavored to make this bill a just and fair bill to the business of the country, I shall not oppose it by my vote, but shall vote for it.

Mr. HAWLEY. I desire to make a simple correction of a fact in what the Senator has said. I am afraid he is misled by the number of this bill, and thinks it was introduced late in the session. It was introduced very early in December or the 1st of January. It would have been, I am sure, passed the first day of the session last December except that a motion was pending before the Supreme Court to reopen the argument, and that was not decided finally and not made known until May 8. The friends of the measure, either in the middle of December or the 1st of January, introduced a bill which went to the Ways and Means Committee, and which bill now is on the Calendar of the House, but the bill that comes here is a new one and was passed by a vote of more than two-thirds of the House in its favor. That is the reason of its high number.

Mr. BAYARD. I merely wish to say that the friends of this bill have allowed it to stand till the very verge of an adjournment, or what may be the verge of an adjournment at least, certainly until a time when it is doubtful if a quorum of the other House can be obtained, so that no amendment to the bill correcting it so as to apply to the exact section it proposes to amend can be made.

Mr. HAWLEY. It is not worth while; but it would be easy to give the general history of the efforts of the friends of this measure to get it through the House, and when they did get it to a vote it went through by a two-thirds vote.

Mr. BAYARD. You see where it stands. You have a bill now which will appear, should it become a law, upon the statute-book a bill to amend section 25 of the Revised Statutes, and whether under that a court would say that you have amended section 2504 is a very doubtful question.

There is a proposition to amend the title of the bill which ought to have been made, and made in some respect possibly to remedy the defect which the text of the bill contains. It is called a bill to correct an error in the section. The Senator from Connecticut must admit that there is no error in that section; the word that is now sought to be interpolated never was in it; it never was in the law; the history of the law proves it. Therefore if your legislation is to be in accordance with the truth of history it should be a bill to amend a section, to amend the tariff laws.

Here we see the effect of the tariff, and we see the effect of a concentrated organization. Not a consumer of these articles, not one of the millions who use them, has been heard or can be heard; but we have seen, when the reduction of taxes was upon the lips of the dominant party in this Chamber, the bill that they have brought forward, the bill that they have given precedence to is a bill that doubles the tax upon an essential and important article of the clothing of every laboring man in this country.

Mr. CALL. Mr. President, I do not propose to make a speech upon this bill, but I simply wish to call attention to the fact that a bill of this character ought not to be passed without more deliberation than this bill has had.

This bill proposes to enact in the form of law that about \$60,000,000 shall be paid by the laboring classes of the United States to a small number of persons, to an industry of the country, perhaps a meritorious one, but practically a very small portion of the industrial interests of the United States and represented by comparatively a very small part of the population. I should be very glad, if the facts justified it, to accord that interest in the country an abundant relief; but a bill that proposes, in plain terms, to impose \$60,000,000 upon the people of the United States for that which they now pay \$28,000,000 for ought not to be passed without the most serious deliberation.

It is not demanded under any of the proper principles of the protective system, nor any just argument based upon a system of taxation. The proposition, naked as it is, without some further investigation showing the necessity for a remuneration upon those people and the extent of that remuneration, should not be adopted measuring the taxation of the people by \$60,000,000 in place of \$28,000,000 now existing, and imposing that tribute not by adjustment upon the capital and the income property of the country but imposing that \$60,000,000 upon the ill-earned, the poorly paid laboring people of this country. I for one object to the passage of a bill of this character under these circumstances.

Mr. MORGAN. I wish to inquire as a matter of fact, have the words in Italics in this bill in line 5, page 1, the words "hundred and four," been stricken out.

Mr. MORRILL. They have been non-concurred in.

The PRESIDENT *pro tempore*. That amendment was non-concurred in.

Mr. MORGAN. My attention was called to it by the remarks of the Senator from Delaware, [Mr. BAYARD,] who says that we are passing a bill here to amend section 25, and not the section into which Mr. Boutwell by some misfortune, if it was a misfortune, introduced the words which have been complained of. So we are engaged now in an amendment of a section of the Revised Statutes that has no relevancy at all to the subject in hand.

I suppose it is expected that the Secretary of the Treasury will take this hint from the Senate and construe section 2504 in accordance with an opinion of the Senate expressed about section 25. If the Senators on that side wish to give actual relief to the people, they will retain the words reported by the committee, so that the bill shall read "section 2504 of the Revised Statutes;" but if they want to go before the country on a cheap proposition and deceive somebody, they will leave out the words "hundred and four," and say, "After all we have not increased this tax; the people cannot get the advantage of it; we were merely toying with the Senate; we were not in earnest about it."

Mr. COCKRELL. Will the Senator from Alabama permit me to read section 25 of the Revised Statutes, which we are going to amend by this bill?

Mr. MORGAN. With pleasure, because I want to hear it.

Mr. COCKRELL. Section 25 of the Revised Statutes, referred to in the bill and which is about to be amended by the passage of it, read thus:

SEC. 25. The Tuesday next after the first Monday in November, in the year 1876, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the 4th day of March next thereafter.

Mr. MORGAN. The bill is a very happy amendment to that section, because of course this measure as the Senate propose to pass it relates only to the question of elections, not to the question of giving the persons who are engaged in this industry some additional benefit in accordance with what the old law was supposed to be. That is a most happy conjuncture, fallen upon, I suppose, by accident, but none the less happy.

The Senate of the United States are engaged in a proposition amending "section 25," and they are actually afraid to amend their own bill so as to make it read "section 2504," lest the House of Representatives, in which they have got a majority, might not after all be willing to pass the bill.

We are in a very unfortunate attitude this afternoon. This is supposed to be a very august body, a body of very great experience, illustrious men selected from the States for their ability, for their care of public affairs, for their impartiality, for the soundness of their judgment; but for the purpose of making a little political capital, and it can be for no other purpose, the Senate is now engaged in passing an amendment of a wrong section of the Revised Statutes, knowing that it is a wrong section.

Do they suppose that a Secretary of the Treasury of such eminent ability as Judge Folger, who is a man who recommends himself to the whole people of this country as a man of eminence and of purity of character, would interpret the body of a statute by the title of the act, and when he found the title of the act to be section 2504 of the Revised Statutes that was proposed to be amended, and found in the body of it that it was section 25 that was actually amended, he would read the law by its title and not by its body? If he could do such a thing as that hereafter he would be without excuse, for his attention is now sharply drawn to the fact that the Senate of the United States refuses to put into the body of the statute the words "hundred and four," and leaves to him the duty and responsibility of deciding the meaning of the statute, not according to what we put into it, but against what we refuse to put into it by the title of the act.

The men in the Northern States who are demanding this increase of the tariff duty upon knit goods will find themselves deprived of the supposed advantages of this legislation from the fact that the Senate of the United States have not the courage against what they suppose to be a political tide of opinion to stop long enough to put in the words reported by the Committee on Finance so as to make the relief that we are now giving more than a mockery, for if there is honesty in the decisions in this country, if there is judicial fairness and integrity in the decisions made by the Secretary of the Treasury in the interpretation of this law, then this act that we are passing now is a dead failure and intended to be so. The haste with which it is put through, the determination to have some expression of mere opinion which shall not amount to anything when you come to construe the law, only indicates the purpose of the act, that after all this, with other subjects connected with this great matter of revenue reform and tariff reform, is used as a mere pawn upon the board by politicians, as I think, to deceive and betray the people.

Mr. MORRILL. I am entirely willing to leave the interpretation of this act to the eminent jurist who now presides as Secretary of the Treasury. "That the paragraph beginning with the words 'Clothing, ready-made and wearing apparel,' under Schedule M," is the way it reads, and the title explicitly names the section.

Mr. COCKRELL. Yes, Mr. President, but it is "Schedule M of

section 25." There is no such section. This bill is upon its face a patent fraud.

Mr. MORRILL. We will take the risk of it.

Mr. COCKRELL. There is such a section as 25, but it does not refer to this subject. The intention is to pass a bill a fraud upon its face, and force the Secretary of the Treasury to override the language of the bill and construe it in a different way; and what is the object of it? Why is it? You have got a Republican House of Representatives. They are still in session transacting business. Are you afraid to trust them? Are you afraid to make a law honest and fair and just upon its face?

Mr. HARRIS. And to carry out the recommendation of the Committee on Finance.

Mr. COCKRELL. And carry out the recommendation of the distinguished Senator from Vermont, who moved this amendment, backed by the distinguished ex-Secretary of the Treasury, now the Senator from Ohio. The great Finance Committee of the Senate, the great financiers of the United States, came in here and solemnly told us on the 11th of July, 1882, that this bill must be amended to mean something, must be amended to refer to section 2504, and to amend a certain portion of Schedule M under that, and then we have here in less than a month the same committee coming into the Senate and backing down from its own proposition and asking the Senate to vote for a farce and a fraud.

Mr. MORGAN. I believe the Senator from Vermont said he would take the risk. What risk does he take?

Mr. SHERMAN. There is no risk about it.

Mr. HARRIS. The bill is now in the Senate and open to amendment. The PRESIDENT *pro tempore*. No, sir; the question is on the passage of the bill.

Mr. HARRIS. I had desired to amend it as the Committee on Finance recommended that the bill should be amended.

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. MORGAN. I felt curious to know what risk it was that the honorable Senator from Vermont was willing to take. The Senator has no reply to make. The chairman of the Committee on Finance has no instruction to give to the Senate.

Mr. MORRILL. The Senator from Missouri talked as though this was to be null and void, and the Senator from Alabama did. I said we would take the risk.

Mr. MORGAN. Of what?

Mr. MORRILL. Of its being null and void and of no effect.

Mr. MORGAN. I had not thought that a Senator, especially the chairman of the Finance Committee, would introduce risks into legislation of such great importance as this. I think we ought to have certainty in our legislation, something definite. The honorable Senator enters into a lottery this afternoon, and proposes to take the risk, I suppose to bet money on the political effect of this bill.

What else can it be but that risk? The Senate of the United States led by its greatest committee, as I believe it is conceded to be, taking risks upon a question like this! Well, sir, I will take no risk about it. I will not vote for a bill that on its face manifestly is intended to deceive the country and that must deceive the men whom we profess to protect and to aid by this measure, unless we can find some Secretary of the Treasury or some court who will construe the meaning of a bill contrary to the expressions within its body and according to its title. The Government of the United States has not, I hope, come to that poor condition that the administration of the laws for a great people depends upon the power of the judge or of a Secretary of the Treasury to guess at the concealed wish of the majority. I hope, sir, we have not come to the condition of putting up and staking the interests and welfare of this country upon the hazardous chances of the risk that the Senator from Vermont proposes to take. I have always supposed that that honorable Senator would take no risk that put the people in jeopardy. Now, sir, it appears that he is willing to take any risk in order to advance the interests of his party.

The Principal Legislative Clerk proceeded to call the roll.

Mr. HALE, (when Mr. FRYE's name was called.) My colleague [Mr. FRYE] is paired with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. LAPHAM, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.] If he were here, I should vote "yea."

Mr. MILLER, of New York, (when his name was called.) I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, I should vote "yea."

Mr. PLUMB, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. JACKSON.] If he were present, I should vote "yea."

The roll-call was concluded.

Mr. HARRIS. My colleague [Mr. JACKSON] is paired as announced by the Senator from Kansas, [Mr. PLUMB.] If present, my colleague would vote "nay" on this proposition.

Mr. GEORGE. I desire to state that my colleague [Mr. LAMAR] is absent on account of severe illness in his family, having a pair with the Senator from Louisiana, [Mr. KELLOGG.] If my colleague were present, I have no doubt he would vote "nay."

Mr. VAN WYCK. I desire to announce that I am paired with the Senator from Oregon, [Mr. GROVER.]

The result was announced—yeas 33, nays 15; as follows:

| YEAS—33. | | | |
|------------------|--------------------|------------------|------------|
| Aldrich, | Conger, | Hoar, | Morrill, |
| Allison, | Davis of Illinois, | Ingalls, | Pendleton, |
| Anthony, | Davis of W. Va., | Jones, | Platt, |
| Bayard, | Dawes, | Jones of Nevada, | Rollins, |
| Blair, | Ferry, | Logan, | Saunders, |
| Brown, | Gorman, | McDill, | Sawyer, |
| Cameron of Pa., | Hale, | McMillan, | Sewell, |
| Cameron of Wis., | Harrison, | Mahone, | Sherman, |
| Chilcott, | Hawley, | Miller of Cal., | Windom, |
| NAYS—15. | | | |
| Butler, | Farley, | Maxey, | Vest, |
| Call, | George, | Morgan, | Walker, |
| Cockrell, | Hampton, | Pugh, | Williams, |
| Coke, | Harris, | Saulsbury, | |
| ABSENT—25. | | | |
| Beck, | Grover, | Lamar, | Slater, |
| Camden, | Hill of Colorado, | Lapham, | Vance, |
| Edmunds, | Hill of Georgia, | McPherson, | Van Wyck, |
| Fair, | Jackson, | Miller of N. Y., | Voorhees, |
| Frye, | Johnston, | Mitchell, | |
| Garland, | Jones of Florida, | Plumb, | |
| Groome, | Kellogg, | Ransom, | |

So the bill was passed.

The PRESIDENT *pro tempore*. The question now is on the amendment reported to the title of the bill.

Mr. MORRILL. I do not ask for any amendment of the title.

The PRESIDENT *pro tempore*. But it is reported from the committee and the vote has to be taken.

Mr. MORGAN. I ask for the question on the amendment.

Mr. MORRILL. I ask to have the amendment non-concurred in.

Mr. MORGAN. I move that the title be amended by striking out "hundred and four," so as to correspond with the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on Finance, to amend the title so as to read: "A bill to amend section 2504 of the Revised Statutes of the United States."

Mr. SHERMAN. I hope the title will stand as it came from the House. Then all this talk about the description of the section will be obviated.

Mr. COCKRELL. I did not understand the reason the Senator from Ohio gave for wanting a false title to be at the head of the bill.

Mr. SHERMAN. I say that I think the title of the bill as sent by the House is a very good title, giving the correct number of the section amended, and is the proper title to be kept.

Mr. COCKRELL. How did the Finance Committee come, then, to report that it was not the true title and the Senator from Ohio to join with them in asking for a different title?

Mr. SHERMAN. I will let my friend answer that question for himself. I say the title is true and right. I hope, therefore, the amendment of the committee will be disagreed to.

Mr. SEWELL. I ask that the title of the bill be read.

The PRESIDENT *pro tempore*. The title of the bill will be read.

The ACTING SECRETARY. "A bill to correct an error in section 2504 of the Revised Statutes of the United States."

The amendment reported is to make the title read:

"A bill to amend section 2504 of the Revised Statutes of the United States."

Mr. BAYARD. That was reported by the committee.

Mr. COCKRELL. That was reported by the committee of which the distinguished Senator from Ohio was a distinguished member.

Mr. SAULSBURY. How will it read if the amendment is non-concurred in?

The PRESIDENT *pro tempore*. It will read: "A bill to correct an error in section 2504 of the Revised Statutes of the United States." The question is on the amendment of the title reported by the Committee on Finance.

Mr. HARRIS. Should not the title indicate the body of the bill, the meaning of the bill, and the subject-matter of the bill? The bill proposes to amend "section 25 of the Revised Statutes."

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Finance to the title of the bill.

Mr. COCKRELL. I move to amend the amendment by striking out the words "hundred and four," so as to correspond with the body of the bill. It will then be to amend "section 25," to correspond with the body of the bill.

Mr. SEWELL. I move that the Senate adopt the title as it appears in the House bill.

Mr. MORRILL. We reach that by voting down the amendment. The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

Mr. COCKRELL. If we vote down the amendment I have offered and then vote down the amendment of the committee the title remains as it came from the House, so that there is no occasion for making a substitute of it.

Mr. SHERMAN. That is exactly what we propose to do.

Mr. COCKRELL. What I wanted was simply that it might not be a farce and a fraud upon the country, and that the Senate of the United States might not say in the body of a law that they were amending section 25 of the Revised Statutes and then in the title say they were amending section 2504.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri to the amendment of the committee.

Mr. RANSOM. Before this vote is taken I should like to state that in company with my friend from Indiana [Mr. VOORHEES] I was called suddenly from the Chamber while the Senator from Alabama was addressing the Senate, and that we expected to be back and did not think about the vote being taken so quickly and did not vote. I should have voted against the bill if I had been here.

Mr. VOORHEES. The Senator from North Carolina is correct. I would have voted against the bill if present.

The question being put, a call for the yeas and nays was made.

The PRESIDENT *pro tempore*. Does the Senator from Missouri call for the yeas and nays?

Mr. COCKRELL. I see the disposition of our good friends to perpetrate this fraud, and they will be responsible for it, and I will let it go. The amendment of the Committee on Finance is their amendment. We want a vote; we want to sustain it.

Mr. BAYARD. I withdraw the call for the yeas and nays on the amendment. I made the call.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. COCKRELL] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Finance.

Mr. COCKRELL. I want the yeas and nays on that.

The yeas and nays were ordered and taken.

Mr. BECK. I have been absent on a conference committee, paired with the Senator from Maine, [Mr. HALE.]

Mr. HALE. I voted knowing that the Senator was near the Chamber, and if he had not come in I should have withdrawn my vote.

Mr. BECK. I have not been here as I have been in conference committee all day on the sundry civil bill. I was paired with the Senator from Maine, [Mr. HALE.]

Mr. MILLER, of New York. I am paired with the Senator from Maryland, [Mr. GROOME.] If he were here, I should vote "nay."

The result was announced—yeas 22, nays 29; as follows:

| YEAS—22. | | | |
|------------------|--------------------|------------------|-----------|
| Bayard, | Davis of West Va., | Jones, | Vest, |
| Beck, | Farley, | Maxey, | Voorhees, |
| Butler, | George, | Morgan, | Walker, |
| Call, | Gorman, | Pugh, | Williams, |
| Cockrell, | Hampton, | Ransom, | |
| Coke, | Harris, | Saulsbury, | |
| NAYS—29. | | | |
| Aldrich, | Davis of Illinois, | Jones of Nevada, | Rollins, |
| Allison, | Dawes, | Logan, | Saunders, |
| Anthony, | Ferry, | McDill, | Sewell, |
| Blair, | Hale, | McMillan, | Sherman, |
| Brown, | Harrison, | Mahone, | Windom, |
| Cameron of Pa., | Hawley, | Miller of Cal., | |
| Cameron of Wis., | Hoar, | Morrill, | |
| Conger, | Ingalls, | Platt, | |
| ABSENT—25. | | | |
| Camden, | Grover, | Lamar, | Sawyer, |
| Chilcott, | Hill of Colorado, | Lapham, | Slater, |
| Edmunds, | Hill of Georgia, | McPherson, | Vance, |
| Fair, | Jackson, | Miller of N. Y., | Van Wyck, |
| Frye, | Johnston, | Mitchell, | |
| Garland, | Jones of Florida, | Pendleton, | |
| Groome, | Kellogg, | Plumb, | |

So the amendment was rejected.

Mr. MORGAN. Let the title be reported by the Secretary as it stands.

The PRESIDENT *pro tempore*. The title of the bill will stand as will be read.

The ACTING SECRETARY. A bill to correct an error in section 2504 of the Revised Statutes of the United States.

PROPERTY OF LITTLE SISTERS OF THE POOR.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia, and for the relief of the Little Sisters of the Poor, which was to strike out section 3.

Mr. BUTLER. I move that the Senate concur in the House amendment.

The motion was agreed to.

PRINTING OF LAND LAWS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws, which was, at the end of the Senate amendment, to insert the following proviso:

Provided, That the copies for the use of the Senate and House of Representatives shall be distributed by the Secretary of the Interior in the manner provided for the distribution of the reports of the Tenth Census, and that all copies not ordered to be distributed within two years after the passage of this act shall be sold by the Secretary of the Interior at cost of publication with 10 per cent. added thereto.

Mr. ANTHONY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

INTERNAL REVENUE AND TARIFF DUTIES.

Mr. MORRILL. I now move to take up the tax bill.

The PRESIDENT *pro tempore*. It is moved by the Senator from Vermont that the Senate proceed to the consideration of the revenue bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 5538) to reduce internal-revenue taxation.

Mr. VOORHEES. I am satisfied from the information which I have in regard to the conference committee on the sundry civil bill that we shall have no report on that to-night. Consequently there will be a legislative day on Monday. I hope the Senator from Vermont will not ask us to task ourselves by going on to-night with this bill.

The PRESIDENT *pro tempore*. The Chair would state that the Senator from Iowa [Mr. ALLISON] informed the Chair that the conferees would be ready by nine o'clock with the conference report on the sundry civil bill. The House has taken a recess.

Mr. INGALLS. It is very important that that report should be received to-night, because unless the bill can be acted on promptly it will be necessary to pass another joint resolution to provide for the expenses of the Government.

Mr. VOORHEES. I will withhold the motion I intended to make, which was for an adjournment.

Mr. BUTLER. Why not take a recess until nine o'clock?

Mr. VOORHEES. I hear the suggestion made of a recess.

Mr. BUTLER. I move that the Senate take a recess until nine o'clock.

Several SENATORS. Say eight.

Mr. SHERMAN. Probably by eight o'clock we should be able to do something.

Mr. PENDLETON. The House has taken a recess until eight. If we come together at nine it will be time enough to receive a message from them.

Mr. SHERMAN. The Senator from Michigan [Mr. FERRY] wants a formal bill passed.

Mr. VEST. Before the motion is put I should like to make a report from the Committee on Commerce.

Mr. SHERMAN. I submit a motion to take a recess until eight o'clock. That, being the shortest time, will be first put.

Mr. VEST. I ask unanimous consent to make a report from the Committee on Commerce.

Mr. SHERMAN. I have no objection.

SAINT LOUIS COLLECTION DISTRICT.

Mr. VEST. The Committee on Commerce direct me to report the bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, collection of duties on imports, without amendment, and I ask for its present consideration.

Mr. SHERMAN. I ask if that changes a collection district?

Mr. VEST. It simply adds "East Saint Louis," Illinois, to the port of Saint Louis.

Mr. SHERMAN. Is it recommended by the Secretary of the Treasury?

Mr. VEST. Yes, sir; I have his letter.

Mr. SHERMAN. I have no objection to it.

By unanimous consent, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FEES IN NEW MEXICO AND ARIZONA.

Mr. SHERMAN. Now I move a recess until eight o'clock.

Mr. LOGAN. Will not the Senator allow me to take up a bill? It is a mere amendment about a Territory and will not take a moment. I have been trying for a week to get it up. It will not take a minute.

Mr. SHERMAN. Let my motion be considered pending.

The PRESIDENT *pro tempore*. Of course.

Mr. LOGAN. I move to take up Senate bill No. 2002.

By unanimous consent, the bill (S. No. 2002) to extend the fees of certain officers over the Territories of New Mexico and Arizona was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in line 8, to strike out "over" and insert "to the Territories of New Mexico and Arizona;" and, in line 9, after the word "in," to strike out "the Territories of New Mexico and Arizona," and insert "such Territories;" so as to make the bill read:

That the act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, is extended to the Territories of New Mexico and Arizona, and shall apply to the fees of all officers in such Territories; but the district attorney shall not, by fees and salary together, receive more than \$3,500 per year; and all fees or moneys received by him above the said amount shall be paid into the Treasury of the United States.

The amendment was agreed to.

Mr. LOGAN. I move an amendment, to insert, in line 7, after the words "fifty-three," the words "and section 837 of the Revised Statutes of the United States."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. SHERMAN. Now I insist on my motion that the Senate take a recess until eight o'clock.

The motion was agreed to; and (at six o'clock and twenty-one minutes p. m.) the Senate took a recess until eight o'clock p. m.

EVENING SESSION.

The Senate resumed its session at eight o'clock p. m.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

Mr. LAPHAM. Mr. President, if in order I ask to take up the bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe. I will state that the opposition of the Senator from Nebraska [Mr. VAN WYCK] is withdrawn; and I am instructed by the Committee on Foreign Relations to accept the amendment offered by the Senator from Maine, [Mr. HALE,] to come in at the end of line 15 of section 2 instead of line 25. To that the Senator from Maine assents; so that all opposition to the passage of the bill so far as I am aware is withdrawn.

The PRESIDENT *pro tempore*. Is there objection to taking up the bill indicated by the Senator from New York?

Mr. COCKRELL. I should like to have the Senate counted to see how many Senators are present. I am in favor of the bill and will help to pass it, but seven Senators ought not to pass anything.

The PRESIDENT *pro tempore*. There are twelve present.

Mr. MORGAN. I hope the Senator from Missouri will not ask a call of the Senate, because there are a number of Senators about the building.

The PRESIDENT *pro tempore*. Objection being made that there is no quorum present, the Chair cannot entertain the motion of the Senator from New York.

Mr. LAPHAM. Then I shall ask to call it up as soon as there is a quorum here.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL and others. Oh, no.

The PRESIDENT *pro tempore*. The motion of the Senator from Kansas cannot be entertained unless there is a quorum present. No motion can be entertained except a motion to adjourn or for a call of the Senate.

Mr. MORGAN. I move a call of the Senate. If the Senator from Missouri will withdraw his objection to the consideration of the bill indicated by the Senator from New York I will waive my call, but we ought to have some business done.

Mr. COCKRELL. I think more Senators will be here very soon.

Mr. LOGAN. There will be soon a quorum here.

The PRESIDENT *pro tempore*. Does the Senator from Alabama insist on a call?

Mr. MORGAN. I understand that there is a quorum of the Senate in the rooms about the Chamber.

The PRESIDENT *pro tempore*. The call is withdrawn.

Mr. COCKRELL. Let the roll be called.

The Principal Legislative Clerk called the roll, and seventeen Senators answered to their names.

The PRESIDENT *pro tempore*. The Chair supposes there is no use to send for absentees, as they will be here before the Sergeant-at-Arms could find them.

Mr. PENDLETON. Senators are coming in all the time.

Mr. MORGAN. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. COCKRELL. I move to take a recess for fifteen minutes.

Mr. LAPHAM. Oh, no.

Mr. COCKRELL. I say frankly that it is useless to undertake to transact business without a constitutional quorum being present, and we had just as well take a recess. There will be no business done without a quorum.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri to take a further recess for a quarter of an hour.

Mr. LAPHAM. I hope not. I think there will be a quorum here in less time than that.

The motion was not agreed to.

Mr. FERRY. Is there not in the judgment of the Chair a quorum present?

The PRESIDENT *pro tempore*. The Secretary informs the Chair that there are thirty-two Senators present.

Mr. HARRIS. If the absentees are called, I think the call will show a quorum.

Mr. FERRY. I ask what is the state of business before the Senate?

The PRESIDENT *pro tempore*. The Senator from New York [Mr.

LAPHAM] made a motion to take up a particular bill. The Senator from Missouri [Mr. COCKRELL] objected, and said he would object until there was a quorum present.

Mr. LAPHAM. I think there is a quorum here now.

Mr. COCKRELL. Let the roll be called that we may see.

The PRESIDENT *pro tempore*. The roll will be called again.

The Principal Legislative Clerk called the roll, and thirty-nine Senators answered to their names.

The PRESIDENT *pro tempore*. A quorum is present, and the Senator from New York asks that the pending bill be laid aside while he submits a motion to the Senate.

Mr. LAPHAM. I ask to take up the bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe, reported from the Committee on Foreign Relations. I will state to the Senate that the Committee on Foreign Relations have instructed me to accept the amendment of the Senator from Maine, [Mr. HALE,] to come in at the end of line 15 instead of line 25, and he assents to that. This takes away all objection made to the bill. There is no opposition to it.

The PRESIDENT *pro tempore*. Is there objection to taking the bill up?

Mr. MORRILL. If it will not give rise to debate, I shall not object to its being taken up temporarily.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Maine will be read.

The ACTING SECRETARY. In section 2, line 15, after the word "word," it is proposed to insert:

And the rates charged upon said line for messages for individuals shall not exceed twenty cents for each word.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendments of the Committee on Foreign Relations will now be reported in their order.

The ACTING SECRETARY. The first amendment is, in section 1, line 13, to strike out the words "agreement as to rate" and insert "combination to establish rates;" so as to read:

And provided further, That no amalgamation, combination to establish rates, union, or sale of cable interests established under this act shall be made, &c.

The amendment was agreed to.

The ACTING SECRETARY. The next amendment is, in section 1, line 15, to strike out the word "existing;" so as to read:

Shall be made to any European or other cable companies.

The amendment was agreed to.

The next amendment was, after the word "companies," in section 1, line 16, to insert:

Nor shall there be any fictitious increase or watering of stock; and any violation of the provision of this section shall work a forfeiture of all rights thereunder.

The amendment was agreed to.

The next amendment was, in section 2, line 1, after "laid," to insert "shall;" so as to read:

That any telegraphic line or cable laid shall be subject to the following conditions, &c.

The amendment was agreed to.

The next amendment was, in section 2, line 9, after the word "whatever," to insert:

And in addition the United States Government shall have the right to the exclusive use of a wire at such time as they may require, not to exceed four hours out of every twenty-four, and at such rates as may be prescribed by the Secretary of State, but not to exceed twenty cents per word nor less than ten cents per word.

The amendment was agreed to.

The next amendment was, in section 2, line 18, to strike out "the most favored," before "nation," and insert "any other;" so as to read:

Secondly, Citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of any other nation.

The amendment was agreed to.

The next amendment was, in section 4, at the end of the bill, to add "including the right to fix rates by a general law;" so as to read:

That the right to alter, amend, or repeal this act at any time is hereby reserved to Congress, including the right to fix rates by a general law.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments of the Committee on Foreign Relations.

Mr. HARRIS. I ask that the bill be now read as amended.

The PRESIDENT *pro tempore*. The bill will be read as it has now been amended.

The Acting Secretary read as follows:

Be it enacted, &c., That Samuel L. M. Barlow and Orazio Lugo, of New York, and Albert G. Buzby, W. Mitchell McAllister, and John H. Colton, of Pennsylvania, their associates, successors, and assigns, shall have the right to construct, lay, land, and maintain a line or lines of telegraph or submarine cables on the Atlantic coast of the United States of America, to connect the American and European coasts by telegraphic lines, wires, or submarine cables: Provided, That said com-

pany shall begin to lay said cable or cables within two years from the passage of this act: And provided further, That no amalgamation, combination to establish rates, union, or sale of cable interests established under this act, shall be made to any European or other cable companies, nor shall there be any fictitious increase or watering of stock; and any violation of the provision of this section shall work a forfeiture of all rights thereunder.

SEC. 2. That any telegraphic line or cable laid shall be subject to the following conditions, stipulations, and reservations, to wit:

First. The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines, or cable or cables, as there may, by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever; and, in addition, the United States Government shall have the right to the exclusive use of a wire at such time or times as they may require, not to exceed four hours out of every twenty-four, and at such rates as may be prescribed by the Secretary of State, but not to exceed twenty cents per word nor less than ten cents per word; and the rates charged upon said line for messages for individuals shall not exceed twenty cents for each word.

Secondly. Citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of any other nation.

Thirdly. The transmission of dispatches shall be made in the following order: first, dispatches of state, under such regulations as may be agreed upon by the governments interested, the rates not to exceed those charged to individuals; secondly, dispatches on telegraphic service; and, thirdly, private dispatches.

Fourthly. The lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided.

Fifthly. Before extending and establishing any such line or lines, or cable or cables, in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the parties above named, or a majority of them, their associates, successors, or assigns, or by the company or corporation which may be organized to construct and operate cables under this act.

SEC. 3. That nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges herein contained.

SEC. 4. That the right to alter, amend, or repeal this act at any time is hereby reserved to Congress, including the right to fix rates by a general law.

Mr. HOAR. I ask the Secretary to read the last section but one. The Acting Secretary read as follows:

SEC. 3. That nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges herein contained.

Mr. HOAR. That is not good grammar. The Senator should correct that.

Mr. LAPHAM. I ask to insert after the word "privileges" in line 3, the words "to those," so as to read "similar privileges to those herein contained."

The PRESIDENT *pro tempore*. That modification will be made if there be no objection.

Mr. LOGAN. I see the term "watering of stock" is used. I should like to ask the Senator from New York whether there is any defined, well-understood meaning of that phrase.

Mr. LAPHAM. It is "any fictitious increase or watering of stock."

Mr. LOGAN. I understand; but that is very indefinite indeed. If it has no well-defined meaning, I merely suggest whether it would not be better to make it read "any fictitious increase of capital stock."

Mr. LAPHAM. There could be a legitimate increase. There could be an increase of stock if it is done by an actual increase of capital. The object is simply to prevent any increase of stock without capital.

Mr. LOGAN. That is exactly the point I want to get at. Why not strike out the words "watering of stock," and make it read that there shall be no "fictitious increase of capital?"

Mr. BROWN. I suggest to make it read "fictitious increase of stock dividends." That is the way it is usually done.

Mr. LOGAN. That is, by putting a dividend in and making out that it is a part of the capital?

Mr. BROWN. They declare that the dividends are 25 per cent. on the stock when there is no money. They increase the stock dividends by 25 per cent. without any money. That is usually termed "watering the stock."

Mr. LOGAN. I do not care to discuss it, but I want to have it so that all can understand it.

Mr. LAPHAM. The term "watering of stock" is very well understood, and, used here in connection with the words "fictitious increase," it clearly implies what is intended.

Mr. VAN WYCK. I suggest to Senators whether they might not increase the stock beyond the actual cost?

Mr. LAPHAM. That would not be, because the cost might be more than the stock.

Mr. VAN WYCK. In reply to the criticism which the Senator from Illinois suggests, inasmuch as the rates are limited by Congress, and in no event can they exceed twenty cents per word, it did not seem probably so important to give the other question much consideration. I considered that that was the great point to be gained, as I stated when I interposed an objection a few days ago to the consideration of the bill. I regard it as extremely fortunate that at this time there has been a recognition of the rights of the public and also a recognition of the obligation on the part of Congress to protect the rights of the public from what heretofore has been a grasping of corporations which they have created and organized.

The establishment of the rate in this bill I trust will be a precedent, whereby the question cannot be raised in future that it is not competent and proper for Congress when it organizes a corporation

of this or any kindred kind to protect the public in advance by establishing the rates of charges.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GEORGE. I wish to inquire whether the language suggested by the Senator from Illinois, in lieu of "watering of stock," has been inserted?

The PRESIDENT *pro tempore*. The Senator from Illinois did not move an amendment.

Mr. LOGAN. I merely made an inquiry as to the term whether it was well defined in its meaning. I do not think it is; but the Senator from New York seems to think the meaning is clearly expressed.

Mr. GEORGE. I think that is a slang phrase which ought not to be used in the statutes.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF CHARGE OF DESERTION.

Mr. LOGAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment No. 7, with an amendment as follows: Insert "six" instead of "twelve;" so that it will read "six months."

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 8.

JOHN A. LOGAN,
F. M. COCKRELL,
Managers on the part of the Senate.
W. H. CALKINS,
BENJ. BUTTERWORTH,
R. W. TOWNSHEND,
Managers on the part of the House.

Mr. PENDLETON. I ask the Senator from Illinois to explain the report. It is a matter of a great deal of interest to many people.

Mr. LOGAN. The amendments numbered 1, 2, 3, 4, 5, 6, and 8, were mainly mere verbal corrections. There is nothing of importance in those amendments. The only important change that there is in the bill is the change to six months instead of twelve months. The House passed the bill making it apply where a person had served in the Army three months. In the Senate we amended the bill and inserted twelve months in lieu of three. The committee of conference made a division of the time and fixed the period at six months. That is the only material change there is in the bill.

The report was concurred in.

POST-ROUTE BILL.

Mr. FERRY. I ask that the tax bill be temporarily laid aside, and that the bill (H. R. No. 5812) to establish post-routes be taken up for consideration.

The PRESIDENT *pro tempore*. Will the Senate agree to take up the bill indicated by the Senator from Michigan, commonly called the post-route bill?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. FERRY. As the bill has been in print for some time, I ask that so far as the text of the bill as it came from the House is concerned the reading of it be dispensed with, and that the amendments proposed by the Committee on Post-Offices and Post-Roads be read simply, in order to economize time. I think no Senator will desire to have the text of the bill read, as it has been lying on the tables of Senators for a long time.

The PRESIDENT *pro tempore*. Is there unanimous consent that the reading of the text of the bill shall be dispensed with? The Chair hears no objection.

The Acting Secretary proceeded to read the amendments reported by the Committee on Post-Offices and Post-Roads; which were to insert additional post-routes for various States and Territories and to correct the spelling of various names of places in the bill.

Amendments were added to the bill for various post-routes on the motion of Mr. CALL, Mr. GORMAN, Mr. SAUNDERS, Mr. MAXEY, Mr. BROWN, and Mr. SAULSBURY.

Several amendments for additional routes were agreed to on the motion of Mr. FERRY on behalf of the Committee on Post-Offices and Post-Roads.

Mr. FERRY. The committee has no more amendments to offer.

Mr. BECK. I offer an amendment to strike out all after the enacting clause and insert:

That the Postmaster-General is authorized to place upon the public highways established by the laws of the several States and Territories such mail service as in his judgment the public interest requires, and report to Congress such routes as he may establish or discontinue, in his annual report.

The Senator from Ohio [Mr. SHERMAN] some weeks ago, when the legislative, executive, and judicial bill was up, criticised with some severity and some injustice the unnecessary length of the laws we were passing; still he suggested, very properly as I thought, that we should endeavor to condense them into something like a reason-

able length. If there is any bill that annually comes before us that occupies unnecessary space upon our statutes it is this bill establishing post-routes from Goose Creek to Sleepy Hollow, and to and from all sorts of places that nobody knows about and cares less than he knows; and it does not place any service on any route after it is established. All that is left to the discretion of the Postmaster-General at last.

Whenever a railroad is established and chartered by the laws of the several States, mail service is placed upon it such as the good of the service requires. With the navigable rivers the same thing is done. Why not on the highways of the several States and Territories let the Postmaster-General establish such service as is necessary to the public interest? That is what he really does now. The bills we are passing are useless, because until the Postmaster-General thinks the public interest requires the establishment of mail service, there is no mail service placed upon any route that we name. There is no order given by this bill that he shall do anything on these routes. It simply says that if he thinks fit he may do it. Why not in a single line, or in a sentence of five lines, like the amendment which I have offered, authorize, wherever by the laws of the several States or Territories public highways are therein established, the Postmaster-General to use those public highways just as he uses railways, just as he uses the navigable rivers, and establish thereon such service as is shown to him upon examination that the public interest requires?

There can be no constitutional objection. I have heard it suggested once in a while that there might be some trouble if we did it in that way, but I do not see why we cannot do this in a general way just as well as by going through all this detail. The Committee on Post-Roads have very much of great importance to attend to, and it would certainly relieve them from great labor if the course I suggest were adopted. We are all annoyed, Senators and Representatives, by this matter of post-routes, and what do we do? We do not ask the Committee on Post-Offices and Post-Roads to give any intelligent consideration to the post-routes we present. I have had routes sent to me where I did not know the name of one town on the route, and I could not have told the Committee on Post-Offices and Post-Roads where there was such a place as Coon Creek, in such a county, in Kentucky, or Sleepy Hollow, in another, by way of Brown's Cross-Roads, or any other cross-roads, and they never asked. In the House the custom is just to go to the Clerk and file a route and it is put in the bill, and I believe that is the custom here, practically. The intelligent Committee on Post-Offices and Post-Roads, having an immense amount of work, requiring them to meet day by day, would be relieved of a great deal of labor if we just shortened up this matter and turned it over to the Postmaster-General and let him make a report to us of what he has done, let him make a report of the discontinuances; though I do not think even that is necessary.

If there is a bill that annoys members of the other House and members of the Senate and annoys the Committee on Post-Offices and Post-Roads and diverts their attention from other work, it is this bill that does nothing, facilitates nothing, and does not give the Postmaster-General any real authority, or certainly does not require him to do anything except what the public service requires.

I called attention to it a year ago and the chairman of the committee at that time said they would look into it. I now offer the proposition again. I do not care very much whether it is adopted or not, but I would ask the chairman of the Committee on Post-Offices and Post-Roads whether there is any serious objection to it; and if there is not it would save him and save all of us a great deal of labor if it can be done.

Mr. LOGAN. Does the amendment provide that all public highways shall be declared post-roads? Is that the amendment?

Mr. BECK. It is that all public highways established by the laws of the several States or Territories may have such service placed upon them by the Postmaster-General as the public interest requires.

Mr. LOGAN. I would suggest to the Senator, because it strikes me favorably, whether it would not be better to change his amendment and say that all the public highways shall be declared post-routes, and then that the Postmaster-General have the right to put service upon them.

Mr. BECK. That would be better language perhaps.

Mr. LOGAN. The Senator will remember that the Constitution gives us power to establish post-roads. If the Senator would add that to his proposition, I think it would be a good amendment.

Mr. BECK. I do not care to press it against the will of the Post-Office Committee; but the language suggested by the Senator from Illinois of course is the proper language.

Mr. FERRY. I suggest to the Senator from Kentucky that he withhold his amendment now inasmuch as this bill covers all the routes that members of the House and Senate desire to provide for at this time. If he will offer the proposition in the early part of next session the committee will be very glad to consider it, and perhaps there is a good deal of merit in it. At the same time I can see how it gives great latitude to the Postmaster-General, and may allow a great deal of service which is now shut out by specific routes established by the post-route bill.

I would suggest to the Senator from Kentucky that instead of offering it now to this bill, where it would be simply surplusage, as

the bill covers all that is necessary, he lay it before the committee, and they can consider it at the next session. I should not be prepared myself now to accept it in behalf of the committee, and I think perhaps it would not be prudent to accept it as an amendment to this bill.

Mr. MAXEY. There are several objections in the way of this amendment.

Mr. BECK. I should like to amend the amendment by incorporating the language of the Senator from Illinois, and declaring that public highways, established by the laws of the several States and Territories, are hereby declared post-routes, and the Postmaster-General is authorized to put service on them.

Mr. SAULSBURY. I desire to say a word in reference to the amendment offered by the Senator from Kentucky. Suppose Congress declares by an act that all the public highways of the several States and Territories are post-routes, could the States after that vacate any of those routes? They are established and declared by Congress to be post-routes. The question then might be raised whether the States could vacate those roads or change or alter those roads in any respect. Congress has power to establish post-offices and post-roads as it may see fit. It selects certain roads over which the mail shall be carried. I do not know now that it would be competent for the State authorities after that to vacate and change such a road. So I think the better plan is to limit the power of Congress over these roads in the several States; at least to give them no unnecessary authority over the public highways of the several States.

Mr. BECK. The Senator from Delaware must see, I think, that as to all the thousands of routes we establish by this bill the same difficulty may arise in regard to the States closing or changing them. I suppose there have been 100,000 established and changed by the States time and again. If we gave authority over what were at the time public highways, they could be changed by the laws of the States quite as well as when we designate them by name.

Mr. SAULSBURY. Still these bills do not cover one-tenth of the miles of public highway in the country.

Mr. BECK. For instance, we adjourn on the 4th of March next. Sometimes between March and December quite large communities grow up in the Territories and in places where there has been no established public highway by Congress or one named in these post-route acts, where it is quite important to place mail service. It is no uncommon thing in the period between March and December for a town of a thousand—indeed I saw one last year of over 2,000 grow up between the 1st of May and the 1st of September, when I saw it—

Mr. SAULSBURY. That is all provided for in a bill now reported from the Committee on Post-Offices and Post-Roads authorizing the Postmaster-General to continue an existing route to any other point in the same direction where there has been a new community springing up.

I only make the suggestion whether the proposed legislation will not place all your public highways in such a position as to create embarrassment. For instance, if a contractor under the Post-Office Department carries the mail over a certain specified road, a question may arise whether the State would have any right to close that road after it had been established by act of Congress as a post-route. I only threw out the suggestion.

Mr. JONES, of Florida. Surely that result cannot follow. I think there is a very great distinction between establishing a post-road and a post-route. The General Government undoubtedly has authority to establish and create a post-route, which plainly indicates the course and direction the mails shall go from one point to another; but that gives no authority, in my opinion, to the General Government over the roads which may have been created by the local authorities. The Government itself has claimed and has exercised the power to establish a post-road and to make one.

Mr. SAULSBURY. What is the difference between a post-route and a post-road?

Mr. JONES, of Florida. A post-route is merely indicative of the point, the locality, while the road is entirely distinct from that.

Mr. SAULSBURY. The proper construction may be that it shall be a particular line of road. I take for granted that when the Postmaster-General enters into a contract on a specified route it is for service on a road already existing.

Mr. JONES, of Florida. We have a law in the statute-book that all railroads throughout the Union are all post-roads, but that gives no authority whatever to the General Government over them.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky, [Mr. BECK.]

Mr. FERRY. I hope it will be voted down. The committee have not considered it. Let it be referred to the committee, and the committee will consider it and report at the next session.

Mr. MAXEY. I hope the Senate will vote down the amendment. The question has been before the Supreme Court, and on a former occasion when the Senator from Kentucky offered the same amendment, I put on record some very important decisions of that court. There are serious questions about this matter; for example the point made by the Senator from Florida. Suppose a State under State law erects a toll-gate over a post-road, can the State authorities stop the mails? There are many questions that it is necessary to look into;

and I think the wise thing for us to do is to follow the course that has been pursued since the foundation of the Government. This amendment is a total departure from the entire practice. Is it wise to do this? I doubt it very much. I should prefer looking into it.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

Mr. BECK. Let it be read as modified.

The Acting Secretary read as follows:

That public highways established by the several States and Territories are hereby declared post-routes; and the Postmaster-General is authorized to place mail service upon such routes as in his judgment the public interest requires, and report to Congress such routes as he may establish or discontinue, in his annual report.

Mr. FERRY. I desire to call the Senator's attention to one feature: if this amendment is adopted, then the post-routes are fixed by the highways. In the other case the terminal points are fixed simply, and it gives the Postmaster-General discretion to change laterally one way or the other so as to accommodate the towns that are springing up and according to the demands of the growing population. If you fix it upon the highways, there can be no change whatever. So that after all this method meets the demands of the people much better than if you fix it on the highways.

Mr. BECK. As the Senator from Texas and the chairman of the committee seem to have trouble about it, if they will allow me to withdraw the amendment and refer the question to the committee to inquire into the propriety of bringing in a bill to that effect, I will withdraw it as an amendment and refer it to the Committee on Post-Offices and Post-Roads for their consideration.

The PRESIDENT *pro tempore*. The amendment will be withdrawn and the proposition it contains be referred to the Committee on Post-Offices and Post-Roads.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

ORDER OF BUSINESS.

Mr. CALL. I ask—

Mr. MORRILL. I now call up the tax bill.

Mr. ALLISON. Pending that—

Mr. CALL. I have the floor.

The PRESIDENT *pro tempore*. The Senator from Vermont calls up the tax bill.

Mr. MORGAN. I move that the Senate proceed to the consideration of executive business.

Mr. CALL. I thought I had the floor to make a motion.

The PRESIDENT *pro tempore*. But the tax bill is the unfinished business.

Mr. VOORHEES. But the Senator from Florida had not stated what he wanted.

Mr. CALL. The objection was made before I had made my statement. I move to postpone the pending order in order to allow me to have a bill passed, which will take but a moment, and to which there is no objection whatever. It is a bill granting the right of way over a military reservation of the United States, and for the want of this legislation the railroad is stopped in its construction at very great cost.

Mr. ALLISON. I desire to submit the conference report on the sundry civil bill.

Mr. CALL. I ask that my motion may be heard. I have the floor.

The PRESIDENT *pro tempore*. When the Senator from Florida abandons the floor the Chair will recognize the Senator from Iowa. Mr. JONES, of Florida. This is a matter to which there can be no possible objection.

Mr. ALLISON. I do not object to the Senator from Florida getting up his bill; but here is the sundry civil bill, a very long bill. It must be passed and signed before Monday morning, or another joint resolution extending the appropriations will have to be passed; and in order to have it ready for signature on Monday it ought to be in the hands of the enrolling clerks at an early hour.

Mr. CALL. I yield for that.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ALLISON. The committee of conference on the sundry civil bill have instructed me to submit a report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6716) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 6, 8, 34, 42, 45, 51, 52, 56, 57, 58, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 95, 96, 98, 105, 111, 112, 115, 136, 137, 138, 139, 143, 144, 146, 152, 159, 171, 180, 189, 198, 201, 223, 228, 230, 232, 233, 235, 243, 244, and 246.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 26, 32, 33, 35, 37, 38, 39, 40, 43, 44, 46, 47, 48, 49, 50, 53, 54, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 97, 98, 99, 100, 101, 102, 103, 107, 110, 113, 114, 115, 119, 120, 126, 127, 129, 134, 140, 141, 147, 148, 150, 153, 154, 157, 158, 160, 161, 162, 166, 169, 172, 176, 179, 181, 182, 183, 184, 185, 186, 187, 188, 192, 193, 194, 195, 196, 197, 199, 202, 203, 204, 205, 206, 207, 210, 211, 214, 215, 216, 217, 219, 221, 222, 224, 225, 226, 227, 229, 231, 237, 239, 241, and 242, and agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$100;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted, and strike out in line 1, page 21 of the bill, the words "twenty-five" and insert in lieu thereof "fifty;" and the Senate agree to the same.

Amendment numbered 104: That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 104, and agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$280,000;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "roadways," in line 3 of said amendment; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: Strike out the word proposed to be inserted, and also strike out all of the amended paragraph; and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: Strike out of the matter proposed to be inserted the following: "under authority of law;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and add at the end of the amendment the following: "in full satisfaction thereof;" and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And the cession by the State of Rhode Island to the United States of said island for use as a 'naval training station' is hereby accepted;" and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In line 6 of said amendment strike out all after the word "retired," down to and including the word "to," in line 7, and in line 10 strike out the word "which," and at the end of said amendment insert the following: "Provided further, That the total cost of said building shall not exceed the sum of \$400,000;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000;" and the Senate agree to the same.

Amendment numbered 178: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed by said Senate amendment insert \$10,000; and the House agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "Provided, That no binding shall be done at the Government Printing Office for Senators, Representatives, or Delegates in Congress except that there may be bound for each Senator, Representative, or Delegate one copy of each book or document issued by order of Congress, but this provision shall not allow any binding as aforesaid to be done of books or documents issued by authority of and during any former Congress;" and the Senate agree to the same.

Amendments numbered 212 and 213: That the House recede from its disagreement to the amendments of the Senate numbered 212 and 213, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted and insert in lieu thereof as follows: "To supply district judges, district attorneys, and clerks of the United States courts who have not already received the same, with the Revised Statutes of the United States and the annual statutes published since the first revision, a sufficient sum of money is hereby appropriated: *Provided*, That all statutes heretofore or hereafter furnished by the United States to district judges, district attorneys, and clerks of the United States courts, under this or any other law, shall not become the property of these officers, but on the expiration of their official term shall be by them turned over and delivered to their respective successors in office; and the following provision in the 'Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes,' approved March 3, 1881, namely,

"To supply district judges and district attorneys, who have not already received the same, with the reports of the Supreme Court and Statutes at Large of the United States, and also to furnish complete sets of the same, where there are none, to such points where United States courts are authorized to be held and to supply broken sets where there are missing volumes, a sufficient sum of money is hereby appropriated," be, and the same is hereby, repealed."

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "To enable the Commissioner of Agriculture to pay Dr. John L. Hays for preparing pamphlet on the husbandry of the Angora goat, in conformity with the provisions of the joint resolution approved July 1, 1882, \$500; and the said pamphlet shall be printed at the Government Printing Office and paid for out of the appropriation for the Department of Agriculture;" and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with amend-

ments as follows: Insert after said amendment as independent paragraphs, as follows:

"To pay James C. Courts, assistant clerk of the Committee on Appropriations of the House for extra services, \$500.

"To pay Charles Carter for cleaning extra room of the House Committee on Appropriations, \$60.

"To pay William H. Smith for services as assistant in the Library of the House of Representatives the difference between the pay of messenger and that of assistant from July 1, 1876, to December 12, 1881, \$752.08.

"To pay Hon. ROBERT SMALLS for salary and mileage for the fiscal year ending June 30, 1882, \$6,927.60."

And the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: Insert after the word "the," where it occurs the second time in line 5 of said amendment, the following: "First session of the;" and the Senate agree to the same.

W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.
FRANK HISCOCK,
BENJ. BUTTERWORTH,
J. C. S. BLACKBURN,
Managers on the part of the House.

Mr. ALLISON. This is the last of the regular appropriation bills, and it is perhaps fitting that I should explain to the Senate the general result of appropriations at this session preliminary to any specific remarks that I may make upon the pending bill.

I have a number of tables giving in detail the appropriations for every purpose at this session, including not only the appropriations made in the regular bills but also appropriations made by means of separate acts of Congress. Taking all these appropriations the total amount appropriated this year in excess of the appropriations of last year is \$77,532,621.34. This would seem to be a large increase, but when we come to analyze the specific appropriations making the increase it will be seen that in a large degree the present Congress had no alternative but to make the appropriations, as all or nearly all of them are in pursuance of laws passed by previous Congresses, creating obligations which we are bound to respect and provide for. The largest item is the increase of pension appropriations.

This increase alone amounts to \$47,717,693 over the appropriation of last year for the same purpose. The regular appropriation of last year for pensions was \$68,282,306.68. During this session we found it necessary to appropriate \$16,000,000 in addition to the foregoing sum to pay deficiencies in the appropriation of last year. The appropriation, although large last year as made in the regular bill, proved to be \$16,000,000 less than was necessary to pay the adjudicated accounts of the Pension Office. The regular appropriation last year was \$68,000,000 in round numbers. The regular appropriation this year is \$100,000,000. So, taking the deficiency of last year appropriated for at this session, but expended during the fiscal year ending June 30, 1882, and the increase for this year amounting to \$31,717,693.32, the total increase is \$47,717,693. This increase of appropriation is made in pursuance of statute law. We have no alternative except to repeal the law. I do not enter into any discussion as to the general question of the propriety or expediency of the law itself. There it stands and summons Congress to appropriate the necessary sums to carry out the law.

The next increase is the increase of appropriations for rivers and harbors. That amounts to \$7,196,075. This, too, may be said to be a non-partisan appropriation.

Mr. HOAR. That includes the Mississippi special appropriation?

Mr. ALLISON. It includes the special or extraordinary appropriation for the Mississippi and Missouri Rivers, and also includes that for the Potomac flats, these two items alone amounting to \$5,400,000; so that the increase for rivers and harbors over last year is chiefly accounted for by these two extraordinary and necessary appropriations. I repeat that this is a non-partisan appropriation, because on examination of the record I find that of the Senators who voted on the final vote in favor of that appropriation twenty-three were Democrats and eighteen Republicans; of those who voted against the appropriation three were Democrats and twelve Republicans. So in that sense it may be said to be non-partisan in its character.

The next increase is the increase for the Post-Office Department, which amounts to \$3,686,468. Of this I should say, in explanation, that every dollar of this increase is made up, or will be made up undoubtedly, from postal revenues; so that it is a nominal and not a real increase, and cannot fairly be charged to the Treasury expenditures. I should also say, what is perfectly well known to Senators, that of the appropriation made this year for the transportation of the mails, owing to the favorable contracts made on the 1st day of July for the present year ending June 30, 1883, there will be over \$2,000,000 saved, making in point of fact a substantial reduction, so far as the Treasury is concerned, in postal expenses this year as compared with those of last year.

Another large item is the pension clerks for the current year. It is well known that it was a policy adopted by Congress, upon the recommendation of the head of the Pension Bureau, that it is a wise thing to as rapidly as possible adjust these pension cases, in order that the just claims of applicants for pension may be allowed. The Commissioner of Pensions told us at the beginning of the present session that if he had an increase of his clerical force up to a certain amount

estimated for by him he could complete these unadjusted and unadjudicated cases within three years. Congress met this demand by an increase of appropriation of \$1,742,430 for clerical force in the Pension Office, the object and intent and purpose being to facilitate the early adjudication and final adjustment of pension claims. It seems to me there can be no one who will say that this is an unwise appropriation. This increase met with no hostility from any portion of this body, but was approved with absolute unanimity.

The next increase is for water supply for the city of Washington, amounting to \$1,485,279. This, too, is a necessary appropriation. Another item of increase is to meet a deficiency in the appropriation for the tenth census of \$540,000.

In making this statement I will not further detain the Senate with details of figures.

Thus it will be seen that the total increase of this year over last year, including not only what is contained in the regular appropriation, but also special acts for public buildings, for pension acts of a special character, and also special and miscellaneous appropriations, covering claims, &c., is—

| | |
|---|-----------------|
| Total increase..... | \$77,532,621 34 |
| Enumerated items of increase already mentioned: | |
| For pensions..... | \$47,717,693 00 |
| Rivers and harbors..... | 7,196,075 00 |
| Deficiencies of last year appropriated this year..... | 13,205,951 00 |
| Post-Office (paid out of postal revenues)..... | 3,686,468 00 |
| Additional clerks for Pension Office..... | 1,742,430 00 |
| Water supply, city of Washington..... | 1,485,279 00 |
| Tenth census deficiency..... | 540,000 00 |
| | 75,573,696 00 |

Leaving specifically unaccounted for an increase of..... 1,958,725 34

Now, if we add to this the increase of appropriations of this year over last year for public buildings, amounting in all to the sum of \$2,829,500, we find that appropriations, excluding all the above items, for the ordinary purposes of the Government are less than for last year.

Mr. BECK. The chairman ought to state, I think, in justice, that the large increase for the Land Office is made up by the more rapid sales of land, and that the increase for the Patent Office, which is quite large, is paid by the inventors themselves.

Mr. ALLISON. I am very much obliged to the Senator from Kentucky for reminding me of those two items. There is of course a considerable increase in the Patent Office, paid for out of patent fees. There is also an increase in the Land Office this year amounting to several thousand dollars, owing to the fact that for the year ending June 30, 1882, we have had a deficiency in that regard because there has been for the last few years a large increase in the settlement on the public lands under our homestead and pre-emption laws.

All the items that I have named footing them up amount to \$75,573,696, leaving an amount of only \$1,958,725.34 in excess of the appropriations of last year, excluding increase of appropriations for public buildings as I have stated; and if I had time and it was necessary I could show in detail that nearly every dollar of this apparent excess is made necessary by the growth of the various branches of the Government, arising from the fact of the large and rapid growth of the country.

Now, Mr. President, I do not know that I shall go into any more detail with reference to this question of appropriations, but file tables showing in detail every item of the increase of appropriations and reduction of appropriations for this year as compared with last year. I have made this comparison with last year because last year both branches of Congress were under the control of the Democratic party, and this year both have been practically under the control of the Republican party, but neither last year nor this year have these appropriations been made party questions.

I think I can say to the Senate that under the circumstances this is a most satisfactory conclusion of the appropriations of this year, when we take into account the circumstances that were pressing upon the Committee on Appropriations arising from the legislation of the last two or three years.

Mr. HALE. Will the Senator allow me to ask him one question? Is not this the first time that a general survey could be made of all the appropriations and balances showing what has been the actual increase over the appropriations for the running expenses of the Government last year?

Mr. ALLISON. Of course this is the first opportunity because it was impossible to know what the appropriations of this year would be until the bill now under consideration should be finally disposed of. Of course the calculations I have made are based entirely upon the assumption that the conference report will be agreed to with reference to this bill.

Mr. HALE. All the other appropriation bills are through.

Mr. ALLISON. All the other appropriations are passed, and this is the last of the series.

Mr. BROWN. Will the chairman of the committee be kind enough to inform the Senate what is the entire amount of this year? He has only given us the excess over last year.

Mr. ALLISON. The entire amount appropriated through the regular appropriation bills this year is \$270,103,225.70.

Mr. BROWN. How much by other bills?

Mr. ALLISON. By the other bills the total amount is \$24,139,871.66, making an aggregate of \$294,243,097.36.

Mr. SHERMAN. That does not include pensions?

Mr. ALLISON. That does include in the last statement the deficiencies of last year for pensions, and also includes the pension appropriation act for 1883, out of which special pension acts will be paid.

Mr. SHERMAN. But it does not include personal pensions or claims.

Mr. ALLISON. It does include personal pensions or personal claims allowed by special acts, in the sense that they will be paid out of the gross appropriation for pensions. These items do include also all the appropriations for public buildings, and appropriations of a miscellaneous character, as for example and illustration we appropriated \$350,000 for the relief of the Mississippi overflow sufferers, at first \$100,000, then another \$100,000, and then \$150,000, making a total of \$350,000 for that purpose. So there are other items that I might enumerate swelling these appropriations, which were from time to time regarded as essential. We appropriated \$100,000 outside of the river and harbor bill for the improvement of the Galveston Harbor, and so on, various amounts; of course it is impossible for me now from memory to name them in detail. And when you come to examine the appropriations of this year as compared with last year and deduct the necessary and essential deficiencies that were necessary arising from previous obligations of law, I undertake to assert here that we have been unusually careful and judicious in the appropriations we have made this year for the necessary and ordinary expenditures of our Government, and in this I challenge contradiction.

Mr. BROWN. The chairman charges the deficiencies of last year. What assurance is there for the future that there will be fewer deficiencies next year?

Mr. ALLISON. Of course we cannot tell what the future will bring forth; but I will say in response to my friend from Georgia that it has been the aim and purpose of the Committee on Appropriations in the House and the Senate, so far as I know, to provide for every necessary want of the Government in full, without the expectation that deficiencies will come next year.

Mr. HALE. Has it not been the purpose of the Committee on Appropriations, where any doubt has arisen as to the amount to be appropriated for any purpose in running the Government, to make the appropriation so large that there would be no excuse for a deficiency?

Mr. ALLISON. I think that is true in almost every case that I remember, and notably it is so in the Post-Office Department, because we already do know that we have appropriated more than \$2,000,000 beyond what will be required for the transportation of the mails during the present fiscal year ending the 30th of June, 1883.

Mr. SAULSBURY. Will the Senator allow me to put a question? I understood the Senator from Connecticut [Mr. PLATT] to say that the claims made for pensions would require \$25,000,000 in addition to the appropriation made for that purpose at this session.

Mr. ALLISON. I do not remember what the Senator from Connecticut said. But I ask the Senator from Delaware if the obligations of law with reference to pensions depend upon the appropriations of this year or last year or next year? As these cases are adjudicated under your law they become an obligation of the Government and must be paid, whether deficiencies come or not. I for one do not believe, however, that there will be a deficiency of \$25,000,000 during the present fiscal year in the matter of pensions. I believe that the \$100,000,000 appropriated will be nearly sufficient, if not entirely sufficient, to pay the necessary cost of the adjudication of cases during this year and also to pay the current pensions.

Mr. MORGAN. Will the chairman of the committee inform the Senate what is the difference between the grand aggregate of expenses under the various appropriation bills for the current fiscal year and the estimated revenues of the Government from all sources?

Mr. ALLISON. With reference to that I will say to the Senator that I have not an aggregate table on that subject, but estimating the revenues of this year as equal to the revenues of last year, and including the interest on the public debt as a charge upon those revenues, the surplus will be from \$50,000,000 to \$60,000,000.

Mr. MORGAN. I believe, however, the estimate we made was \$400,000,000 of revenue for the current year?

Mr. ALLISON. Yes, sir.

Mr. MORGAN. Is that the estimate on which the Senator bases his statement?

Mr. ALLISON. That is the estimate on which I base my statement.

Mr. SHERMAN. Does the Senator's statement of general appropriations include interest on the public debt?

Mr. ALLISON. No; the interest on the public debt is aside from the \$270,000,000 contained in the regular bills, and aside from the other appropriations which I have enumerated.

Mr. SHERMAN. This is a very important matter. Let me see if I have got the figures right. The general appropriation bills are \$270,000,000?

Mr. ALLISON. Yes, sir.

Mr. SHERMAN. The sinking fund is \$46,000,000; the private claim and pension bills and judgments of the Court of Claims will require from \$5,000,000 to \$10,000,000. I suppose it is impossible for the Senator to state the exact amount of this item.

Mr. ALLISON. I should think that was a very large estimate.

Mr. SHERMAN. Say \$5,000,000.

Mr. ALLISON. I think \$5,000,000 is a large estimate.

Mr. SHERMAN. That would leave a balance of \$79,000,000, without counting the interest on the public debt. I think there must be some inaccuracy in the general statement of the general appropriations, the sinking fund, and the private claims. Does the \$270,000,000 include the whole expenditures for the Post-Office?

Mr. ALLISON. The whole of them. That makes a difference equal to the sinking fund. I did not think of that, but it makes a difference of \$44,000,000. The postal revenue, it is estimated this year, will be about \$44,000,000. They estimate the revenues to come in during the year to be within \$800,000 of the expenditures, and the appropriation for the Post-Office is \$44,642,000. So that the sinking fund may be taken out of the calculation entirely.

I thank the Senator for calling my attention to that, because in this statement I have given the total appropriation for the postal service, not only for this year, but also for last year.

I ask leave to print some of these tables, in order that Senators may see in detail how these calculations are made up.

These tables are as follows:

Comparison of the regular appropriation bills and miscellaneous appropriations for fiscal years 1882 and 1883.

| Title of act. | Appropriations for 1882. | Appropriations for 1883. | Increase, 1883 over 1882. | Reduction, 1883 from 1882. |
|---|--------------------------|--------------------------|---------------------------|----------------------------|
| Pension..... | \$68,282,306 68 | \$100,000,000 00 | \$31,717,693 32 | |
| Military Academy.. | 322,435 37 | 335,557 04 | 13,121 67 | |
| Fortifications | 575,000 00 | 380,000 00 | | \$195,000 |
| Consular and diplomatic..... | 1,192,435 00 | 1,256,655 00 | 64,220 00 | |
| Navy..... | 14,566,037 55 | 14,816,176 80 | 250,139 25 | |
| Post-Office..... | 40,957,432 00 | 44,642,900 00 | 3,685,468 00 | |
| Indian..... | 4,587,866 80 | 5,229,374 01 | 641,507 21 | |
| Army..... | 26,687,800 00 | 27,258,000 00 | 570,200 00 | |
| Legislative, executive, and judicial..... | 17,677,679 49 | 20,038,000 65 | 2,360,321 16 | |
| Sundry civil..... | 22,092,194 12 | 25,589,358 06 | 3,497,163 94 | |
| Dist. of Columbia..... | 1,689,008 72 | 1,695,098 04 | 6,089 32 | |
| River and harbor..... | 11,547,800 00 | 18,743,875 00 | 7,196,075 00 | |
| General deficiency..... | 5,124,046 65 | 9,689,951 10 | 4,565,904 45 | |
| Agricultural..... | 335,500 00 | 427,280 00 | 91,780 00 | |
| Total regular bills..... | 215,637,542 38 | 270,103,225 70 | 54,465,683 32 | 195,000 |
| Miscellaneous*..... | 1,072,933 64 | 24,139,871 66 | 23,066,938 02 | |
| Grand total | 216,710,476 02 | 294,243,097 36 | 77,532,621 34 | 195,000 |

* Including all other appropriations exclusive of "permanent."

Net increase of appropriations for 1883 over 1882, \$77,532,621.34.

The miscellaneous appropriations of \$24,139,871.66 as above, passed at the present session in separate acts, are for the following objects, namely:

| | |
|--|-----------------|
| Pension deficiencies for 1882..... | \$16,000,000 00 |
| Urgent deficiencies, miscellaneous..... | 1,952,074 06 |
| Tenth census, deficiency..... | 540,000 00 |
| Public printing and binding, deficiency..... | 465,000 00 |
| Dies, paper, and stamps, deficiency, 1882..... | 345,000 00 |
| Fees of witnesses in United States courts, 1882..... | 70,000 00 |
| Fuel, lights, &c., for public buildings under Treasury Department, deficiency, 1882..... | 64,500 00 |
| Supplies for Arapahoe, Cheyenne, &c., Indians, deficiency, 1882..... | 80,000 00 |
| | 19,516,574 06 |
| For the erection of public buildings by separate acts, exclusive of those provided for in the sundry civil act, at the following points, namely: | |
| Minneapolis, Minnesota..... | \$60,000 00 |
| Columbus, Ohio..... | 100,000 00 |
| Frankfort, Kentucky..... | 100,000 00 |
| Denver, Colorado..... | 100,000 00 |
| Peoria, Illinois..... | 100,000 00 |
| Louisville, Kentucky..... | 200,000 00 |
| Pensacola, Florida..... | 200,000 00 |
| Concord, New Hampshire..... | 100,000 00 |
| Erie, Pennsylvania..... | 100,000 00 |
| Terre Haute, Indiana..... | 75,000 00 |
| Shreveport, Louisiana..... | 100,000 00 |
| Poughkeepsie, New York..... | 75,000 00 |
| | 1,310,000 00 |
| Site for marine hospital at Memphis, Tennessee..... | 30,000 00 |
| Improvement of Galveston Harbor, Texas..... | 100,000 00 |
| Improvement of Davis Island dam, Ohio River..... | 100,000 00 |
| Removal of obstructions at Hell Gate..... | 50,000 00 |
| For water supply for city of Washington..... | 1,485,279 30 |
| Purchase of Freedman's Bank building..... | 250,000 00 |
| Relief to sufferers from overflow of the Mississippi River..... | 350,000 00 |
| Miscellaneous, including reliefs, &c..... | 948,018 30 |
| Total..... | 24,139,871 66 |

Now, with reference to the pending bill I will say that the Senate conferees were obliged to surrender a great many of the important provisions inserted by the Senate, and if any Senator desires to make an inquiry in regard to the subject I shall be glad to give him what information I can.

Mr. BECK. I think the chairman had better state those amendments as fully as he can, because there will be questions from time to time, and it will shorten matters perhaps if he states them at once.

Mr. BAYARD. I hope the Senator will name the amendments surrendered in the order in which they appear in the bill.

Mr. ALLISON. I will state them as fully as I can in the order in which they appear in the bill.

Mr. BAYARD. I wish to draw attention to the amendment of the Senate not concurred in with respect to the National Board of Health. There was an appropriation in regard to that which the Senate increased. I should like to know the nature of the conference action on that matter.

Mr. ALLISON. I may as well refer to that now.

Mr. BECK. The chairman will allow me to suggest there are so many others in the regular line before we reach that that I think it would be better to take them up regularly and I will call the attention of the Senator from Delaware to that one when it is reached.

Mr. ALLISON. Very well.

Mr. BAYARD. I will wait until the Senator comes to that.

Mr. BECK. We have given away a good deal.

Mr. ALLISON. I will call attention to the important amendments. The first important amendment where the House receded is number 44, found on page 20, that relates to the lighting of rivers. The House surrendered that provision. Amendment numbered 45 for lighted buoys the Senate receded wholly from; and those two items are out of the bill.

The next amendments of importance are numbers 51 and 52, where the Senate struck out the appropriation for a light-house at Mosquito Inlet and inserted a provision for the rebuilding of a light-house at San Blas. The House insisted upon their provision and we surrendered; so that the Mosquito Inlet light-house is to be constructed.

Mr. HAWLEY. These statements are exceedingly interesting, but we cannot hear them well.

The PRESIDENT *pro tempore*. Will the Senate please come to order? Gentlemen who are standing will please be seated.

Mr. BECK. I really believe I made a mistake. I believe the Senator from Iowa would save time if he would just begin and run the amendments rapidly over from the beginning. There are so many questions being asked me here even now that I think that would be the better course.

Mr. HARRIS. I think so, and especially the amendments the Senate conferees receded from. Those are the ones that I suppose most Senators would like to hear about.

Mr. ALLISON. The next important amendment where the Senate receded is to be found on page 38, and relates to the National Board of Health. After a long controversy the Senate has surrendered its amendments and the provisions of the House bill with reference to the National Board of Health are agreed to with an amendment, the House agreeing to insert \$50,000 in aid of local boards of health in lieu of \$25,000.

Mr. HARRIS. And all the other Senate amendments are receded from?

Mr. ALLISON. All the other Senate amendments on that point are receded from. I will say to the Senator from Tennessee that the House of Representatives as represented by its conferees seemed to be in an attitude of hostility to the National Board of Health. We hesitated long, and at first intended, having agreed on nearly every other item in the bill, to report a disagreement upon these items, and bring the bill into the Senate for the judgment and instruction of the Senate; but after a long controversy we concluded that it was wiser for the conference committee on the part of the Senate to agree to the House provisions. But of course it is for the Senate to agree to the report or disagree to it.

Mr. BROWN. In that connection I should like to ask the Senator whether the appropriation to maintain a quarantine station at Sapelo Sound is retained?

Mr. ALLISON. None of the quarantine provisions are retained.

Mr. BECK. In looking over the bill up to page 21, on which is amendment numbered 45, I believe the House receded substantially from everything, so that in regard to the first twenty pages of the bill Senators by looking over the printed bill can see that everything the Senate inserted, except one item perhaps, is agreed to.

Mr. ALLISON. On most of the smaller items the House receded. In the important items, the large items, the Senate was compelled to recede in most cases.

The amendment numbered 171, on page 83, the Senate recedes from. That was an appropriation of \$300,000 to pay for Cherokee lands. That was a matter of considerable controversy, and the Senate finally receded.

I will say that we recede also from the half month's extra pay for employes in the Census Office, and we recede also from the provision in reference to our own employes.

Mr. PLATT. I should like to ask the Senator with regard to that, has not the House passed a resolution which has become a law giving one month's extra pay both to its annual and session employes and clerks?

Mr. ALLISON. That provision is in this bill.

Mr. PLATT. And yet the House refuses to allow thirty days' extra pay to the annual and session employes of the Senate?

Mr. ALLISON. They do on this bill.

Mr. PLATT. May I make another inquiry? Is the chairman of the conference committee able to say what the temper of the House

would be as to a resolution paying the session employés of the Senate the usual extra compensation?

Mr. ALLISON. Of course we had no discussion on that. The provision in this bill with reference to the employés of the House of Representatives I think only applies to the annual clerks. The per diem clerks of the House of Representatives are not provided for in this bill, and I do not know that they are provided for in any resolution.

Mr. PLATT. But it has always been customary here, I believe, in long sessions, to pay to the per diem clerks a month's additional compensation.

Mr. ALLISON. I think so.

Mr. BUTLER. I will say to the Senator from Connecticut that I have a joint resolution to that effect to present as soon as the Senator from Iowa gets through with this bill.

Mr. ALLISON. That has been the custom for a great many years.

Mr. HALE. That will go through.

Mr. ALLISON. I think it ought to be adopted.

Mr. VOORHEES. Will the Senator allow me one moment? A resolution after this bill is passed is one thing and a provision in this bill is another thing. A resolution after this bill is passed amounts to nothing at all, and takes care of nobody.

Mr. LOGAN. It does if it carries an appropriation with it.

Mr. VOORHEES. If the House agree to it, which it will not do any more than it would agree to the resolution in regard to mileage this afternoon. I am perfectly willing to be bullied by the House so far as I am concerned myself personally, as we have been on the little matter of mileage; I do not feel at liberty to make much of a contest about a thing of that kind; but I do feel at liberty to make a square issue in regard to the subordinates and employés of the Senate, and if I did not feel at liberty to do so I should be disgraced in their eyes. I feel that we have the same right, and not only the same right but the same bounden duty to take care of them in the same way that the House takes care of its employés, and so far as I am concerned I will stay here until white frost before I will yield to the House when they are getting for their employés exactly what we ask for ours and they deny to us the right to allow it.

Now, I ask the chairman of the Committee on Appropriations whether they are refusing to concede the same provisions to the employés of the Senate which they have for their employés in this bill? I do not want to defeat any appropriation bill, and I want to make no factious opposition or obstruction; but I do say that there is a limit to endurance. I do not know why it is, unless the conferees of the Senate are more amiable than those on the part of the House, that all the concession seems to come from this end of the Capitol.

Mr. ALLISON. I for the moment made a mistake in reference to the character of the bill. The clause inserted by the House does provide for its session employés.

Mr. PLATT. It provides for both session and annual employés.

Mr. VOORHEES. I understand it applies to all who were on their rolls on the 15th day of June.

Mr. ALLISON. Yes, sir.

Mr. VOORHEES. Annual, session, per diem, and all.

Mr. ALLISON. The Senate amendment only applied to a certain class of our employés. We proposed to amend it so as to include the whole of our employés, particularly the session employés, because we believed that they deserved, more than those who are borne on our annual rolls, an extra month's pay. This the House conferees resisted and we were finally obliged to yield.

Mr. VOORHEES. I should like to know why "obliged to yield?"

Mr. HALE. Let me ask one question. Is it not the fact that upon no appropriation bill heretofore has there ever been any appropriation giving to Senate employés a month's extra pay, and is it not also a fact that for years the House have put theirs on upon the claim that that equalized the salaries and that has been assented to? So, then, the action of the conference committee is simply in the direction of what has been done time and time again heretofore, not introducing any new controversy on this subject.

Mr. ALLISON. The statement made by the Senator from Maine is true to this extent: at the long session of the last Congress I believe the Senate employés did not receive an extra month's compensation. The House do insist that their employés are paid less than our employés. That has been a standing controversy for years.

Mr. VOORHEES. Is that true?

Mr. ALLISON. That is true in part, and untrue in part. We have endeavored and have proffered over and over again to the House to equalize salaries by placing our employés who are not paid as much as House employés occupying similar stations upon a par with each other, and so with reference to those employés of the House who now receive a smaller compensation than our employés performing corresponding service. That has been a bone of contention for six or seven years. Now they insist that this appropriation is intended to make that equalization, and it does to a certain degree.

Mr. VOORHEES. Then, if the Senator from Iowa will pardon me, it seems that the House conferees decide their questions and ours also; they settle the question as to both Houses of Congress. I want to ask another question, and I do it with not the slightest disrespect to the Committee on Appropriations; on the contrary, I am glad if it is so. I understand that the clerk of the Committee on Appropriations has been allowed—and I am glad it is so—an extra month's pay for this year and last year both.

Mr. ALLISON. What clerk?

Mr. VOORHEES. The clerk of the Committee on Appropriations of the Senate.

Mr. ALLISON. Not for this year.

Mr. VOORHEES. Last year?

Mr. ALLISON. For last year.

Mr. VOORHEES. I am glad it is so, but—

Mr. ALLISON. I think it is worthily so.

Mr. VOORHEES. I should like to know why one gentleman should be selected to the exclusion of others.

Mr. ALLISON. I am not going to enter into a controversy with my friend from Indiana on this class of questions. I think the compensation of these employés should be equalized; I believe some method should be adopted for that purpose; but the Committee on Appropriations on these great bills cannot do it. They ought to be authorized to do it in some way whereby the matter could be taken up with deliberation.

Mr. MORGAN. Will the honorable Senator allow me to make one suggestion just here?

Mr. ALLISON. Certainly.

Mr. MORGAN. These wrangles and quarrels between the two Houses have been going on in a disreputable way for five or six years, getting up ill-blood between us, and it is all because the Senate has abdicated its constitutional right to originate appropriation bills. I hold in my hand a resolution now that I will ask the Senate to consider the first time they will give me the opportunity, instructing the Committee on the Judiciary to inquire into this subject and report by resolution at the next session of Congress, so that we shall assert our powers, and when we make up our minds to do that we shall get through with all this trouble.

Mr. WILLIAMS. Do not the session and the temporary employés of the two Houses get less than the annual employés?

Mr. ALLISON. They do, and our session employés are as much entitled to a month's extra compensation as the House session employés.

Mr. WILLIAMS. You do not give it in the bill.

Mr. ALLISON. No.

Mr. VOORHEES. Are they not entitled to much more? There have been two extra sessions of the Senate within the last eighteen months. A year ago the extra session beginning in March lasted weeks and months, and these men were here on duty; and again, when death bereaved the Government and the people of the United States, we were called here again in October, and they were called here. There were two extra sessions in 1881, for which they got not one extra dollar, and yet we are to be dictated to in this kind of way. I am not complaining of my friend from Iowa. I know that he feels just exactly as I do on this subject. I concur with him that there ought to be some method of settling this question not in connection with the great interests involved in such bills as this.

Mr. HALE. Does the Senator from Indiana believe that in the last waning days of a session there is any opportunity to take up this subject, which involves feeling on the part of both Houses, and settle it in any way that is satisfactory?

Mr. VOORHEES. There is no sufficient opportunity, no proper opportunity.

Mr. HALE. There is not any.

Mr. BECK. I should like to say a word about this. The mistake we made, in my opinion, was when the sundry civil bill was before the Senate that we did not strike out the following lines in the House bill:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual and session rolls on the 15th day of June, 1882, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. VOORHEES. I do not suppose a Senator here would have made that motion; nobody wanted to discriminate against the employés of the House in that way.

Mr. BECK. The Senator from Indiana has stated exactly the reason why it was not done. We have never attempted to interfere with the House in the management of their own affairs; and that clause is in the bill. It was not amended by the Senate. So it was not before the conference committee. It was agreed to by the House and Senate, and therefore was beyond the reach of the conference. But when the question came on the following clause, beginning in line 2703, inserted by the Senate as an amendment, the House conferees declined to agree with us in it:

To enable the Acting Secretary of the Senate to pay the employés of the Senate (including the Capitol police) receiving an annual compensation, who were employed on the 4th day of March, 1881, or on the 29th day of October, 1881, a sum equal to one month's pay, at the rate per annum they were receiving at the dates herein specified.

So that one question was open for conference and the other was not. I agree that we pursued our usual policy of politeness in not interfering with the House provision; but if both matters had been in controversy one should have gone out or both should have gone out, and the mistake we made was in not holding the other House to a conference on their provision as to their employés so that both could stand upon an equality.

Mr. MAXEY. I want to ask the Senator if it is not the fact that the Senate agreed to the House bill for their own employés with the expectation on our part that they would agree to a like amendment put on the House bill as to the Senate employés?

Mr. BECK. I have no doubt that was the expectation; that was my expectation.

Mr. MAXEY. It was mine.

Mr. BECK. But I want to say this, that if it is ever my fortune to serve again upon the Committee on Appropriations or upon a committee of conference on these bills, I shall do all I can to frown down and to vote against any additional compensation to any employes either of the House or of the Senate. If they do not get pay enough, raise their salaries and pay them what is proper; but to be annoyed by miserable controversies among ourselves and with our fellow Representatives at the other end about extra compensation to employes has been for the last six or eight years disgraceful and disreputable. We are annoyed all the time about it. It is bad legislation, vicious in principle, demoralizing to the service, and we ought to say to the employes of both Houses just what we will pay them, just as we know what we are paid, and make it an offense for one of them to come and ask us to give him any more than the law allows him to have. Till we do that we shall have no comfort in caring for our employes.

I hope this controversy will end in good by having a settlement of what is a fair compensation for all these men and letting them understand that they must not be expecting any more than the law gives them. Let us give them what they ought to have at once, and stand upon it. This controversy may do great good in bringing about that result. I regret extremely that we have got into this controversy with the House, but I assure the Senate that there was no more chance to get the House conferees to yield on this question than there was to get them to yield on the board of health question. The Senate may reject this report, but, in my opinion, the House will again refuse, and you may go on for a week, and the same result will follow.

Mr. HALE. I agree fully with the Senator from Kentucky that at some time pretty soon some committee ought to be fixed that will settle this question forever. It is not a pleasant thing that toward the close of every session of Congress we are brought to confront this question of the pay of the employes of the two Houses, and it is always on a claim made by somebody for increased pay.

Now, it is an undoubted fact that of all the places that are held in Washington the most desirable places, and the places that are sought for most of all, are the places about the two Houses. The amount of labor that is performed by the employes of either House, compared with the employes of the Departments, is very small. The employes of the Departments remain here for twelve months of the year, with only a vacation, it may be, of thirty days, while the employes of the two Houses, with rare exceptions, only remain here in the two years of a Congress about half the time. The scale of pay is very much larger for the employes of the two Houses than for employes in the Departments, and yet we are never allowed a moment's peace, but everybody about the House and Senate is clamoring for increase of pay. It is time that the thing ceased. It is time that something was done to end this everlasting impertunity that besets us every session at its close to increase the pay of our employes. If the appeal of anybody should come up to us it should be from the employes who are paid at lower rates in the Departments, where they work month in and month out, and only have a few weeks' vacation. I, for one, agree fully with the Senator from Kentucky, that it is a thing that ought to be ended, so that we shall not everlastingly hear from it every year.

Mr. ALLISON. I have only a few words more to add to complete my statement.

As to the amendments with reference to the questions concerning the Library, the committee receded on the matter relating to the publication of the Peter Force papers and the purchase of the Rochambeau papers and the Carpenter papers. The other amendments were agreed to.

Mr. VOORHEES. Pardon me, I did not hear the second item the Senator mentioned.

Mr. ALLISON. The Rochambeau papers; the Senate Committee were obliged to recede from that amendment; and also, I will say, (which I omitted to state before,) that with reference to the roads to national cemeteries, the House insisted upon our receding from our amendments in that regard, and they are all receded from. I believe now that I have stated all the important features of this report.

Mr. VOORHEES. It is well to make up the record as we go along. I desire to state here in this presence, for the purposes of the record, that the most valuable, the most precious, and the most instructive collection of unpublished papers to-day, in my judgment, in the world are those relating to the alliance between France and this country in this country's struggle for American independence, those papers which illustrate the policy of the two governments, the plans of military and naval operations, embracing more than two thousand unpublished manuscript papers and maps, and the time will come when intelligent people will stand amazed at the stupidity which rejects the purchase of such treasures of knowledge as these.

My only object in rising at this time is, perhaps, accomplished; but I do wish to arrest the attention of the Senate, this grave and intelligent body, to the great wrong that is done to the present and to future generations by rejecting the acquirement of this historical collection reflecting light upon a most important period in the his-

tory of this Government; and I give notice that at the next session, early and often and throughout, this matter will be brought before Congress until the people of the United States shall have access to this great treasure.

Mr. SHERMAN. Mr. President—

EXTRA PAY TO EMPLOYÉS.

Mr. BUTLER. Will the Senator from Ohio yield to me while I introduce a joint resolution, as I want to get it to the House as early as possible? It will only take a moment.

Mr. SHERMAN. I have no objection.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 107) providing one month's extra pay for certain employes of the Senate; which was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, &c., That the Acting Secretary of the Senate be, and he is hereby, authorized and directed to pay to all committee clerks, pages, laborers, and other employes of the Senate who do not now receive annual salaries, a sum equal to one month's extra pay at the adjournment of the present session of Congress, and the amount necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, and shall be immediately available.

Mr. BUTLER. I ask for the immediate consideration of the resolution.

Mr. SHERMAN. I never voted for one while I have been here, and I shall vote against it now; but I will not stand in the way of its being offered if nobody else objects.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the resolution? The Chair hears none.

Mr. PLUMB. I ask for the yeas and nays on it.

Mr. SHERMAN. If it leads to debate I shall go on.

Mr. BUTLER. I do not understand that the Senator from Kansas objects to it, but wants the yeas and nays on its passage.

Mr. PLUMB. I object.

Mr. SHERMAN. While it is unpleasant to oppose these things, I do not think the Senate ought ever to pass them. I will not vote for them, though I do not like to stand in the way in the presence of our employes.

The PRESIDENT *pro tempore*. The resolution goes over, objection being made to its consideration.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 670) to provide for the construction of a public building at the city of Fort Wayne, in the State of Indiana; and

A bill (S. No. 2002) to extend the fees of certain officers over the Territories of New Mexico and Arizona.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference upon the disagreeing votes of the two Houses on the amendments to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

Mr. SHERMAN. I want to attach to the statement of the honorable Senator from Iowa [Mr. ALLISON] some remarks in regard to other appropriations of public money that are not included in the annual appropriations.

Mr. HAWLEY. Will the Senator from Ohio pardon me? I wish to make an inquiry or two in regard to one or two items in the bill. Had I better do that now or wait till he makes his statement?

Mr. SHERMAN. I hope the Senator will wait. I must confess that the impression made on my mind by the statement made by the Senator from Iowa is rather unpleasant. It shows that the enormous expenses of the Government have gone beyond what I estimated even in the estimate I submitted the other day, I am sorry to say. It is no fault of the Committee on Appropriations, because I have no doubt they have done their utmost to keep down the appropriations. As I understand the statement made by him, we have appropriated for the annual service of the present fiscal year \$270,000,000. Then there are claims in their multiplied forms as adjudicated by the Court of Claims, by the commissioners of claims growing out of our treaties, and by private-claim bills passed by Congress, including the Creek orphan fund and a good many other such cases and private pension bills, which he estimates at \$5,000,000. I think that is a very low estimate, but there are besides that permanent appropriations amounting to \$126,000,000, all of which are fixed by permanent laws beyond the power of Congress to control.

These appropriations, rarely looked after, are contained in the Book of Estimates, and I will give the leading items of them, so as to show that they are of a character that must be provided for, even if the annual appropriations may not all be paid.

There is the interest on the public debt, amounting to \$65,000,000; there is the sinking fund, \$46,000,000; there is the permanent appropriation for the collection of the customs through the Treasury Department, amounting to \$5,739,000. There are other permanent appropriations in the Treasury Department, including largely drawbacks, bounties, allowances, &c., under customs laws, and repayment to importers of excess of deposits in the current transactions going on every day in the custom-houses. The total permanent appropri-

ations under the Treasury Department, including interest and sinking fund, are \$117,795,814.22.

Under the War Department there are permanent appropriations to the amount of \$615,000; under the Navy Department \$76,000; under the Interior Department, mostly trust funds for Indians, amounting to \$1,075,625; under the Post-Office Department there is a permanent appropriation of \$750,000; under the Department of Justice \$150,000, for fees of supervisors of election, making an aggregate of \$126,202,939.22.

These together make the appropriations now fixed by existing law \$401,000,000; and no reference is made here to the possible deficiencies for pensions or the possible deficiencies in other branches of the public service.

Mr. HALE. Will the Senator let me ask him a question? Are not the additional appropriations that he has arrayed here permanent in their nature, and of a kind that do not and cannot vary from year to year?

Mr. SHERMAN. I have said that already. They are beyond our control, and they must be paid out, every dollar.

Mr. HALE. They are not things that anybody, no matter who may be in power, can vary.

Mr. SHERMAN. I have said that. They are permanent appropriations, the interest on the public debt, the sinking fund, the expenses of the collection of revenue, trust funds for Indians, the refunding of drawbacks, the allowance of pensions, &c. They are not subject to variation, but they are paid out of the revenues of the Government to the last dollar.

Mr. HALE. Do they in any way interfere with or impair the statement of the chairman of the Committee on Appropriations with reference to the ordinary running expenses of the Government?

Mr. SHERMAN. Not at all; I have said that; but I want to show that the expenditures of the Government have increased largely in the part which we can control, reaching \$270,000,000, so that now the expenditures of the Government on the basis of the estimates for the permanent appropriations will amount this year to \$401,000,000. What have we to meet this?

Mr. HALE. What does the Senator mean by saying that the expenses in the ordinary running of the Government have increased, after the showing of the chairman of the Committee on Appropriations? Have they increased except in those items where an increase was a necessity?

Mr. SHERMAN. I said before that I was not complaining of the Committee on Appropriations, because the chairman has clearly and fairly shown that these increased expenditures have been caused by laws that were upon the statute-books for the allowance of pensions and also for the other appropriations he has mentioned. I am not criticising anybody.

The revenues of the Government are estimated by the Secretary of the Treasury at \$400,000,000; I believe there will be more than that, perhaps \$410,000,000; and the revenues from the postal service will be added also, as they are included in the appropriations, amounting to \$44,000,000, as stated by the Senator from Iowa, making \$444,000,000, leaving a balance of \$43,000,000, subject, however, to be drawn upon by any deficiency that may still exist for the payment of pensions or in any other branch of the public service.

I can only say that when I estimated the surplus at \$50,000,000 in the beginning of the debate on the tax bill, I seem to have exceeded the amount that would probably be realized, although it is to be considered that all these appropriations are not usually paid. There are balances on all of them remaining in the public Treasury at the close of the year; and the revenues, I trust, will be somewhat larger than were estimated by the Secretary of the Treasury. But, after all, the magnificent surplus we had last year is fast wasting away. I blame no one for it, because I do not see how these appropriations could be avoided.

Mr. CONGER. Is not the amount of interest on the public debt being reduced as the debt is paid off?

Mr. SHERMAN. It is now \$65,000,000. It is only by having a large surplus revenue and reducing the public debt that the interest is to be reduced.

Mr. HOAR. I think there ought to be one fact stated and put upon record about the Rochambeau papers, and I listened to what the Senator from Indiana [Mr. VOORHEES] said. When the Count de Rochambeau was over here the Senate passed a resolution authorizing the Librarian to receive these papers. It was stated, I think by the Senator from Vermont, [Mr. EDMUNDS,] that that resolution would bind the Senate in honor, bind our Government in honor, as far as we could, to purchase the papers if the price were a reasonable one, reasonable in regard to their value. The papers were left here under that resolution.

Allow me to say further that it is but four months to the next session of Congress, and the sum of \$20,000 which is proposed is a price I understand which certainly will be agreed to by everybody as a reasonable price. So I hope it will not be understood by anybody that in consenting to this report now the Senate proposes to abandon the purpose of purchasing those papers. We have purchased the Franklin papers, which probably would have been lost to us altogether unless they were paid for at this time. I suppose the Committee on Appropriations thought perhaps there was as much of that kind of expenditure as there should be in one bill.

Mr. ALLISON. If the Senator will allow me, we presented to the House the statement now made by the Senator from Massachusetts, that we passed a resolution in the Senate in reference to the Rochambeau papers, and that we felt we were in some degree bound by that resolution, if not absolutely bound. But the House had not examined in detail into this subject, and they stated substantially what the Senator from Massachusetts now states, that the Rochambeau papers were in a safe place; that they had been kept safely for a long time, and that they would probably be kept intact for four months longer.

Mr. HAWLEY. Before making an inquiry of the Senator from Iowa, I wish to say that I concur with every word the Senator from Indiana uttered. I spent eight or ten hours looking over the Rochambeau papers, and it will be calamitous to the writers of our history if we do not procure them.

But I rose to ask the Senator from Iowa whether we had saved money enough to the Signal Service to continue its three observations a day, and whether enough of the appropriation of \$310,000 made by the Senate remains for that purpose?

Mr. ALLISON. The difference between \$250,000 and \$310,000 was divided equally and that item stands at \$280,000. That was one of the topics of serious difference, and we finally met the House half way. They met us in the same way.

Mr. HAWLEY. Does the Senator know, has he any information from the Signal Office as to whether they can maintain their three observations a day?

Mr. ALLISON. I will say to the Senator that the House conferees made with some force the argument that a bureau which could have stolen from it \$100,000 in a single year without knowing it must be managed rather loosely.

Mr. HAWLEY. That is an unjust method of dealing with that service.

Mr. ALLISON. I am only stating what the conferees on the part of the House of Representatives said.

Mr. HAWLEY. I am not reflecting upon the Senator or upon anybody; I am reflecting upon the statement itself. I know that that is dealing with an indispensable public service which does command the confidence of the people and the country. I know there was gross neglect that enabled Howgate to carry off that amount of money; but I call attention to the fact that in the estimates for the current year that Department has asked for some \$50,000 less than was asked for last year, and at the same time has shown indubitably that it has largely increased the public service, and benefited that service.

I showed before to the Senate when this matter was under consideration that the contract with the Western Union Telegraph Company called for \$180,000 a year to get the three observations, and that the \$60,000 was taken off with the idea or speculation that two observations a day would answer; that we were about to spend nearly a million dollars on that service and yet to save \$60,000 would reduce the number of daily observations from three to two, which would reduce their value 50 per cent. I do not think they can get along with an excellent telegraph service for less than \$310,000, and I am very sorry that the conferees agreed to any reduction. I think I ought to move that the Senate insist on that item. I will move that the Senate insist upon the words "three hundred and ten thousand dollars," in line 1221, on page 50.

Mr. BUTLER. I give notice that I shall move to insist on the amendment of the Senate in reference to the employes of the Senate.

Mr. ALLISON. This report must be voted up or down as a whole. You cannot pick out items.

Mr. HALE. The question is whether the Senate will concur in the report or not, and it must be put in that form.

Mr. ALLISON. If Senators do not want to adopt the report, they can vote it down.

Mr. HOAR. The items in a conference report cannot be separated.

Mr. SHERMAN. There must be one vote on it.

Mr. HOAR. The consent of the House to certain things may be based upon our consent to others. We therefore cannot except from that consent other matters in the report and reserve still our own view of something else.

Mr. HALE. It is a single question.

Mr. BECK. What is the question?

The PRESIDENT *pro tempore*. The question is whether the individual items in the report may be reserved. The opinion of the Senate seems to be that the question must be put on concurring in the report as a whole. The Chair is fully of that opinion on reflection.

Mr. SAULSBURY. I wish to say, although not on the conference committee, that I know the service is a very hard one, and while some of us may think amendments in which we are particularly interested ought to have been retained, I am very well satisfied that the conference committee has done everything to obtain what the Senate desired to go upon the bill, and I think instead of any unkind feeling toward the conferees on the part of the Senate, considering the vast amount of labor which they performed, and the earnestness with which they have insisted, if they have not arranged to retain all that we want in the bill, so far from any excitement or any unkind feeling toward the conferees of the Senate, they are deserving of our thanks for what they have done. I am satisfied from what I have

seen of the labors of that committee that they have done the best they could, and that they are entitled to our thanks for their services.

Mr. BECK. Mr. President, I desire to say a few words before any vote is taken, as I happened to be one of the conferees. First, a word about the appropriations. They are much larger than ever before. I do not know that they are extravagant, but the chairman of the committee will find himself mistaken if the usual amount of deficiencies is not presented for this year's service that is presented generally. For instance, we passed a law the other day requiring the system of letter-carriers to be rearranged and redistributed. The Post-Office Department demanded \$280,000 more on that account, and we gave them \$200,000. We gave \$80,000 less than they told us they were going to spend. That little item was passed the other day, and is now in this bill. So with a great many other things. I have no doubt there will be the usual deficiencies in addition to what the Senator from Connecticut [Mr. PLATT] said, about twenty or twenty-five million dollars deficiencies for pensions. It may be seven million, eight million, ten million, it may be twelve million, I do not know; nobody knows. The deficiencies will be coming in as usual, though I believe we have endeavored to avoid the occasion for deficiencies as much as we could. But they will come just as naturally and necessarily as they always have come.

The Senator from Ohio, [Mr. SHERMAN,] for what purpose I do not know, undertook to show that the \$126,000,000 of permanent appropriation was inflexible and had to be spent, and therefore there was no getting away from that. That I deny. I take the debt statement before me of the 1st day of July. In the list of permanent appropriations making up the \$126,000,000 is the item of \$65,000,000 for interest on the public debt. The public debt is made up, according to the statement of the Secretary of the Treasury, of less than \$450,000,000 of 3½ percents, payable now.

Mr. SHERMAN. The Senator will find the computation made in detail in the Book of Estimates, giving the amount of each debt.

Mr. BECK. I know. I have the report of the Secretary of the Treasury for this year, which makes precisely the same statement that the Senator from Ohio made, giving each of the items. I have it in my hand. But that does not make it necessarily true, and I will state the reason: \$65,000,000, the Secretary of the Treasury said in his annual report, was the interest on the public debt. The debt statement of the 1st of July shows this condition of things: less than \$450,000,000 of 3½ percents, the interest upon which is, say, \$15,750,000; \$250,000,000 of 4½ percents falling due in 1891, the interest amounting to \$11,250,000; \$738,897,790 of 4 percents, maturing in 1907, the interest on which is \$29,555,911, or a total interest of about \$56,000,000, instead of \$65,000,000, as stated in the Report of the Secretary of the Treasury. There can be no mistake about this.

Mr. SHERMAN. The Senator omits, for instance, the interest on the Pacific Railroad bonds, which amounts to \$3,877,410. That is at the bottom of the statement.

Mr. BECK. It is kept separate altogether and refunded, and it forms no part of the sinking fund that we have to keep now for supplying provision to pay our interest and to lay aside a reserve fund.

Mr. SHERMAN. The interest upon this railway debt is paid just like any other interest of the Government. The amount received under what is called the Thurman act is counted as part of the current revenue of the Government.

Mr. BECK. Certainly the interest is refunded in that way.

Mr. SHERMAN. Still it is counted as part of the fund of \$400,000,000.

Mr. BECK. The interest of the public debt on the 1st day of July, if Senators will look at the debt statement, will be found to be as I stated, about \$56,000,000 instead of \$65,000,000.

Mr. SHERMAN. That cannot be so, because here is the matter in detail; here are the regular estimates upon which all your appropriations are founded for the service of the fiscal year ending June 30, 1883; and here is the whole amount in detail worked out, showing that the interest on the public debt is \$65,000,000.

Mr. BECK. The Senator will surely understand, he does understand, that when the Secretary made those estimates he did not know how much of the public debt would be paid off during the past year. We have paid \$146,000,000; I believe nearly \$150,000,000.

Mr. SHERMAN. This statement was made at the same time as the statement from which the Senator read.

Mr. BECK. We paid \$13,860,027 during the month of July.

Mr. ALLISON. The Senator from Kentucky, as I understand it, is reading from the debt statement of July, 1882.

Mr. BECK. I am.

Mr. ALLISON. The estimate the Senator from Ohio relies on was made up in 1881, based upon the public debt then existing, a large portion of which has since been paid.

Mr. BECK. That is just what I am stating.

Mr. SHERMAN. As a matter of course this estimate was based upon probable payments to be made during this fiscal year.

Mr. BECK. And during the last month we have paid nearly \$14,000,000.

Mr. ALLISON. I want to ask the Senator from Ohio if it was possible for the Secretary of the Treasury to know last September when that estimate was made up how much of the public debt would be paid between that date and the 1st day of July?

Mr. SHERMAN. He could estimate it with great accuracy, and here it is.

Mr. ALLISON. How much did he estimate would be paid before the 1st of July?

Mr. SHERMAN. He estimated the amount due on each class of debt, specifying the amount of each.

Mr. ALLISON. But how much could the Secretary of the Treasury estimate would be paid between September, 1881, and July 1, 1882?

Mr. SHERMAN. He made an estimate according to the ordinary amounts they were paying.

Mr. ALLISON. Do we not all know that we have paid largely beyond any estimate made by anybody last fall?

Mr. SHERMAN. How much?

Mr. ALLISON. Certainly \$70,000,000 beyond what was estimated.

Mr. SHERMAN. The Senator is entirely mistaken. That would not make anything like the difference stated here.

Mr. BECK. Nearly \$14,000,000 was paid last month. Of course the interest stops on that when it is paid. Therefore the claim that they have \$65,000,000 interest to pay this year will prove to be I think at least nine million more than we shall be compelled to pay. I am willing to admit the \$3,000,000 interest on the bonds of the Pacific railroads. That would still leave six or seven million dollars. Then the sinking fund is claimed to be a fund of \$45,611,000. We have now so adjusted our debt that we can only pay \$710,000,000 before 1907, or an average of \$28,000,000 a year between now and that time. We are paying off the public debt at the rate of \$150,000,000 now. So if we continue to pay at that rate for a year or two longer we cannot pay on an average \$20,000,000 toward any so-called sinking fund, or if we do we shall have paid off \$450,000,000 of 3½ percents and the \$250,000,000 of 4½ percents before 1891, and from 1891 to 1907 we can pay nothing on the sinking fund.

I say, then, that the pretense that we are obliged to provide \$45,600,000 annually as a sinking fund, when we can only pay an average of \$28,000,000 now, even if we cease paying at the rate of \$150,000,000 a year to-day, when, as I said, we paid \$14,000,000 last month, is, as I have always claimed, an absurdity. Therefore we can reduce our taxation, but the trouble is that to the extent of \$17,000,000 we are called on to pay more to the sinking fund than is required, though we have to pay about eight or nine million dollars less interest every year.

In the statement which I have before me, just furnished by the Senator from Missouri, \$57,360,000 is the total of interest for the year just closed, instead of \$65,000,000, showing that I was correct about it.

Mr. RANSOM. Will the Senator allow me to ask him a question for information? Take the interest debt, the sinking fund, the running expenses, and all the expenses of the Government, what does he make the grand aggregate to be?

Mr. BECK. All the expenditures?

Mr. RANSOM. Yes, altogether. The Senator from Ohio made it \$401,000,000. I desire to know what the Senator from Kentucky makes it?

Mr. BECK. I have not at this moment the exact facts before me in regard to it. I have the record of the Treasury in a table which I will hand to the Senator from North Carolina. He can look over it. He will find it there somewhere.

Now a word about this conference report. The first forty-four amendments of the Senate were substantially agreed to by the House, the item of \$25,000 for lighted buoys being the first point where they made a serious stand, and, if I may use the word, compelled us to recede. Then came the board of health items, which I hope the Senator from Tennessee [Mr. HARRIS] will call attention to, which we insisted upon until it was painfully apparent that there was no possibility of obtaining an agreement.

The best we could do was to obtain an agreement from the House conferees to increase the appropriation made by them "for aiding State and local boards of health and for local quarantine stations in carrying out their rules and regulations, and to prevent the introduction and spread of contagious and infectious diseases in the United States" from \$25,000 to \$50,000. That the House conferees agreed to. Beyond that they would not agree to anything; and rather than report a disagreement on that single item we made the report that we have, accepting their proposition of giving \$50,000 in aid instead of \$25,000, and striking out all the amendments the Senate had put in in regard to stations.

Then we came to another serious matter in regard to the \$300,000 which the Senate had inserted to be paid into the treasury of the Cherokee Nation with the proviso—

That the Cherokee Nation, through its proper authorities, shall execute conveyances satisfactory to the Secretary of the Interior for the tracts occupied by the Pawnees, Poncas, Nez Percés, Otoes and Missourias, and Osages, so that these lands can be secured to said tribes in accordance with treaty stipulations and agreements.

That condition the Committee on Indian Affairs of the Senate had made very clear to us ought to be inserted, but upon argument with the House conferees we found that they had not only serious difficulty in agreeing with us, but denied, after having made a careful examination, that that was a proper item to insert. After hearing the argument of the chairman of the Committee on Appropriations of the House I saw that he had good reason for believing that there ought to be further investigation made in regard to that item, and for one I was constrained by reason of the argument made to us by

the conferees on the part of the House to say that it was but fair that this should go over until December, until they could satisfy themselves whether this was a proper amendment or not. I yielded after a full and fair argument on the other side, calling in gentlemen from the Senate at whose suggestion this item was inserted, and I believed with the House it was right we should agree with them on that point, so as to give them further time.

We had some difficulty, also, in regard to the construction of a new building for the Pension Office, though after a good deal of consultation and some modification the House conferees yielded, and that item is inserted.

The next item about which we had much trouble was the pay of the Senate employes, about which a good deal has already been said, and I need say no more than just to repeat that it was impossible to get the House conferees to consider it at all. We had drawn up a report making this one of the points upon which we would report a disagreement; but it being very late in the session, and the Senate having as absolute control over the report presented in this form as if we had presented a separate disagreement, we concluded to present the fact that it was impossible to agree, and there is no power, as the Senate knows, to require the conferees of the other body to agree to what we want. Therefore, we were obliged to come and tell the Senate the trouble. The House conferees would not yield to it; I do not believe they will yield to it. I do not believe reporting an additional disagreement would forward it; indeed it would impede the final disposition of the bill. Under those circumstances the Senate conferees were compelled to yield.

Mr. RANSOM. Will the Senator from Kentucky allow me to ask him one question on the point on which he is now speaking?

Mr. BECK. Yes, sir.

Mr. RANSOM. I understood the Senator from Iowa to say that the House conferees insisted that their employes should receive a month's extra pay, so as to equalize their compensation with that of the Senate employes, and that was the ground upon which they put their opposition to the amendment of the Senate on this bill to give our employes a month's extra pay. I can understand that to some extent, but I cannot see, and I should like for the conferees on the part of the Senate, if they can, to tell us, when it is admitted that the session employes of the Senate and the session employes of the House receive identically the same per diem, where is the equalization in giving the session employes of the House a month's extra pay and not giving it to the Senate session employes? In other words, I cannot conceive, with great deference to the conference committee of the Senate, that if the House conferees claimed and had passed a proposition to pay to their session or daily employes a month's extra pay, they could resist that same proposition when made in behalf of the Senate employes, both of whom receive the same identical compensation. I do not see how the House conferees could resist that proposition. They might resist extra payment to the officers who receive annual salaries, but how they could resist that simple proposition I cannot conceive.

Mr. BECK. If the Senator were to hear those gentlemen argue as to the number of days they sat and the number of Saturdays they were working when we were playing, as they called it, and the number of night sessions they had when the Senate had none, and the amount of extra work they did, the number of extra hours they were engaged, (which I do not propose to go into the merits of,) the Senator would soon understand many of the difficulties that he does not quite see now. I have no feeling about this report. Let the Senate vote down the report, and then let the Senator from North Carolina go and meet those House conferees once. He would then come back and tell us understandingly, if he goes through the same trouble that we have had for the last nine hours, that he cannot compel them to yield to him, right or wrong, or whether they have good reasons or bad reasons. I assure the Senator that it is my belief that they never will yield on this point.

Mr. RANSOM. If the Senator from Kentucky will allow me one moment, it does seem to me that the attention of the conference committee has not been drawn to the point which I made in reference to the House employes, because I understood the chairman of the Committee on Appropriations, the Senator from Iowa, to state most distinctly that the House resisted our amendment upon the ground that they had simply made the compensation of the employes of the two Houses equal by their additional month's pay.

Mr. BECK. We generally pass a resolution to that effect.

Mr. ALLISON. I will say that this is a bill appropriating many millions covering various items of appropriation.

Mr. RANSOM. I am not finding any fault with the committee of conference—very far from it.

Mr. ALLISON. I will say to the Senator from North Carolina that the Senate amendment to which he refers did not apply to our present employes unless they were in employment on the 29th of October last or on the 4th of March, 1881. That was the trouble with it. We undertook the business of perfecting it in the conference, and the moment we undertook that, that moment the House conferees insisted that we should not have this sum, and they put their opposition on various grounds. The ground I stated was one of them. Their provision for their employes in the mean time having been agreed to by the Senate it was not before the conference, and therefore we had not anything to quarrel with them about, and we had to yield.

Mr. RANSOM. I comprehend that, but I know the Senator from Iowa, the Senator from Kentucky, and the Senator from Maine could make an argument, and could make an impression upon the conferees of the House, even if they did not have anything to quarrel over.

Mr. ALLISON. We all made very good arguments, and I am sorry the Senator from North Carolina was not there to hear them, but they seemed to be unavailing.

Mr. RANSOM. I have no doubt it would have been very instructive and pleasant to have heard them.

Mr. HALE. We did the best we could, but we were confronted with what may seem to be an amazing thing to the Senator from North Carolina, with the consideration that there were some things of some importance in the bill besides this one item relating to the employes of the two bodies.

Mr. RANSOM. I know that. I know that there are millions in it, and matters of great importance, but I see this fact before me to-night, that I have heard a very strong argument made here by two of the conferees on the part of the Senate in opposition to the principle of the Senate amendment, especially an argument from the Senator from Maine, who opposed to-night in some strong and able words the amendment of the Senate itself, which the conference committee of the Senate certainly would have considered themselves instructed to stand up for. Yet both the Senator from Kentucky and the Senator from Maine to-night have made arguments against the amendment of the Senate giving this extra compensation to the Senate employes.

Mr. HALE. My remarks applied to the employes of both Houses, not to ours.

Mr. BECK. And so did mine, very distinctly.

Mr. RANSOM. The argument applied that way, but the bill leaves out the employes of the Senate while the employes of the House receive the extra pay.

Mr. BECK. The Senator from North Carolina is a member of the Committee on Appropriations as well as I am, and if he intimates that I was endeavoring to give away the employes of the Senate I want the Senate to understand that he is very much mistaken. My argument was against the principle of paying men salaries that were not sufficient, and then making it up by a month's extra pay, that it was annoying to the Senate and annoying to the House. I would be glad if this controversy had come before, as I said, in order that we might so adjust these salaries that there would have been no demand for extra pay by the House or by the Senate employes. I have sat in conference night after night, I think the Senator from Delaware [Mr. BAYARD] sat with me three weeks once, trying to adjust this very matter, and finally we had to yield.

Mr. RANSOM. If I said anything intimating that either one of the Senators gave away the Senate amendment I certainly should not have said so, because that is not a suggestion that any Senator with propriety can make; but I did think it right to draw the attention of the Senators themselves to the fact that they had pointed out arguments to-night in favor of the position of the House upon this question.

Mr. BECK. That I again deny, and I want a record of that.

Mr. CALL. Mr. President, I shall vote against the report of the committee of conference, and I hope it will not be concurred in. I shall vote as long as I am here against every report of a committee of conference which ignores the power of the Senate to control its own employes and their compensation. I fail entirely to see the force of the suggestion that the lateness of the hour of a session alters in any respect the constitutional duty and obligations of a Senator on the rightfulness and expediency of a public measure.

I fail to see also how the Senate can with any degree of dignity accede to any demand on the part of the other House, which is required to concur with it in every act of legislation. The very fact that the House makes a persistent demand for submission on the part of this body in the exercise of its constitutional powers presents a reason, and a reason that cannot be denied, why this body should resist the demand for submission on the part of the House. The Constitution requires a concurrence of action in these two bodies.

I also fail to see the force of the suggestion that there are important measures in this bill, more important than this item concerning the employes of this body, as a reason why we should in this respect do that which the judgment of this body has affirmed to be wrong, to surrender the conclusions which they have legitimately arrived at in the course of legislation.

Sir, there is nothing in these reasons. They are reasons that the Constitution forbids to have any force in the opinion and judgment of Senators.

In reference to this question of compensation, I wish to express my dissent from the opinion of the Senator from Kentucky and the Senator from Maine. Before they fix a law that there shall be no extra pay they must prescribe by law that there shall be no extra duty. They must limit the power of the President to convene extraordinary sessions here; they must limit the sad contingencies of death and public distress and public calamity which make a demand for extraordinary service and extraordinary duty on the part of the employes of this body. So far as I have observed them, without reference to party, they are an unusually intelligent, accommodating, industrious, and faithful body of public servants, and it does not comport with the

dignity of this body to allow the other branch of the national Legislature to affirm that they have not rendered faithful public service and to estimate that service as against the judgment and opinion of this body.

Mr. HARRIS. Mr. President, I have no criticism to make upon the conferees of the Senate upon this bill. From the statements the various gentlemen have made I must believe that they have done the best they could in conferring with the conferees of the House; yet there is a feature in this bill given up by the Senate conferees that I cannot do justice to myself without stating to the Senate that their action thereon furnishes to my mind a sufficient reason why I shall vote now and hereafter against concurring in any report based upon the principles that have controlled the conferees of the two Houses.

Mr. President, there is a section of this country which unfortunately is liable and subject to very fatal diseases. In 1878, to say nothing of prior years, there was a fatal contagion which settled upon the city in which my home is situated and a number of towns and cities around me. According to the best estimates which have been made not less than one hundred thousand of our people were stricken down from a condition of health to a bed of languishing and disease, and twenty thousand of our people were sent to their graves. According to the best estimate that a committee of this body in connection with a committee of the House of Representatives upon a laborious research and a careful investigation of the question could arrive at, not less than \$200,000,000 of the material wealth of the country was sacrificed by reason of the epidemic of that year, to say nothing of the impaired health and the number of our people who were sent to premature graves.

In the winter of 1878-79 Congress passed an act creating what is known as the National Board of Health. The President nominated the civilians and detailed the public officers who under the law were to constitute that board. I beg to say that from an intercourse of three years with that board, in point of ability, in point of purity of character, in point of reputation challenging public and private confidence, they are the equals of myself and others who have the honor of occupying seats upon this floor.

Under the act of June 2, 1879, they established their rules and regulations and undertook the work of enforcing them. They have given security, at all events they have commanded the confidence of the entire people of the Mississippi Valley, and as I think an overwhelming majority of the people of that valley think they have given security to that valley from the fatal consequences of the importation of contagion and spread of epidemic diseases that had decimated many of our towns and cities heretofore.

I beg to remind the Senate of the fact that with the memories of the fatal consequences of that epidemic fresh in the minds of the two Houses of Congress, at my request and at random, for I had no data upon which I could make an estimate, I asked the Senate to appropriate \$500,000 to enable that body to execute its rules and regulations as a means of preventing the importation of contagion from foreign countries and from one State to another.

The Senate and the House of Representatives, with the fearful memories of the period of 1878 upon their minds, did not hesitate by a large majority to appropriate to the board \$500,000. The board was organized; it proceeded to establish its rules and regulations and to execute them, and the average cost to the country for the first three years of its existence was about \$158,000. The \$500,000 appropriated has never been expended, and the operations of the board have only cost the country about \$158,000 per annum.

For the present fiscal year I called the president of the executive committee and the secretary of that board before the committee of which I have the honor to be chairman. We carefully investigated; we reduced the estimates to a minimum, amounting in the aggregate to about \$121,000 for the fiscal year. I introduced an amendment to the House bill in detail, specifying item by item, and the number of dollars it would cost to maintain the machinery and the organization of the National Board of Health for the current year, and the sum that would be probably necessary to enable it to aid State and municipal boards in enforcing their rules and regulations intended to prevent the importation of epidemic or contagious diseases into the country from foreign countries or into one State from another. The Senate cut down the estimates I have named and appropriated in the aggregate about \$98,000. Upon that I had hoped and believed the National Board of Health would be sustained, but in conference the Senate committee have given away every single Senate amendment in respect to the National Board of Health, and in compensation for conceding and giving away each and every Senate amendment upon that subject they have got an additional appropriation of \$25,000 to aid State and municipal boards.

Now, Mr. President, I beg to suggest to our conferees that the \$25,000 is wholly worthless unless the other items of appropriation that I have asked for are granted. Unless they are given the organization must go down, it must be abandoned, and you will have no organization to determine when and where and how this \$25,000 shall be applied. The whole organization must be abandoned, and the franker and the better method of dealing with the question, if that is the policy of the House and the policy of the Senate, would be to have stricken out the Senate amendments and adopted an amend-

ment in lieu abolishing and wiping out at once and forever the National Board of Health. It cannot be maintained upon the appropriations granted by the House; it is utterly impossible, and the idea of attempting to cripple it and render it utterly powerless in this indirect way is what I utterly repudiate and object to.

I shall vote against concurring in the report of the committee of conference, because I want the Senate to insist upon the Senate amendments for the benefit of the National Board of Health, and if they cannot be maintained, then I ask them, as the representative of that board upon this floor, to incorporate in lieu of the Senate amendments a manly declaration that the board is abolished and waste no money on it. It is utterly absurd to make appropriations minced out in less than half the amount that is necessary to sustain the machinery of the board and to enable it to perform the functions that the law imposes upon it and to enable it to perform efficiently and well the duties that the country has a right to expect of it.

Many Senators have not seen in the cities of their homes what it has been my misfortune to see in the city in which I live, for long, weary, and sad months at midday the whole city as silent as the grave, the pall of death hovering over a whole population, and when you walked down the main business thoroughfares at midday, where in other times you were wont to see every evidence of animation and business enterprise, not a single door that was not locked and barred of a business house, except the drug-store and the doctor's office, and not a sound to be heard to break the sad silence of the hour but the dull sound of the wheels of the hearse bearing to the tomb the last victim, followed only by a single carriage, with one or two or three of the bereaved family, whose father or mother or daughter or son was being borne to the tomb. It has been my misfortune to sit for long and weary weeks running into months and to look out of my window upon a sickened city that was as still as the silent home of the dead, with no sounds to break upon the ear except those that I have already noticed.

If it had been the fortune of other Senators to witness scenes like these, to feel as I have felt the utter misfortune that swept down upon the city of my home and the population with whom I was identified, and several surrounding cities and towns equally unfortunate at the same time, I do not believe there is a Senator upon this floor who would hesitate for one single moment or stickle as between the pitiful sum of \$50,000 that it is proposed to give to maintain this board of health and the sum of \$125,000, or even \$500,000, if it is to be believed or hoped the action of that board shall even contribute in the smallest degree to the prevention of the introduction of the fell destroyer which has taken off so many of our people, and which in 1878 and 1879 produced that condition of affairs that absolutely paralyzed commerce, destroyed trade and business, excited and challenged the charity of the whole world, and during that dark period of our misfortune the whole civilized world poured into our lap their charities in sums aggregating hundreds and hundreds of thousands of dollars.

Mr. President, the mouth of the Mississippi River is the gateway to the valley of the Mississippi. It is a known fact that the yellow fever is raging to-day in Vera Cruz, at Havana, at Matanzas, and at other points in the West Indies and on the Gulf coast. I am perfectly satisfied, from the most careful examination that I was capable of giving this subject for the last three years, that if we will by our action so regulate commerce as to prevent the importation into this country of contagion, so far as yellow fever and cholera are concerned, we shall never have another case of either in this country as long as time lasts. Yellow fever, I am perfectly satisfied, is an exotic disease, not a disease indigenous to this country. It has been brought here invariably, when we have had epidemics of the disease; and I believe the whole medical fraternity agree in the fact that cholera is not indigenous, and no case of cholera ever originated in this country.

Under the rules and regulations of the National Board of Health we have had no importation of either of these diseases for the last three years; and if the powers necessary are given to that board, with such poor, pitiful sum as is necessary to maintain it, I have not the shadow of a doubt that it not only can but it will throughout the future prevent the importation from foreign countries into this country of these contagions and prevent the importation from one State into another, if perchance they should by accident get into the country at all.

Why, Mr. President, let me refer the Senate to a single fact. In 1878 you had no National Board of Health. In 1879 we had an epidemic of yellow fever at New Orleans and Memphis, just after the organization of the National Board of Health, but before it had the machinery perfected and in full operation; but the board of health was organized, and immediately upon the appearance of yellow fever at New Orleans and Memphis the board of health took charge of it. It was absolutely confined to the city of Memphis, and not a case was allowed to escape that city, and it was tramped out absolutely in the city of New Orleans. Notwithstanding the raging of the epidemic at these two cities, commerce, under the regulations of the National Board of Health, enjoyed a freedom that resulted, according to the reports made at one single point, Cairo, Illinois, so that the tonnage from that point by river and rail to and from the South, the infected regions, amounted to over 100,000,000 tons more than it did during the same period for 1878, when there was no National Board of Health in existence.

Now, sir, strike down the board, leave the whole country to rely, as they have had to rely throughout our whole history till recently, upon municipal, State, and local boards, and what will be the result? You cannot trust the local board of New Orleans, of Vicksburg, of Memphis, or of any other place. There is not a local board of health to-day in existence in any State, town, city, or village that is not in sympathy with and interested in the commerce of the town where it is located. Being in sympathy with the commercial men of the city, it will take risks, it will not announce the fact until absolutely forced to do so by the raging of an epidemic; it will not report a case of contagious disease; it will postpone the hour of recognizing or of announcing to the public that there is a contagion, if there is an epidemic raging, until the epidemic announces itself.

The national board has no such sympathy; it resides at a national point; and through its own agents it reports the facts just as they are.

I beg to remind the Senate of the fact that there is not a transportation company by river or rail throughout the South and West that has not petitioned for the maintenance of this board and giving it ample powers and ample appropriations to carry out its rules and regulations. Why? Because the whole country everywhere has confidence in the reports that the national board makes. When the National Board of Health says there is no epidemic in New Orleans everybody is willing to trust himself on the steamers to New Orleans, and the trains to New Orleans are allowed to go scot-free. So in regard to every other point.

I beg to remind the Senate of the fact that, with the exception of the State board of health of Louisiana, located at New Orleans, I do not know a board of health, I do not know a sanitary organization in all this land that does not approve of and ask for the maintenance of the National Board of Health. I have on my table at my house to-night a pile of petitions and memorials from State and local boards of health and sanitary organizations; they have teemed upon me by the hundred, piles looming up quite to this height, [indicating.] Every board of health, so far as I know; every sanitary organization in the whole country, so far as I know—and I do know affirmatively that a very large number of such boards and associations have petitioned that this national board shall be maintained and that appropriations to enable it to perform its functions efficiently and well should be extended to it.

For these reasons, and believing as I do believe that there is no appropriation amounting to such a sum as I have mentioned that is made by this or any other bill which Congress has appropriated money to, that there is no object to which Congress has appropriated money that is so valuable, that benefits the whole American people to the same extent as the amount of money that I ask for the maintenance of this board of health, I must oppose the adoption of this report. If I am mistaken about it of course I must abide the decision of the Senate. I shall bow to it regretfully, because I do believe as earnestly and as consistently as I have ever believed any single fact in my life that it is one of the most important institutions to the American people that has been established for many years; that it is as worthy of the support of the American people as any institution that we have created or that we appropriate money for the support of.

I do not desire to detain the Senate longer.

Mr. VOORHEES. Mr. President, I thoroughly coincide with every word that has been so eloquently and properly expressed by the Senator from Tennessee, and I only rise now to ask the conferees on the part of the Senate what explanation they have to give—they have an explanation, of course—why this great question was allowed to go out of the bill, why this appropriation was allowed to be subordinated to the objection of the House. I regard it as one of the greatest and most important questions provided for in this bill, and while I am very well accustomed to submit to whatever the House says upon such subjects, I really have a curiosity to know what reason was given and accepted for the rejection of this appropriation. I desire to know whether it is because there is no need of it, whether it is because the provisions accompanying this appropriation will not accomplish the object.

In other words, I wish to know why those charged with the management of this bill on the part of the Senate have surrendered this great trust which the Senate reposed in their hands. I suppose it will be done, as they have agreed to it; I suppose we shall have to surrender; but I should like to know, and I ask in all good faith, why it is that this question affecting the health, the safety, the prosperity, the great success of this country has been surrendered at the dictation of the House?

I ask for an answer. If I cannot get an answer of course I shall have to go without it; and then I will say to the country and to the Senate there is no answer; and there is no reason and there is no justice in the surrender that has been made.

Mr. ALLISON. Does the Senator desire an answer now?

Mr. VOORHEES. I do, of course. I am asking in perfect good faith.

Mr. ALLISON. I was going to answer as soon as the Senator got through.

Mr. VOORHEES. I want an answer.

Mr. ALLISON. I see the Senator from Kentucky on the floor.

Mr. BECK. Let the chairman answer.

Mr. VOORHEES. I will repeat briefly the question: is it because there is no need of this appropriation, or is it because the machinery of the bill does not make it effective, or what is the reason?

Mr. ALLISON. The House of Representatives appropriated a sum of money for the maintenance of the machinery of this board here locally; they appropriated \$25,000 to aid local boards of health; they placed under the control of the President of the United States \$100,000, to be used by him in his discretion in case of epidemic or contagion. These sums are retained in the bill with the addition of \$25,000 more to aid local boards of health.

Mr. MORGAN. Does that make \$200,000?

Mr. ALLISON. That makes in all about \$177,500. I may be mistaken a few thousand dollars in the sum.

Mr. HARRIS. There is a distinction between a contingent and an absolute appropriation.

Mr. ALLISON. In addition to that the Senate inserted in the bill a proposition for the maintenance under the National Board of Health of quarantine stations at four places. The House in reply to us say "these quarantine stations are only necessary in case of contagion, and when contagion comes we put \$100,000 in the President's hands to be used at these quarantine stations or elsewhere for the purpose of protecting the people of this country against contagion."

Mr. HARRIS. Will the Senator from Iowa allow me to interrupt him there?

Mr. ALLISON. I am giving now the argument of the House. That was what they said to us. They said in addition that the House of Representatives believed that this National Board of Health ought not to exist as it had existed during the last year, that they are for curtailing its power, and the House of Representatives had three times, they told us, insisted upon the curtailment of the power of this board. They said to us further, I will remark in response to the Senator from Indiana, that in the very regions of country which are chiefly affected by these contagions the members of the House of Representatives were against this board. They said they were in accord and in sympathy with the views of the House upon this question. So it became a question with us whether we should give up this bill and have a disagreement, or whether we should finally agree on this point.

The provisions in relation to this board of health were passed by over and over again. The committee of conference began its session this morning at nine o'clock. Of course there were intervals when we were obliged to come into the Senate, but we did not finally close our report until nearly seven o'clock to-night, and this board of health provision was the last one that we surrendered. We twice insisted on a disagreement; but finally, at the hour of seven, when the Senate had taken a recess until eight, when it became perfectly apparent that unless this bill should pass before we adjourn to-night we should be obliged with a doubtful quorum in the House of Representatives to extend the joint resolution which we have extended over and over again continuing the appropriations for the want of this bill, we concluded the arrangement made in the report.

I ask is it fair toward the Senate committee of conference when we have stood by these appropriations as faithfully and diligently and as honestly as we could, to now insist upon a categorical and specific answer with reference to every reason that operated upon us in regard to the surrender of these appropriations?

I will say to the Senator from Indiana and to the Senator from Tennessee that the committee of conference on the part of the Senate stood with absolute fidelity in favor of every provision inserted by the Senate in this bill and we discussed them at length and in detail with the House conferees, and finally yielded as we are obliged to yield in these matters of difference between the two Houses in order to secure an agreement. The Senate is potential, as we know, but in order to pass a law you must have the concurrence of both Houses, and where there is disagreement there must be concession and conciliation somewhere, and in that spirit we finally and at the very end of the conference yielded this question of the board of health.

Mr. HARRIS. Did I question the fidelity of the Senate conferees in any manner or by any word?

Mr. VOORHEES. The Senator from Iowa will understand perfectly well that the great importance of the question justified the inquiry which I made.

Mr. ALLISON. Allow me to ask the Senator from Indiana a question. Does he think that it is a wise thing to allow this bill to fail rather than have this amendment suggested by the Senate made?

Mr. VOORHEES. I do not; but at the same time it is allowable to ask the reasons why a great measure like this has been cut down.

Mr. ALLISON. I do not object to that.

Mr. VOORHEES. I thought there was some criticism indulged in on the part of the Senator from Iowa at the inquiry.

Mr. ALLISON. The Senator's method of inquiry was a little vigorous, if I may use that expression.

Mr. VOORHEES. I did not intend it so, I am sure; but I do say that this question of the board of health assumed such importance that I desired to know what provision had been made in lieu of that which we had provided, and what reasons there were for dropping ours out? That was all.

Mr. WILLIAMS. I look, sir, upon this action as absolutely a nullification of a law of Congress. This board of health was estab-

lished by Congress not to cure pestilence, not to take charge of it after it came to the country, but to keep it out, and the insufficiency of the appropriation absolutely destroys the board of health. The object of this board was to protect the country against those four great scourges of the human race, the yellow fever, the small-pox, the cholera, and the leprosy, all contagious foreign diseases, none of them indigenous to the country, but all imported into the United States. In order to do this it was necessary that quarantine arrangements with stations of refuge to which infected ships and cargoes could be sent should be provided, and it requires money to do all this. What good is the \$100,000 the Senator from Iowa talks about? What good will that do if pestilence gets into the country? You would spend \$20,000,000 when it got here to extirpate it.

I know something about this. I have received letters and petitions and memorials from various boards of health and sanitary commissions all through the West, from Saint Louis, from Chicago, from Indianapolis, from Cincinnati, from Louisville, all protesting against withholding from the National Board of Health the amount of money necessary to enable them to keep these diseases out of the country. They have established stations of refuge for New York City on the lines of railroad running to the Northwest, and you Senators of the West and Northwest know how your country has been scourged in past years by immigrants bringing the small-pox. They have established stations, and the medical gentlemen all say these stations have brought the small-pox within manageable limits. If you take away from the Board of Health the power and withhold from them the money necessary to establish these stations, you will be overrun with the small-pox. The boards of health of Saint Louis, Indianapolis, Cincinnati, and Louisville say so. The States cannot provide for it.

We know that the cholera is now raging in Asia and has advanced already into Eastern Europe, and by the steady and slow progress which it makes toward the west it must visit us at no very distant day. We know that the yellow fever is rife upon the islands of the West Indies. We know that it is in Mexico. Suppose a ship arrives in New Orleans with the yellow fever on board, what can the local board of health do with it? They have no place to put that ship except to anchor it in the Mississippi River, and vessels coming in and out are liable to catch it. This National Board of Health has established stations to which such ships and their passengers may be carried for quarantine so as not to contaminate other vessels coming into a port. It is absolutely impossible for the local boards of health to protect the country from the importation of diseases from abroad. Nothing can do that but the National Board of Health.

I know we are liable to the small-pox and the yellow fever the coming season, and I am willing to vote the sum of \$125,000, which is all that is asked to continue this National Board of Health. All the local boards demand it except the board at New Orleans, and a majority of its members are in favor of it, but it happens that the president of that board is opposed to it. I know another thing. We have a service called the Marine-Hospital Service which is opposed to it. They say the medical staff are quite sufficient to attend to all this matter. Their business is to take sick men and put them in hospital; it is not to keep disease out of the country. They say it will be cheaper to leave it to them; I have heard them talking that way to members of Congress of both Houses, saying we have got a staff that can do all this. Does not anybody know that to keep epidemic and contagious diseases out of the country you have got to have places to put vessels in?

I know the prejudice that has been gotten up against the National Board of Health, which in my judgment is the most valuable institution that has been established by law for years. I know of nothing so beneficial to our country; I know of nothing that gives such assurance of health to our country to keep away the pestilences that with our modern facilities of communication with the nations of the earth may be brought into this country. China, Japan, and all the countries are as near to New York now as New York was in my boyhood to the city of Louisville. With our telegraphs, with our rapid modes of communication, with the facilities and the cheapness of transit from every quarter of the earth to this country, we are liable to be infected every year by these dread pestilences that strike terror to the heart of all nations of the earth. The local boards cannot keep them out. Are we not a nation? Have we not a right to protect the health of all the people? Ought not we to do it? I say we ought. What has this National Board of Health done for the country? Why, sir, when it was organized, this dread pestilence of yellow fever was feared throughout the whole South. They have put an end to it; and they have restrained the spread of small-pox throughout the West and the Northwest, and they will keep these pestilences out of the country if we continue their power, and continue the appropriation to enable them to do it; but my word for it, the State boards cannot do it; and there is not a State board in this Union except the board at New Orleans that is opposed to the continuance of the National Board of Health. The boards at New York, Richmond, Norfolk, Boston, Chicago, Saint Louis, Memphis, and all through the whole United States have petitioned and memorialized Congress to continue the appropriations, and not destroy the National Board of Health by withholding from it the supplies necessary to continue its watchful care over the health of the American people.

Mr. BECK. I wish to say but a word.

Mr. PLUMB. I rise to make a motion to adjourn.

Mr. BECK. Only one word. Questions are asked about this matter, showing that there must be a misapprehension. The Senator from Indiana and my colleague both seem to think that no appropriations are made for this board, that the House has acted outrageously, and that the Senate conferees have acted outrageously in agreeing with them in part. I want to place on the record what the House did. The House provisions now agreed to by the conference are, first:

For pay and expenses of the members of the National Board of Health, \$10,000.

That the Senator from Tennessee says is \$5,000 more than they want.

Mr. HARRIS. That is true. They need but \$5,000 for that purpose.

Mr. BECK. Next the House put in:

For pay of secretary and disbursing agent, and pay of clerks, messengers, and laborers, \$5,500.

Mr. HARRIS. We need at least \$17,000 for that.

Mr. BECK. The House differed with the Senator from Tennessee. The Senate voted to give \$15,000. Next:

For rent, light, fuel, furniture, stationery, telegrams, and postage, \$2,000.

That was given. Then the House provided, and it is in this bill—and that would seem to be somewhat of an answer to the speech of my colleague:

And the President of the United States is hereby authorized, in case of a threatened or actual epidemic, to use a sum not exceeding \$100,000, out of any money in the Treasury not otherwise appropriated, in aid of State and local boards or otherwise, in his discretion, in preventing and suppressing the spread of the same.

Whenever this National Board of Health advises the President that the yellow fever or small-pox or anything else is approaching he is not to wait until it comes to the country, but where we are threatened from Asia, Africa, Europe, or anywhere else, the President of the United States can take out of the Treasury of the United States \$100,000, and use it at his discretion in preventing and suppressing the spread of the disease by establishing quarantine anywhere and everywhere he sees fit. That \$100,000 is now in the bill, and that is all the National Board of Health ever asked for that purpose, all that anybody ever asked, all that the Senator from Tennessee asked, and it is now the law if this report is agreed to. Then the House further provided:

For aid to State and local boards of health and to local quarantine stations in carrying out their rules and regulations to prevent the introduction and spread of contagious and infectious diseases in the United States, \$25,000.

The conferees on the part of the Senate urged and implored to increase this item, and it took a long time to obtain that much of a concession; but we got it raised to \$50,000. But the House insisted upon striking out the quarantine at Ship Island and at Sapelo and Hampton Roads, for which we proposed to appropriate \$45,000. As I said, we got \$25,000 more "for aid to State and local boards of health and to local quarantine stations in carrying out their rules and regulations to prevent the introduction and spread of contagious and infectious diseases," making it \$50,000, and that is now in the bill if the conference report is adopted. Adding that \$25,000 to the \$100,000 that the President can use whenever the National Board of Health tells him there is danger anywhere, and making ample provision for the pay and expenses of the National Board of Health, even \$5,000 more than the Senator from Tennessee says they need, and giving them \$5,500 for clerks, messengers, and laborers, with \$2,000 for rent, fuel, and lights, surely it cannot be said that we have neglected this board.

Mr. HARRIS. The Senator from Kentucky thought \$10,000 was too little when the bill was under consideration for the item left at \$5,500, and it was at the Senator's suggestion I moved the amendment.

Mr. BECK. I did, and I believed it was proper to establish each one of these stations. I am only telling now what is in the bill. It is not a bad bill. It is not liberal enough, according to the judgment of the Senator from Tennessee and according to my judgment, but we have inserted \$50,000 to aid local boards and \$100,000 to be used if any danger approaches from any quarter, with pretty fair allowances for the support of these gentlemen. When we met upon the differences between the House and the Senate and we were going into details the House said these men ought not to be authorized to establish permanent quarantine anywhere, that was not part of their duty, and they objected to it, for they said it would grow and grow up into a system and the National Board of Health would be like a good many other boards and commissions, enlarge and usurp power.

I am giving the argument of the House. They submitted the question to the House on the Senate amendments, and by a vote of three to one the House, as the RECORD shows, voted down the Senate amendments and told their conferees by a vote of three to one to resist our amendments. They came thus fortified with the vote of the House at their back and with the votes of men from Mississippi, Louisiana, and Florida, and from the infected region demanding that they should not put these powers in the hands of these men. Notwithstanding all that—

Mr. GEORGE. Will the Senator allow me to ask if he refers to the Representatives from Mississippi?

Mr. BECK. I am stating only what was said in conference to us.

Mr. GEORGE. That is not my information.

Mr. BECK. I will take back the name of any State if her Senator objects to its being used. The Senator from Indiana asked me to give the reasons, and I was trying to do it.

Mr. VOORHEES. I made no reflection on the conferees.

Mr. BECK. We were advised of the action of the House.

Mr. GEORGE. There is no support for that statement as to Mississippi.

Mr. BECK. Two-thirds of the House stood by their conferees. We had drawn up a disagreement to present this as a separate matter, but upon further consultation among ourselves we thought it best to lay the whole matter before the Senate. We got every dollar for this board of health that we could by any sort of persuasion, and that is all we could do.

Mr. HARRIS. Mr. President—

Several SENATORS. Vote! Vote! Vote!

Mr. HARRIS. You may cry "vote." I have some rights here. I do not expect anything else but the assertion of my rights, and those I will assert here and elsewhere, and the cry "vote" will not silence me. I have very little to say, however; but that little I intend to say.

If the conferees on the part of the Senate are guided by the spirit and animus of the speech of my friend from Kentucky, [Mr. BECK,] I know the fate of the National Board of Health. I have asserted here more than once, and I now repeat, and let it be not misunderstood, that with the appropriation agreed upon by the Senate conferees and made by the House the National Board of Health will go out of existence at once and forever, and I believe and I have a right to believe that that is the intention. If such is the will of the two Houses of Congress, I shall submit as gracefully as any American citizen can; I shall yield to it submissively, greatly against my will and my wishes and my judgment, but yield to it because it is the will of the American people as expressed by their representatives in the two Houses of Congress.

But the Senator from Iowa said the argument relied upon by the House was that we do not need any National Board of Health until we have an epidemic. That is a total misconception of the principle upon which the National Board of Health was created. One of its duties, and one of the least important of its duties is to deal with epidemics when epidemics present themselves and blast and blight and destroy the country; the highest and the most important duty that devolves upon that board of health is to prevent the introduction of contagion into the country from other countries, and into one State from another, to prevent the existence of an epidemic.

I would give very little for the powers that I invoke if they could not stand at the gate where a contagion can enter this country, take root and spread and blight and destroy the health and the lives of our people, and there keep it off. There is where the agencies of the National Board of Health should be stationed.

The idea that you need a National Board of Health only when you have an epidemic! I had as well ask the Senate to abolish the Army and the Navy because it is an admitted fact that we are at peace with all the world. We have no war; so we need no Army and no Navy! Why not abolish them if that argument be legitimate or even respectable?

But as many Senators are anxious for the vote, I do not intend to detain the Senate longer than to say that I ask my friend from Kentucky, I ask my friends from Iowa and from Maine, conferees and representatives on the part of the Senate, if I shall be successful, as I have not any great amount of hope of being, in defeating the conference report, to go back. I tell them the board of health cannot exist upon the appropriation here made, and I ask them to vote it out of existence.

The manly way, the frank way, the proper way to put it out of existence is to strike out your amendments and agree in conference upon an amendment that shall abolish the board of health. That meets the question frankly and squarely, and as the Senate and the House ought to meet it. Do that, or give enough to enable the board to perform the functions which the law requires it to perform, and to perform them fully, efficiently, and well. All I ask is to do one thing or the other.

I shall ask no other Senator to take that position, but so far as I am personally concerned, deeply impressed as I am with the importance of maintaining this institution, if my single vote could control it, I would sit here and vote against agreeing to the conference report until you called the Senate to order in the second session of the Forty-seventh Congress, and I would sit here until the 4th of March required you, Mr. President, to pronounce the Senate adjourned *sine die* before I would agree to the report that now is before us for our consideration. Such is my appreciation of the importance of this question, but I ask no gentleman to coincide with the opinions I entertain.

I speak feelingly because I have suffered deeply from the evil that this board has the power to avert. No other power exists under the authority of this Government that can avert it and can give the security that the people of the great valley of the Mississippi have a right to expect and demand at the hands of their representatives in the Senate and in the House.

Mr. PLUMB. This day's sitting has extended already half an hour into Sunday. It is not the short session by any means, but a session already extended over eight months. I do not think there is any

necessity that the Senate should continue this session into the Sabbath at all. I do not think it tends to the wisdom of legislation; I do not think it is respectable. I do not think it is in any way proper at the end of a session of this kind that we should get into so remarkable a hurry that we cannot adjourn for Sunday. I think every consideration of decency and propriety requires the Senate to adjourn. I therefore move that the Senate do now adjourn.

Mr. ALLISON. I hope the Senator will withdraw that in order that we may take the vote on this report.

Mr. PLUMB. I am not advised that there is any single thing connected with the running of this Government that requires the passage of this bill before Monday. If some belated individual getting a salary of \$1,200 should have a day's vacation, it would not hurt him or hurt the Government.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate adjourn.

The motion was not agreed to.

Mr. PLUMB. I want to say that I have a reason why I think this conference report ought not to be agreed to. Amendment numbered 171 provides for the discharge of a sacred obligation of the Government, not only one obligation, but of a number, an obligation which is due to the Cherokee tribe of Indians, and an obligation which is due to a number of Indian tribes located on the Cherokee lands in the Indian Territory.

We have had something to say about the Poncas heretofore during the last two or three years, a tribe of Indians that were taken by force from their homes in Nebraska and located in the Indian Territory. They have been placed on land down there without one single iota of title. They are in danger to-day, as they have been for months and for years, of having their homes taken away from them by settlers. That danger is increased from day to day. It is a matter not only concerning them and our obligations to protect them in honor, but it is a matter which concerns the security and peace of that frontier. And yet the Senate committee have given away without any cause whatever, it seems to me, that amendment. I do not think it is proper that a report which does not include that amendment and affirmative action upon it should be adopted.

The PRESIDING OFFICER, (Mr. HOAR in the chair.) The question is on the adoption of the conference report.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a bill (H. R. No. 6683) to authorize the construction of bridges over Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers in the State of Georgia; in which it requested the concurrence of the Senate.

ADJOURNMENT.

Mr. KELLOGG. I should like to have the Senate take up the resolution for the payment of a thousand dollars to a contestant. ["No; no."]

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at twelve o'clock and thirty-two minutes a. m., Sunday, August 6) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, August 5, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. KASSON. I ask that by unanimous consent the House go to the Speaker's table to dispose of the few House bills which are there with Senate amendments. I understand there are only five or six such bills.

The SPEAKER. That can only be done by unanimous consent. The Chair will submit the proposition. Is there objection to going to the Speaker's table for the purpose of considering House bills thereon with Senate amendments?

Mr. MARTIN. I object.

Mr. COX, of New York. How many bills are there on the Speaker's table with Senate amendments? I understand there are only a few.

Mr. BROWNE. There are three pension bills there of the House with merely verbal amendments.

Mr. COX, of New York. Who objects?

The SPEAKER. The gentleman from Delaware objects.

DIPLOMATIC RELATIONS WITH PERSIA.

Mr. KASSON. Then I ask consent to take from the Speaker's table the bill (H. R. No. 6743) to establish diplomatic relations with Persia, which was unanimously passed by the House, and which was next day unanimously passed by the Senate with a single amendment, making the necessary appropriation, it being too late to put it into any appropriation bill.

Mr. HOLMAN. Let the amendment be read, the right to object being reserved.

The Clerk read the Senate amendment, as follows:

At the end of the bill add the following:
"And the sum necessary therefor is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. KASSON. I move to concur in that amendment.

The amendment was concurred in.

Mr. KASSON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FRANK SOULE.

Mr. ROSECRANS. I ask the courtesy of the House to allow a Senate bill now on the Speaker's table to be taken therefrom and put upon its passage. It is the bill (S. No. 551) releasing Frank Soule, late collector of internal revenue for the first district of California, and his sureties, from liability to the Government of the United States. The bill relieves from liability Frank Soule and others who were the victims of a robbery. It has been reported favorably in four Congresses. Mr. Soule has now been relieved by death, and I desire to have the bill taken up and verbally amended so that it may relieve his heirs and put upon its passage.

The SPEAKER. The Clerk will read the bill.

Mr. RANDALL. The right to object being reserved.

The bill was read.

Mr. SMITH, of Pennsylvania. I object.

ROBERT HALL.

Mr. HATCH, by unanimous consent, introduced a bill (H. R. No. 6891) granting a pension to Robert Hall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOLDIERS' REUNION IN ILLINOIS.

Mr. HENDERSON. I ask unanimous consent to take from the Speaker's table, for the purpose of moving concurrence in the Senate amendments, the joint resolution (H. R. No. 205) granting the use of articles, tents, &c., at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882.

The amendments of the Senate were read, as follows:

In line 2 strike out "or arsenal."
In line 5 strike out "cannon."
In line 5 strike out "muskets."
In line 6 strike out "cannon."
In line 6 strike out "muskets."
In line 10 strike out "arsenal and."
In lines 13 and 14 strike out "arms, ammunition, and camp equipage," and insert "tents."
In line 16, after "quota," insert "of arms allowed by law."
Amend the title so as to read: "Joint resolution granting the use of tents at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882."

Mr. HOLMAN. Those amendments seem to strike out almost everything.

The amendments of the Senate were concurred in.

Mr. HENDERSON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARY J. VEAZIE.

Mr. SINGLETON, of Mississippi. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate bill No. 566, for the relief of Mrs. Mary J. Veazie. I hope gentlemen will reserve their objections until the report, which is a short one, is read. I will not make any remarks myself.

The bill was read, as follows:

Be it enacted, &c., That the sum of \$4,400 be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, to pay Mrs. Mary J. Veazie, of Natchez, Mississippi, for property taken for the use of the United States troops stationed at Natchez, Mississippi.

Mr. HOLMAN. I will have to ask for the regular order.

Mr. SINGLETON, of Mississippi. I hope the gentleman will not do that.

The SPEAKER. The demand for the regular order is equivalent to an objection; and the bill is not before the House.

GARFIELD STATUE IN WASHINGTON.

Mr. MCCOOK, by unanimous consent, submitted the following concurrent resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring,) That the use of the Rotunda and adjacent rooms be granted to the Garfield monument committee of the Society of the Army of the Cumberland from the 25th of November to the 3d of December, 1882, to hold a bazaar and reception, the object being to raise a fund to aid in the erection of a statue at Washington to the memory of the late President Garfield.

Mr. MCCOOK moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the

committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 35 and 36 to the bill of the House of the following title:

A bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER. The Chair has been informed that the objection is withdrawn which was made to proceeding by unanimous consent to business on the Speaker's table for the purpose solely of considering House bills and joint resolutions with Senate amendments.

Mr. MARTIN. I do not object to taking bills from the Speaker's table, but what I object to is a special arrangement confining action to a certain class of bills.

The SPEAKER. If the House shall proceed to the consideration of business on the Speaker's table, House bills and joint resolutions with Senate amendments would be the first in order.

Mr. RANDALL. Let each bill be taken up by itself, subject to objection.

The SPEAKER. If there be no objection, the Chair will submit each bill in the order in which it is on the Speaker's table.

There was no objection.

INSPECTION OF FOREIGN PRIVATE STEAM-VESSELS.

The first business on the Speaker's table was the bill (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam-vessels, returned from the Senate with amendments.

The SPEAKER. The Clerk will report the amendments of the Senate.

The amendments of the Senate were read, as follows:

In line 6, after "sections," insert "4417, 4418, 4421, 4422, 4423, 4424."
In lines 9 and 10, strike out "4486."
In line 10, strike out "and" where it occurs the second time.
In line 11, after "4489," insert "4496, 4497, 4499, and 4500;" so that the clause will read:

"And all foreign private steam-vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports of the United States, respecting any of the provisions of the sections aforesaid."

Also add to section 1 the following:

"Provided, Where the term 'local inspectors' is used in the foregoing section it shall be construed to mean the special inspectors hereinafter provided for."

Also add to the bill the following:

"SEC. 3. The special inspectors of foreign steam-vessels shall perform the duties of their office and make reports thereof to the Supervising Inspector-General of Steam-Vessels, under such regulations as shall be prescribed by the Secretary of the Treasury."

"SEC. 4. That each special inspector of foreign steam-vessels shall execute a proper bond, to be approved by the Secretary of the Treasury, in such form and upon such conditions as the Secretary may prescribe, for the faithful performance of the duties of his office."

"SEC. 5. That the Secretary of the Treasury shall procure for the several inspectors heretofore referred to such instruments, stationery, printing, and other things necessary, including clerical help, where he shall deem the same necessary, for the use of their respective offices, as may be required therefor."

"SEC. 6. That the salaries of the special inspectors of foreign steam-vessels and clerks provided for, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this act, shall be paid for by the Secretary of the Treasury out of any moneys in the Treasury not otherwise appropriated."

The question was upon concurring in the amendments of the Senate.

Mr. PAGE. I would like the gentleman from New York [Mr. Cox] to explain these amendments.

Mr. COX, of New York. If gentlemen will look at page 25 of the RECORD of yesterday they will find there the debate in the Senate upon this measure, and also the letters of Judge Folger, Secretary of the Treasury, and of James A. Dumont, Supervising Inspector-General, in favor of the passage of this bill. They will find the unanswerable statements of the honorable and distinguished statesman from Minnesota, [Mr. McMILLAN,] and his statements confirm our best judgments.

The Senate has placed certain amendments on the bill which recite certain sections of the Revised Statutes. Those sections, which were enumerated in the bill, have relation to general provisions against fire, &c., on foreign steamers, and additional security against disasters on the same class of steamers when laden with cotton, hemp, or hay, &c. All those sections have but one object, the protection of passengers and the imposing of penalties on those ships which go to sea without proper provision in this respect. This bill has had the sanction of the Senate, and substantially of this House, and all we now ask is that the Senate amendments may be concurred in.

I will say that this bill proposes to inspect foreign vessels, just as our own vessels are inspected by foreign authorities. No more, sir, and no less. Vessels like the Babama, on which twenty of our people went down in mid-ocean, and other like ship-coffins, are intended by this bill to be prevented from sailing from our ports unless they have had the same inspection as our own vessels. All that we ask is that foreign vessels, mostly old and rotten blockade-runners that go to the West Indies and elsewhere, shall have the same guard and inspection as our own vessels. No more, sir, and no less.

Mr. TOWNSEND, of Ohio. The provisions of this bill have been carefully considered by the Committee on Commerce of this House,

and passed by the House. They have also been carefully considered by the Senate and amended, and I think improved.

The bill only seeks to apply the inspection laws as to life-saving apparatus and means of safety to foreign vessels while in ports of the United States as they are now applied to our own vessels. I believe this is a good bill, and one which ought to pass. The amendments of the Senate are an improvement.

The amendments of the Senate were concurred in.

DONATION OF CONDEMNED CANNON.

Joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Tip" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls, or field-piece, for monumental purposes, was taken from the Speaker's table; and there being no objection the following amendment was concurred in:

In line 6 strike out "or field piece."
Amend title by striking out the words "or field piece."

COMPILATION OF LAND LAWS.

The SPEAKER laid before the House joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47, and subsequent land laws.

The amendment of the Senate was read, as follows:

Strike out all after "bound," in line 7, to the end of the resolution and insert "under the direction of the Secretary of the Interior, 2,000 copies for the use of the Senate, 5,000 for the use of the House of Representatives, and 1,500 for the use of the Secretary of the Interior."

Mr. HOLMAN. I wish to inquire of the gentleman from Illinois, [Mr. SPRINGER,] who I believe has charge of matters of this kind, whether this increases the number to be printed?

Mr. SPRINGER. This resolution is for printing an extra number of House Executive Document No. 47, which is a compilation of all the land laws of Congress in relation to each State and Territory of the United States. It was compiled by the Commissioner of the General Land Office in pursuance of an act of Congress.

Mr. HOLMAN. Does this increase the number authorized to be printed by the original resolution?

Mr. SPRINGER. The resolution provides for printing an increased number of this document in order to supply a demand which the Department has represented is continually coming in for this publication.

Mr. HOLMAN. But is the increase only as to the number to be distributed by the Interior Department?

Mr. SPRINGER. I understand now that the gentleman is referring to the amendment. That does not make any increase in the number as proposed in the original resolution. Its simple effect is this: the House bill provided for awarding 30 copies to each Delegate before the regular distribution began, as the Delegates represent a large territory especially interested in these books. The Senate has struck out that provision, and insists upon an even distribution. The amendment of the Senate does not increase the number proposed originally. I move that the Senate amendment be concurred in with an amendment adding the following:

Provided, That the copies for the use of the Senate and House of Representatives shall be distributed by the Secretary of the Interior in the manner provided for the distribution of the reports of the tenth census; and all copies not ordered to be distributed within two years after the passage of this act shall be sold by the Secretary of the Interior at the cost of publication with 10 per cent. added thereto.

Mr. HOLMAN. I think that a work like this may well be left to distribution in the ordinary way, by members of the Senate and House. It is not a work of permanent interest suitable for libraries, but only of temporary interest. I trust, therefore, that the amendment will not be insisted upon by my friend from Illinois.

Mr. SPRINGER. This work comprises two volumes; and if the distribution be made in the manner already provided with reference to the report of the tenth census, members will simply indicate to the Secretary of the Interior how they wish the copies distributed, and they will be sent out as indicated. The volumes as to which members after two years have given no direction will belong to the Government, and be sold.

Mr. HOLMAN. I think the latter provision is proper enough; but the distribution, it seems to me, should be under the control of members, like any other ordinary document. These volumes are not like documents running in a series from year to year, in reference to which it may be important that a complete set should be sent to a single address. The amendment, I think, will impose upon members an unnecessary inconvenience.

Mr. SPRINGER. I think the amendment will simplify the labor of members. After once making a trial of this new rule of distribution, I believe members will find it more convenient than the present. It will save them a great deal of unnecessary labor.

The question being taken on concurring in the amendment of the Senate with the amendment proposed by Mr. SPRINGER, it was concurred in.

Mr. SPRINGER moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT FREDERICK SCHWATKA.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic.

The amendments of the Senate were read, as follows:

In lines 7 and 8, page 1, strike out "and commutation of quarters."

In line 10, same page, strike out "via" and insert "to."

In lines 10 and 11, same page, strike out "to North Hudson's Bay."

Mr. DAVIS, of Illinois. I move concurrence in these amendments. The amendments were concurred in.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SOLDIERS' REUNION, IOWA.

The next business on the Speaker's table was the joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882, returned from the Senate with amendments, as follows:

In line 4, after the word "depot," strike out "or arsenal;" after the word "such," in line 6, strike out "cannon;" in line 7, after the word "tents," strike out "muskets, and so forth;" after the word "said," in line 8, strike out "cannon," and in the same line, after the word "tents," strike out "muskets, and so forth;" in line 11, strike out "arsenal;" and in line 14, after the word "said," strike out "arms, ammunition, and camp equipage" and insert "tents;" and at the end of the resolution add "of arms allowed by law;" so as to make the joint resolution read:

"That the Secretary of War be, and is hereby, authorized to send from some convenient quartermaster's depot, to be used at soldiers' reunions to be held in the State of Iowa in the year 1882, such tents as can be conveniently spared; said tents to be returned after holding of said reunion in like good condition as when received: *Provided*, That all transportation of said articles to and from the place of the reunion to the depot shall be without expense to the Government: *Provided further*, That the adjutant-general of the State of Iowa, or other proper accounting officer, shall receipt for said tents in the name of said State, and that such of them as shall not be returned shall be charged to said State against its quota of arms allowed by law."

Amend the title so as to read: "A joint resolution granting the use of tents at soldiers' reunions to be held in the State of Iowa in the year 1882."

Mr. CARPENTER. I move the House concur in the amendments of the Senate.

The amendments of the Senate were concurred in.

Mr. CARPENTER moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON, LOGANSPOUT, INDIANA.

The next business on the Speaker's table was the bill (H. R. No. 6265) donating cannon and cannon-balls to Post 14 of the Grand Army of the Republic, at Logansport, Indiana, returned from the Senate with the following amendment:

Line 11, after the word "condemned," insert "cast-iron."

Mr. DE MOTTE. I move concurrence in the amendment of the Senate.

The amendment was concurred in.

Mr. DE MOTTE moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMPANY B, FOURTEENTH INFANTRY.

The next business on the Speaker's table was the bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad, returned from the Senate with the following amendments:

At the end of section 1 add the following proviso:

Provided, That the accounting officers of the Treasury shall charge the amount so paid to said officers and soldiers to the said railroad company, and retain the same out of any money due or that may hereafter be due from the United States to said railroad company."

Strike out the following section:

"Sec. 2. That the Secretary of War be, and he hereby is, authorized and directed to institute proceedings, either in the courts or otherwise, as he may deem best, to recover for the United States the value of the property so destroyed from the person, company, or corporation found liable therefor."

Mr. MCCOOK. I move the amendments of the Senate be concurred in.

Mr. HOLMAN. Those amendments are manifestly right and proper, and I hope they will be concurred in.

The amendments were concurred in.

Mr. MCCOOK moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONDEMNED CANNON FOR MONUMENTAL PURPOSES.

The next business on the Speaker's table was the bill (H. R. No. 6593) donating condemned cast-iron cannon and cannon-balls for monumental purposes, returned from the Senate with the following amendments:

In line 11, insert "cast" after "condemned;" in line 23, insert "cast-iron" after "condemned;" in line 27, insert "cast-iron" after "condemned;" in line 30, insert "cast-iron" after "condemned."

Mr. PRESCOTT. I move concurrence in the Senate amendments. The amendments of the Senate were concurred in.

Mr. PRESCOTT moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NIORRARA MILITARY RESERVATION.

The next business on the Speaker's table was the bill (H. R. No. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and to restore certain portions of said military reservation to the public domain, and for other purposes, returned from the Senate with the following amendments:

In line 5, after the word "way," insert "one hundred feet in width;" and in line 8, after the word "Nebraska," strike out "said right of way to be one hundred feet in width" and insert "and such quantity of land, not exceeding one hundred and fifty feet in width by four hundred feet in length, in addition to such right of way, as may be necessary for depot or station-house and switches for said road, to be so selected as;" so as to make the section read:

"That the Fremont, Elk Horn and Missouri Valley Railroad Company, a corporation duly organized under the laws of the State of Nebraska, are hereby granted the right of way, one hundred feet in width, for their said railroad across and through the Niobrara military reservation, located in said State of Nebraska; and such quantity of land, not exceeding one hundred and fifty feet in width by four hundred feet in length, in addition to such right of way, as may be necessary for depot or station-house and switches for said road, to be so selected as not to interfere with any buildings or improvements thereon, and the location thereof to be subject to the approval of the Secretary of War."

Strike out section 2. in the following words:

"SEC. 2. That the Secretary of the Interior is hereby authorized to sell to said Fremont, Elk Horn and Missouri Valley Railroad Company forty acres of land, at a price not less than \$2.50 per acre, for depot and other railroad purposes, to be selected by said company from the wood and timber reserve of said reservation, said land to be devoid of timber: *Provided*, That the selection of said land for depot purposes shall first be approved by the Secretary of War."

And in lieu thereof insert:

"SEC. 2. That the Secretary of War be, and hereby is, directed to restore to the Secretary of the Interior the custody, control, and disposition of the following described parcels and tracts of land embraced within the limits of the Fort Niobrara military reservation, in the State of Nebraska, as declared in executive order of December 10, 1879, and enlarged by executive order of June 6, 1881, to wit: all of sections numbered 29, 30, 31, and 32, and the west half of section numbered 33, all in township numbered 34 north, of range numbered 27 west, and all that part of section numbered 8, in township numbered 33 north, range numbered 27 west, within the said limits of said reservation."

Insert, as an additional section, the following:

"SEC. 3. That the Secretary of the Interior shall dispose of said tracts and parcels of land under the public-land laws in the same manner as if said tracts and parcels had never been embraced within the limits of said military reservation; and such persons as have settled or made improvements thereon prior to December 10, 1881, shall have priority of claim thereto under the public-land laws: *Provided*, That they file their respective claims according to law at the proper land office within three months after the said lands become subject to disposition under the public-land laws."

Amend the title so as to read: "A bill granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, in the State of Nebraska, and to restore certain portions of said military reservation to the public domain, and for other purposes."

Mr. DAVIS, of Illinois. I move that the amendments of the Senate be non-concurred in.

Mr. HOLMAN. I reserve the right to object until the original bill has been reported, so we may see the effect of the Senate amendments.

The SPEAKER. The question is on the motion of the gentleman from Illinois to non-concur in the Senate amendments.

Mr. REAGAN. Unless there is some serious objection to be urged against these amendments I hope they will be concurred in.

Mr. DAVIS, of Illinois. I will state the objection to these amendments. The original bill provides for granting a right of way to a railroad company through a portion of this reservation. This is very necessary, and the people so regard it. The House passed a bill giving authority for that purpose. The Senate have returned the bill to the House with an amendment incorporating a provision for opening up this reservation to settlement, and providing also that certain parties shall have a special right or priority to the entries.

Mr. REAGAN. That is, the persons who have made improvements there.

Mr. DAVIS, of Illinois. The Military Committee, who had charge of a bill similar to the general features of these amendments of the Senate, have received from the settlers in that community a united protest against such a measure, and they feel that they should not be subjected to the trouble they anticipate to prove their claims against them. These amendments would enable parties to come in and present claims in competition with the actual settlers who have gone upon the lands and made improvements upon them. Some of these parties have gone up the line of the proposed railroad and staked off the land for two miles where they propose to make a village, and in this way succeeded in securing a sort of land speculation. The soil is sandy and not desirable for agricultural purposes. The men who have staked off the property are not residents there, but come from Fremont, Nebraska. They do not live in that section at all, and it is an injustice to the residents of the place who have made improvements in the vicinity to allow these parties to come in and take possession of the lands to which the right of entry should first be accorded to these actual settlers.

Mr. REAGAN. If they are not upon some actual settlement I do not see how it can affect the right of the settlers, who are protected

already under the law, and these amendments of the Senate, as I understand, are for the protection of actual settlers.

Mr. DAVIS, of Illinois. I do not object to the amendment of the Senate if you will relieve the bill of that priority feature which is given to these men who have simply gone and staked off these lands in 1881, and have no right whatever to them.

Mr. VALENTINE. But there are men living there now.

Mr. REAGAN. It has been the policy of the Government to give priority to parties who have made actual settlements.

Mr. DAVIS, of Illinois. But I do not want priority given to the men who have simply gone there and taken possession of the reservation without any authority, and have made no settlement.

Mr. REAGAN. There can be no priority given to them unless they are actual settlers under the law.

Mr. DAVIS, of Illinois. And further, Mr. Speaker, I will say that there is not a single paper filed from that community with the Military Committee, which has had control of this matter, except a protest from the citizens there against these amendments.

Mr. REAGAN. But will not non-concurrence in these amendments give the railroad company this priority over actual settlers?

Mr. DAVIS, of Illinois. No, sir.

Mr. REAGAN. I was so advised.

Mr. DAVIS, of Illinois. I do not so understand it. The only object I have in view is that all parties may be upon a level. I move to non-concur in all of these amendments.

The motion was agreed to.

The SPEAKER. Does the gentleman desire a further conference?

Mr. DAVIS, of Illinois. Yes, sir; I ask the appointment of a further committee of conference on the disagreement of the House to these Senate amendments.

The motion was agreed to.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER appointed Mr. DAVIS of Illinois, Mr. SPOONER, and Mr. UPSON as managers at said conference on the part of the House.

SARAH J. CAMERON.

The next House bill on the Speaker's table with Senate amendment was the bill (H. R. No. 3414) granting a pension to Sarah J. Cameron.

The Senate amendment was read, as follows:

Strike out, in line 5, the word "Henry" and insert "Harvey."

The Senate amendment was agreed to.

JOHN F. ELLIS.

The next House bill on the Speaker's table with Senate amendments was the bill (H. R. No. 4888) increasing the pension of John F. Ellis.

The Senate amendments are as follows:

In line 3, strike out "fifty" and insert "thirty-six."

In line 3, after "month," insert "from and after the passage of this act."

Mr. BROWNE. I move to concur in the Senate amendments.

The motion was agreed to.

Mr. BROWNE moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH F. WILSON.

The next House bill on the Speaker's table with Senate amendments was the bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson.

The Senate amendment was read, as follows:

Strike out, in line 7, "forty" and insert "fifty."

Mr. BROWNE. I move to concur in the Senate amendment.

The motion was agreed to.

Mr. BROWNE moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF FROM CHARGES OF DESERTION.

The next House bill on the Speaker's table with Senate amendments was the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion.

The Senate amendments are as follows:

Page 1, line 9, strike out "1st" and insert "23d."

Page 1, line 10, strike out "who were" and insert "was."

Page 1, line 11, strike out "their" and insert "his."

Page 2, line 2, after "leave," insert "did not intend to desert."

Page 2, line 2, after "such," insert "charge of."

Page 2, line 22, after "two" insert "relief under."

Page 3, line 2, strike out "three" and insert "twelve."

Page 3, line 2, strike out "received a local bounty and" and insert "intentionally."

Mr. RANDALL. I do not see the chairman of the Military Committee present, but he and I had a conference on yesterday and I understood it to be his intention, as a result of his conference with

certain members of the House, to move to concur in these Senate amendments.

Mr. PAGE. The gentleman from Ohio, [Mr. BUTTERWORTH,] who left the Hall some time since, having to serve on a conference committee, and who knows something about this bill, is very anxious these amendments should not be concurred in and desires they should go to a committee of conference.

Mr. RANDALL. I but repeat the result of a conversation I had with the chairman of the Committee on Military Affairs, and also with Senator PLUMB, who came over to the House. It will be remembered I called this bill up and had it put upon its passage. The only real difference is the change from three months to twelve months as the period of service of the soldier. It was thought if the bill was sent back to the Senate we might not secure its passage at this session. But if we could secure it with the amendment making the period twelve months, and it was found in other respects to work well, then we might next year reduce the twelve months to six months or three months.

Mr. CALKINS. What is the amendment?

Mr. RANDALL. It is to change three months to twelve months as the period of the soldier's service.

Mr. PAGE. I think the bill had better be passed over for the present, as the chairman of the Military Committee is not here and others who know something about it are not here.

Mr. RANDALL. I know something about it.

The SPEAKER. The Clerk will read the amendments in their connection.

Mr. HOLMAN. I ask for the reading of the bill, that it may be seen how the amendments come in.

The bill was read, as follows, (the Senate proposed to amend the bill by striking out the words within brackets and inserting the words in italics:)

Be it enacted, &c., That the charge of desertion now standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War, from such rolls and records, or from other satisfactory testimony, that any such soldier served faithfully until the expiration of his term of enlistment, or until the [first] *twenty-second* day of May, A. D. 1865, or [who were] *was* prevented from completing [their] *his* term of service by reason of wounds received or disease contracted in the line of duty, but who, by reason of absence from his command at the time the same was mustered out, failed to be mustered out and to receive an honorable discharge.

SEC. 2. That the charge of desertion standing on the rolls and records in the office of the Adjutant-General of the United States against any soldier who served in the late war in the volunteer service shall also be removed in all cases where it shall be made to appear to the satisfaction of the Secretary of War from such rolls and records, or from other satisfactory testimony, that such soldier charged with desertion or with absence without leave *did not intend to desert, and after such charge of desertion or absence without leave voluntarily returned to his command and served in the line of his duty until he was mustered out of the service and received a certificate of honorable discharge.*

SEC. 3. That in all cases where the charge of desertion shall be removed under the provisions of this act from the record of any soldier who has not received a certificate of discharge, it shall be the duty of the Adjutant-General of the United States to issue to such soldier, or, in case of his death, to his heirs or legal representatives, a certificate of discharge.

SEC. 4. That when the charge of desertion shall be removed under the provisions of this act from the record of any soldier, such soldier, or, in case of his death, the heirs or legal representatives of such soldier, shall receive all pay and bounty which may have been withheld on account of such charge of desertion or absence without leave: *Provided, however,* That this act shall not be so construed as to give to any such soldier as may be entitled to relief under the provisions of this act, or, in case of his death, to the heirs or legal representatives of any such soldier, the right to receive pay and bounty for any period of time during which such soldier was absent from his command without leave of absence: *And provided further,* That no soldier, nor the heirs or legal representatives of any soldier, who served in the Army a period of less than [three] *twelve* months, or who [received a local bounty and] *intentionally* deserted, shall be entitled to the benefit of the provisions of this act.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. PAGE. I ask that the bill be passed over for the present.

Mr. CALKINS. The bill is of too much importance to be passed over when reached at this period of the session. It is known to this House as well as to the country that there was a large class of soldiers at the close of the war, that is when the war practically closed, who left their regiments and returned home. They had no more idea of deserting their regiments than those who remained. They took a practical, common-sense view of affairs, and knowing that the war was practically over they returned to their homes, and many of them did not again join their commands until after they were mustered out. Those men who were thus absent without leave when their commands were mustered out have standing against them the charge of desertion.

Ever since that time, ever since the war closed, to the present time, this class of soldiers, many of them as worthy and brave men as were in the Army, have been knocking at the doors of Congress asking for relief. This is the first bill we have ever been able to get through both Houses, all bills heretofore having dropped between the two Houses. Now I say we ought not to hazard the defeat of this bill, though it does not meet our views in all respects. I am afraid if the bill is passed over we will never reach it again. I therefore move to concur in the Senate amendments. If it is found that the bill is not right, we can amend it at the next session.

Mr. CURTIN. The bill is perfectly right.

Mr. PAGE. It may be right, but, as I have stated, a member of

this House who is now absent on a conference committee has requested that it should not be taken up in his absence. I should like to have it laid aside until that gentleman is present.

Mr. BROWNE. The objection to the amendment of the Senate, as I understand it, is that it denies the benefits of the act to all soldiers who served less than one year.

Mr. CALKINS. That is the objectionable feature.

Mr. BROWNE. Now, while I would rather the bill should pass in the form in which it now is than that it should fail, I can see no reason why a soldier should be discriminated against who has served a less term than one year. For instance, there were many of these soldiers who left their commands who went into the Army near the close of the war and served until the end of the war when it was practically impossible for them to have served a year.

Mr. TOWNSHEND, of Illinois. Allow me to ask my friend from Indiana [Mr. BROWNE] if it is not better to pass this bill and not risk losing all?

Mr. CALKINS. All of us agree to the statement of the gentleman from Indiana, [Mr. BROWNE,] but the question that confronts us now is whether we had not better pass this bill rather than risk the chance that no bill pass.

Mr. RYAN. There is no danger that this bill will fail if we non-concur in the Senate amendments. If it shall go over until the next session, it will not be more than four or five months before it will become a law, and the objection of the gentleman from Indiana [Mr. BROWNE] is a very important one.

Mr. BROWNE. I submit to the House whether it is not better that this bill should go over until the next session, rather than to make this arbitrary discrimination against soldiers who served less than twelve months.

Mr. RYAN. I think so.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] moves to concur in the Senate amendments.

Mr. PAGE, (to Mr. CALKINS.) You had better withdraw that motion.

Mr. CALKINS. I do not want to jeopardize the bill. I believe I can see that it would be better to pass this bill than to take any risk. I believe the majority of soldiers who desire this relief are those who will come within the purview of this act; a few of course will be excluded from it. But we can at any time pass an amendatory act relieving these very soldiers just as easily as we can let this bill fail. Let us pass this bill, although it is not all that we desire.

Mr. RYAN. The class of soldiers discriminated against by the Senate amendment will not be provided for by this bill.

Mr. TOWNSHEND, of Illinois. I agree with the gentleman from Indiana [Mr. BROWNE] that there is no reason why those who served for less than one year should not enjoy the benefits of this bill as well as those who served for a longer period.

But I also concur in the views of the other gentleman from Indiana [Mr. CALKINS] that it is better to take the bill as it now is, and accept the relief that is offered, than to risk the failure of the bill entirely during this session. We can hereafter by an amendatory act extend relief to those who served for less than one year. I fear if this bill goes over until next session it may fail altogether, because that will be a short session and there will be a great press of work upon the two Houses of Congress.

I think it is for the best interests of those soldiers who are in this unfortunate position for us to accept the relief which is now within our grasp and to concur in the Senate amendments. I will hereafter to the utmost of my ability aid in extending the provisions of this bill to those who served one year. But let us concur in these amendments and give relief at once to those who will be relieved by the passage of this bill.

I know a number of soldiers who have for years been appealing in vain for relief from the charge of desertion which stands against them on the records of the War Department. They are in want of the arrears of pay which is due them. I think it is but an act of justice to afford relief to those men and not keep them dancing attendance until we can grant relief to others. Those who are embraced in the bill are mainly those who while sick at home when the war ended did not report to their regiments, and others who, when the war closed, were so anxious to return to their homes and families they did not wait upon the formalities of a regular discharge or muster out. It is not intended to aid a wilful deserter from his military duty.

Mr. BUTTERWORTH. If it be true, as my friend from Illinois [Mr. TOWNSHEND] asserts, that this is the best we can do, then I am in favor of taking it. It will afford relief to a large class of soldiers, but it does not go quite far enough.

I cannot understand why the Government, that has shown itself so magnanimous in other respects, should now hesitate to correct the record of a soldier who fought ten, eleven, or within a day or two of twelve months faithfully and to the close of the war, and until there was not an armed enemy of the country anywhere within our broad domain, because forsooth he stopped this side of the camp where his company was mustered out, in order to see his mother, his wife, his daughter, or his sweetheart if you please, and is now proscribed and branded as a deserter, and his children outraged, when it is known that he never abandoned his flag for an hour. There is absolutely no apology for prescribing that a soldier shall

have served twelve months in order to be entitled to the relief which the Government should afford him.

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me to ask him a question?

Mr. BUTTERWORTH. In a moment. It occurs to me that if we disagree to this amendment we can have a conference, and I doubt not that the Senate will recognize the justice of agreeing to at least some shorter term of service than twelve months.

Mr. TOWNSHEND, of Illinois. Let me ask my friend if it would not be the better course for us to accept the Senate amendment to this bill which originally passed the House by unanimous consent and let it apply to those who served for one year? Why not pass this bill now in its present shape and introduce at once and pass by unanimous consent another bill to extend relief to those who served less than one year?

Mr. RYAN. We would never get the other bill through.

Mr. BUTTERWORTH. I will say to my friend the trouble is that we would not be able to get the second bill through. I can see no difficulty in having a conference. If we are unable to agree, we can then concur in the amendment of the Senate.

Mr. PAGE. A conference committee could settle the whole business in three hours.

Mr. BUTTERWORTH. Undoubtedly. The measure as the House passed it is so manifestly just that I do not think the Senate will adhere to its amendment. My friend from Indiana [Mr. CALKINS] is apprehensive that this bill may fail; but there is no possibility that it can fail.

Mr. CALKINS. I know that the Senate has some objection to the class which the amendment excepts from the provisions of the bill. The very fact that the amendment has been adopted by the Senate must suggest that there is some objection of that kind. It is not necessary to go into the merits of that amendment. The only question is whether we shall take the bill as now amended and trust to the future to remedy its defects, or whether we shall let the entire bill fail.

Mr. RYAN. There is no such alternative.

Mr. BUTTERWORTH. Certainly there is no such alternative presented. This bill passed the House by a unanimous vote, there was not one dissenting voice here. This House is near the people, is immediately responsible to them, and we are advised of the wants of the men who have suffered from the dereliction of Congress in this respect.

Mr. CALKINS. My friend does not understand me. Of course I agree with the gentleman—

Mr. BUTTERWORTH. But I say that the alternative which the gentleman suggests is not presented. We need not adjourn without accepting this amendment of the Senate if we can do no better. The soldiers of this country who stood by the flag, who never abandoned it for one hour, ask that this measure become a law in the form as passed by the House. And it is common, even-handed justice.

Mr. CALKINS. I insist on my motion to concur.

Mr. PAGE. Is it in order to move that the amendment of the Senate be non-concurred in and a conference with the Senate asked?

The SPEAKER. The first question is on the motion to concur; if that motion should be voted down, it amounts to non-concurrence.

Mr. SPRINGER. If we non-concur and ask a conference with the Senate, this whole business can be settled within two or three hours, and we can obtain all that we desire on this subject. The object of the original bill was to obviate the necessity of special legislation in cases of this kind which were coming before Congress by petitions and bills, and crowding our Calendars. If we now pass this bill making the discrimination proposed by the Senate amendment, the individuals against whom the discrimination operates will all come here with their special cases and our files will be overwhelmed. Let us finish this business now in a satisfactory manner.

The question being taken on the motion of Mr. CALKINS to concur, it was not agreed to; there being—ayes 29, noes not counted.

So the amendment of the Senate was non-concurred in.

Mr. BUTTERWORTH. I move that the House ask a conference with the Senate on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. CALKINS, Mr. BUTTERWORTH, and Mr. TOWNSHEND of Illinois, as conferees on the part of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 28) for the relief of John G. Abercrombie;

A bill (H. R. No. 2299) relinquishing the title which still remains in the United States to the lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington; and

A bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works.

LEAVE OF ABSENCE.

Mr. MUTCHLER, by unanimous consent, obtained leave of absence until Tuesday next.

WITHDRAWAL OF PAPERS.

The SPEAKER laid before the House the following request:

Mr. FORNEY, at the request of Mr. Joseph Wheeler, asks that the deposition of I. W. Battles in the contested-election case of Howe vs. Wheeler, be withdrawn from the files and delivered to Joseph Wheeler; a correct copy of said deposition to be placed on file with the clerk of the committee.

The SPEAKER. If there be no objection this request will be granted.

There was no objection.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent—

Mr. ROBESON. I rise to present a privileged report; but I will yield to one gentleman on each side—first to the gentleman from Illinois, [Mr. SPRINGER.]

ADDITIONAL GROUNDS FOR COURT-HOUSE, SPRINGFIELD, ILLINOIS.

Mr. SPRINGER. I desire unanimous consent for the present consideration of the bill (H. R. No. 6841) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Illinois. I ask that the bill be read and that I be allowed to make a statement before objections be asked for.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase the ground adjoining the United States court-house and post-office building in the city of Springfield, in the State of Illinois, bounded on the north by Monroe street, on the east by Seventh street, on the west by Sixth street, and on the south by the alley in the middle of the block: *Provided,* That said additional ground can be purchased, and a good and valid title secured to the United States, for not exceeding \$28,000. And there is hereby appropriated for this purpose, out of any money in the Treasury not otherwise appropriated, the sum of \$26,000, or so much thereof as may be necessary. The Secretary is authorized to cause the buildings now on said ground to be removed, and the lot inclosed and improved; and for this purpose he may use the proceeds derived from the sale of the buildings, and in addition the sum of \$1,000, or so much thereof as may be necessary, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Mr. RANDALL. I reserve the right to object, in order that the gentleman from Illinois may make his statement.

Mr. SPRINGER. Mr. Speaker, I have in my hand a photograph of the locality referred to in this bill, showing the dangerous proximity of private property to the building of the United States. I will state also that there is in the possession of the gentleman from Indiana, [Mr. DE MOTTE,] a member of the Committee on Public Buildings and Grounds, a report of a sub-committee of that committee in favor of the purchase of the property as proposed in this bill. The recommendation of this purchase is signed by Hon. Samuel H. Treat, judge of the southern district, together with every officer of the United States court in Springfield, as well as the governor of the State of Illinois. These officers all concur in the representation that the Government property is at present in imminent peril on account of the dangerous proximity of private property.

Mr. BROWNE. How much will it cost to purchase this property?

Mr. SPRINGER. Twenty-six thousand dollars, which I can state from my own knowledge is a reasonable price.

Mr. BURROWS, of Michigan. I will inquire of the gentleman whether this is the same matter which was discussed on one of the appropriation bills a few weeks ago.

Mr. SPRINGER. It is. It was ruled out on a point of order.

Mr. BURROWS, of Michigan. Then I object.

LOSS OF EXPLORING STEAMER JEANNETTE.

Mr. ROBESON. I now yield to the gentleman from Illinois, [Mr. THOMAS.]

Mr. THOMAS. I ask unanimous consent to have taken from the House Calendar for present consideration the joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette.

The Clerk proceeded to read the joint resolution.

Mr. HOLMAN. I demand the regular order of business.

Mr. THOMAS. I hope the gentleman will not object to this joint resolution. It is a matter which costs nothing.

Mr. HOLMAN. The gentleman from New Jersey has a conference report of great public importance to submit.

Mr. THOMAS. But the gentleman from New Jersey yielded to me.

Mr. HOLMAN. It is an investigation into the loss of the steamer Jeannette, the circumstances of which are all known.

Mr. THOMAS. Mr. Speaker, I understand the gentleman from Indiana withdraws his objection.

Mr. HOLMAN. Let the joint resolution be read.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Navy be requested to convene as soon as practicable a court of inquiry to investigate the circumstances of the loss in the Arctic Seas of the exploring steamer Jeannette, and of the death of Lieutenant-Commander De Long and others of her officers and men, including an inquiry into the condition of the vessel on her departure, her management up to the time of her destruction, the provisions made and plans adopted for the several boats' crews upon their leaving the wreck, the efforts made by the various officers to insure the safety of the parties under their immediate charge, and for the relief of the other parties, and into the general conduct and merits of each and all the officers and men of the ill-fated expedition, and to submit the finding of such court of inquiry to Congress.

Mr. HOLMAN. In reference to that joint resolution I wish to say this: I do not think it is the policy of this Government to interfere

with enterprises entered into by citizens of the country, but inasmuch as this involves the conduct of officers of the United States Navy there may be some excuse for this investigation. I withdraw my objection.

The SPEAKER. The Chair hears no further objection, and the joint resolution is before the House.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMAS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. ROBESON. I rise to submit a conference report on the naval appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate numbered 35 and 36 to the bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same.

That the House recede from its disagreement to the amendment numbered 35, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows: Insert after the word "on," in line 2, page 13 of the bill, the words "during the current fiscal year," and strike out, in line 8, page 13 of the bill, the words "stores and" and insert after the word "property," in line 8, page 13 of the bill, the words "and stores;" and the Senate agree to the same.

EUGENE HALE,

JOHN A. LOGAN,

H. G. DAVIS,

Managers on the part of the Senate.

GEO. M. ROBESON,

J. H. KETCHAM,

JNO. D. C. ATKINS,

Managers on the part of the House.

The statement accompanying the report, under the rule, is as follows:

The managers on the part of the House of the conference on the naval appropriation bill submit the following statement in explanation of the accompanying report:

The effect of the action recommended on amendments 35 and 36 will be, if accepted by the two Houses, as follows:

On amendment 35: Inserts the following:

"Provided, That if the Secretary of the Navy shall find that work at all the navy-yards now maintained cannot be carried on during the current fiscal year with advantage to the service and economy to the Government for the amounts in this act appropriated for the maintenance of and civil establishment at the navy-yards, he shall not make any deficiency for these purposes, but he shall suspend work at those yards where he finds it can best be dispensed with, and shall close such yards and transfer all perishable property and stores therefrom to other yards for use therein, and report the facts and the reasons governing his action to the next session of Congress; and at the yards so closed only such officers and employees shall be retained as are necessary to preserve and take care of the property of the Government, and all other persons shall be transferred or discharged: *Provided further*, That the navy-yard at Washington, District of Columbia, may, at the discretion of the Secretary of the Navy, be maintained as a manufacturing yard for the Bureaus of Equipment and Recruiting and Ordnance, and that work may be continued in the rope-walk in the Boston navy-yard: *And provided further*, That nothing herein shall be held to interfere with the permanent improvement of any navy-yard as now authorized by law, or the expenditure for such purpose of any money appropriated by Congress therefor."

On amendment 36: Inserts the following:

"That the Secretary of the Navy be, and he is hereby, authorized and directed to ascertain on what terms can be had such additional lands and water front contiguous to the Norfolk navy-yard as are deemed necessary for the construction of a wet-dock and such other works as are demanded for the sufficient capacity and efficiency of that yard; and that he report the result of such negotiations to the next session of Congress."

GEO. M. ROBESON,

J. H. KETCHAM,

JNO. D. C. ATKINS,

Managers on the part of the House.

Mr. ROBESON. I will say in explanation that the provision of the bill insisted upon by the House is agreed to by the Senate, with the insertion of the words "for the present fiscal year" and the words "stores and," so as to include stores as well as perishable property.

I move the adoption of the report.

The conference report was adopted.

Mr. ROBESON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SARAH ROBB.

Mr. CANNON. I rise, Mr. Speaker, for the purpose of calling up some unfinished pension business. The bill (H. R. No. 6226) was passed by the Committee of the Whole House some time ago, but failed to pass in the House for want of a quorum. I now call it up and ask that it be put on its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Mrs. Sarah Robb, widow of Hamilton Robb, late chaplain of the Forty-sixth Regiment Indiana Volunteer Infantry, subject to the provisions and limitations of the pension laws.

The SPEAKER. The Chair hears no objection, and the bill is before the House.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MAJOR W. R. KING.

Mr. OATES. Mr. Speaker, I ask by unanimous consent to call up for present consideration the bill (S. No. 2092) for the relief of Major W. R. King.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury are hereby authorized to pass to the official credit of Major W. R. King, disbursing officer for the Tennessee River improvement, the sum of \$3,970.18, that being the unrecovered balance of \$5,240.18 of public funds forcibly taken from A. G. Smith, receiver of materials on Muscle Shoals Canal, in the State of Alabama, by William Ryan and two other armed robbers, on the 11th day of March, 1881, and for which sum the said W. R. King is accountable.

Mr. OATES. I ask by unanimous consent, pending objection, that I may be indulged in a brief explanation, and then I believe the House will be satisfied the bill ought to pass.

The SPEAKER. The Chair hears no objection, and the gentleman from Alabama will proceed.

Mr. OATES. Major King is the chief engineer in charge of the Tennessee River improvement, and as such chargeable with the disbursement of the fund appropriated for that purpose. Last year he sent A. G. Smith, a trusted agent and receiver of material for the work, with a check he had drawn on the sub-treasury at New York for something over \$5,000 to be cashed in Florence, Alabama, for the purpose of paying off the hands on the Blue Water portion of the Muscle Shoals Canal, and while on his way with the money Smith was robbed. Major King got a detective and pursued the robbers with great vigilance, recovering from one of them some \$1,200.

He stands charged upon the books of the Department with something over \$3,900. The evidence is abundant and convincing to show that he used all manner of diligence to capture the robbers and to recover the money which had been stolen. No one could have averted the loss, for Smith had no opportunity of resisting. The evidence, as I have said, is convincing and overwhelming. The Committee on Claims examined the matter carefully, and on the strength of the evidence unanimously reported in favor of allowing the relief sought. The Senate have passed a bill for his relief from that charge, and I now ask the House to take up and pass the Senate bill.

Mr. HOLMAN. I ask that the bill may be read, subject to objection.

The SPEAKER. The bill will be read.

The bill was read. It is as follows:

Be it enacted, &c., That the accounting officers of the Treasury are hereby authorized to pass to the official credit of Major W. R. King, disbursing officer for the Tennessee River improvement, the sum of \$3,970.18, that being the unrecovered balance of \$5,240.18 of public funds forcibly taken from A. G. Smith, receiver of materials on Muscle Shoals Canal, in the State of Alabama, by William Ryan and two other armed robbers, on the 11th day of March, 1881, and for which sum the said W. R. King is accountable.

Mr. HOLMAN. Mr. Speaker, reserving still the right to object to this bill, I wish to ascertain from the gentleman from Alabama having charge of it whether or not efforts have been made to capture the robbers or whether any of them have been captured and punished for this outrage.

Mr. OATES. Ryan has been captured, tried, and is now serving a term in the penitentiary.

Mr. BURROWS, of Michigan. I understand this has been examined and reported unanimously by a committee of the House.

Mr. OATES. Yes, sir.

Mr. HOLMAN. There is another question I wish to ask the gentleman from Alabama. The officer having charge of these funds being a disbursing officer of the Government had a right to demand security from the persons intrusted with the custody of the funds under his control. Was there any such surety taken in this instance?

Mr. OATES. The evidence shows abundantly that A. G. Smith, who had charge of the money, was sent by Major King to the bank in Florence to obtain the money on the warrant, having an arrangement with the bank to cash the drafts; and the proof shows conclusively that Smith was one of the most reliable men, a man of most excellent character, such a person as was fit to be trusted upon such a mission.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I hope the gentleman from Alabama will be permitted to complete his statement.

Mr. OATES. I was about to add that the evidence shows it was impossible for Smith to have resisted the robbers. They fell in with him, covered him with their pistols, compelled him to surrender the money after disarming him, and carrying him with them. All of the statements have been fully corroborated by the evidence, and there are several circumstances so strongly corroborating the evidence that I may be permitted to say it would be sufficient were a man on trial for his life to warrant a jury in convicting him.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, read the third time, and passed.

Mr. OATES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN SHIP-BUILDING, ETC.

Mr. DINGLEY. I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from the further consideration of the joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests, for immediate consideration.

The SPEAKER. The joint resolution will be read subject to objection.

The joint resolution is as follows:

Resolved, etc., That a joint select committee of three Senators and six Representatives be appointed to inquire into the condition and wants of American ship-building and ship-owning interests, and to investigate the causes of the decline of the American foreign carrying trade, and to suggest any remedies which may be applied by legislation. Said committee shall have authority to sit during the recess, and shall submit their report at the opening of the second session of the Forty-seventh Congress.

Mr. HOLMAN. Before the right to object is waived, I hope the gentleman from Maine will explain to the House what good results we can hope for from this joint committee? I remember that we had a very similar committee under the leadership of a distinguished gentleman from his State on this same subject a few years ago, and a large body of facts were gathered together; but they never furnished any data on which to predicate legislation. I hope the gentleman will be permitted to state what this is, as to the facts proposed to be developed, and the necessity for the passage of such a resolution.

Mr. DINGLEY. Mr. Speaker, this joint resolution is reported unanimously by the Committee on Commerce, and seems to them to be the only feasible method of reaching certain information and formulating some plan for reviving the American merchant marine engaged in the foreign carrying trade. The Committee on Commerce have been so engrossed with the other matters which have been pressing upon them that they of course have not had the opportunity to give a thorough investigation to the subject, as they would have otherwise desired to do. There should be a joint investigation on the part of the committee for both branches of Congress, and at the present favorable opportunity, when a crisis has been reached with reference to our foreign carrying trade, a plan should be formulated to save that trade and restore the American flag to the ocean. This seems to be, to the gentlemen specially interested in the subject, the most favorable method that can be presented, and I think there can be no objection to pursuing such a method for obtaining information to enable a plan to be devised and formulated to cover the entire subject.

It should be borne in mind, Mr. Speaker, that within two years there have been great changes in the condition of American commerce. New facts have been developed, a new situation is presented, and taking this situation as we find it I am sure that this House and the American Congress will not longer delay to take steps which will tend to the important result of restoring our flag to the commerce of the ocean.

I ask the adoption of the resolution.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. DINGLEY. There is an amendment reported by the committee which I ask to have read.

The Clerk read the amendment, as follows:

At the end of the resolution add the following:

"The actual expenses of such committee, including compensation of a clerk, shall be paid out of the contingent funds of the Senate and House of Representatives."

Mr. DINGLEY. I yield to the gentleman from New York, [Mr. Cox.]

Mr. COX, of New York. I think we pay some one hundred millions every year to foreign nations for our freightage.

Mr. ELLIS. One hundred and thirty millions.

Mr. COX, of New York. Certainly more than one hundred millions. I think it would be very wise, Mr. Speaker, to have a committee to examine this matter. They can add perhaps to the experience of the commission at Long Branch, for I think we can never have our shipping interests revived unless we revise our tariff. But I will not debate that now. There are some twenty different subjects connected with shipping which my friend from Maine [Mr. DINGLEY] perhaps could suggest to the House where we might by legislation revive our old-time shipping and ship-building interests. I hope the House will pass this resolution and give us a chance to obtain this information.

Mr. HOLMAN. I think the gentleman from Maine will see the propriety of limiting the compensation to be paid to the clerk. The terms of the resolution are very indefinite.

Mr. DINGLEY. What would the gentleman suggest?

Mr. HOLMAN. I would suggest that the compensation should not exceed \$1,500 a year.

Mr. DINGLEY. I have no objection to a limitation being added to the joint resolution. I would suggest that the compensation of the clerk be \$6 a day while actually employed.

Mr. HOLMAN. That will do.

The SPEAKER. The Clerk will now read the amendment as modified.

The Clerk read as follows:

Add to the joint resolution the following:

"The actual expenses of such committee, including compensation of a clerk at the rate of \$6 a day while actually employed, to be paid out of the contingent funds of the Senate and House of Representatives."

The amendment as modified was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DINGLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HEIRS OF THOMAS TOBY.

Mr. CULBERSON. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 543) for the relief of the heirs of Thomas Toby, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Thomas Toby, deceased, of the city of New Orleans, in the State of Louisiana, the sum of \$45,000, in compliance with the joint resolution of the Legislature of the State of Texas approved March 30, 1881, making provision for the settlement of Thomas Toby's claim: *Provided,* That the said heirs shall file with the Secretary of the Treasury a duly certified copy of the said joint resolution and a full and complete release unto the State of Texas and to the United States of and for all claims whatever of their ancestor against Texas and the United States.

Mr. HOLMAN. I reserve the right to object until the gentleman from Texas explains the bill.

Mr. CULBERSON. I shall state briefly the grounds upon which this claim rests. Mr. Toby, whose heirs prosecute this claim, was a citizen of New Orleans during the Texan and Mexican revolutions. He supplied to the Republic of Texas supplies, munitions of war, and a large amount of money. At the close of the revolution Texas was indebted to him the sum which the heirs now claim.

The Republic of Texas was considerably, perhaps greatly, involved, and could not pay its debts at that time. After the annexation of Texas to the Government of the United States the creditors of Texas, at least this class of creditors, claimed that the Government of the United States ought to pay this particular class of claims, because the Republic of Texas had pledged the revenues of that republic for the payment of its revolutionary debt; and therefore they claim that, inasmuch as the Government of the United States had annexed Texas and had incorporated its custom-houses into their own, they were under an obligation to pay these debts in full.

The United States Government bought from Texas 66,000,000 acres of land and agreed to pay to that State the sum of \$10,000,000 in stock bearing interest. They paid over to Texas \$5,000,000 of this stock, and reserved \$5,000,000 of stock in the Treasury of the United States in order to indemnify the United States against this class of claims. The matter rested in that way until 1855, when another law was passed by Congress. The stock had then accumulated, by reason of the interest, from \$5,000,000 to \$6,500,000. Congress in 1855 appropriated \$7,750,000 to pay this class of claims, adding \$1,250,000 to the \$6,500,000 which the Government then had in the Treasury, on account of claims for Indian depredations. And the United States Government assumed the trusteeship over this \$7,750,000 to pay this class of claims. They have now paid them all.

Mr. UPSON. With the exception of this claim.

Mr. CULBERSON. Yes; with the exception of this claim. There are \$101,000 now in the Treasury of the United States belonging to this fund, which is justly the property and the fund of Texas; and this claim is believed to be the last which can properly attach to the fund.

The Legislature of the State of Texas has instructed its Representatives and Senators to advocate the payment of this claim, which is believed to be just. Texas never paid it because she put the money into the Treasury to do it in 1850. The last claim except this was paid in 1870. The money has lapsed into the Treasury, and therefore it became necessary to pass this law.

Mr. MANNING. The committee was unanimous.

Mr. CULBERSON. The Judiciary Committee have examined the matter fully and fairly, and unanimously report that this money ought to be paid. It is a just claim and ought not longer to be withheld.

Mr. UPSON. And it does not come out of money of the United States.

Mr. CULBERSON. Certainly not.

Mr. HOLMAN. I will have to reserve the right to object, inasmuch as this sum is very considerable and the claim is very old, until there is a specific statement on this subject from the Secretary of the Treasury. I regret very much that this claim has not gone to some committee of the House accustomed to examine claims of this class.

Mr. REAGAN. It has been examined by the Committee on the Judiciary.

Mr. HOLMAN. It does not belong to the Committee on the Judiciary, and it is almost incredible that a claim of this kind should have gone to that committee. I must insist upon a statement of the Secretary of the Treasury as a basis of action, for this matter is too old and too complicated for the House to understand it without such a statement. I must reserve the right to object.

Mr. REAGAN. During the Forty-fourth Congress, knowing that this balance was in the Treasury of the United States in trust for the benefit of the State of Texas, I went to the then Secretary of the Treasury, Mr. Bristow, to ascertain if it could not be paid to the State of Texas, that State engaging to indemnify the Government of the United States should any claim against the fund be presented. The Secretary of the Treasury said that the money was there, but had been covered into the Treasury, and it would be necessary to get the authority of Congress to enable him to pay it over to the State of Texas. A joint resolution was introduced into the Forty-fourth Congress to pay this trust fund over to the State of Texas, and it was unanimously reported favorably by the Committee on the Judiciary of that Congress.

Mr. HOLMAN. I must say that unless there is a statement from the Secretary of the Treasury recommending the payment of this money (for no committee of the House can understand it without such a statement) I shall be compelled to object.

Mr. REAGAN. I want to state further that the Committee on the Judiciary of the Forty-fifth Congress reported unanimously in favor of this bill, and the committee of the Forty-sixth Congress reported in favor of it. I can state to the gentleman that the Treasury Department recognizes the facts precisely as they have been stated here. Had it been thought that any one would have raised a question of this kind there would have been no difficulty in obtaining a statement from the Treasury Department.

Mr. HOLMAN. Such a statement was certainly before the Committee on the Judiciary, for they would not have recommended the payment of so old and complicated a claim without a recommendation from the Treasury Department. All I ask is that such a statement shall be presented here.

Mr. REAGAN. What makes the claim seem old is the fact that various joint resolutions were passed extending the time for the payment of these claims, and payments were made as late as 1870.

Mr. CULBERSON. I have here a statement of the payments made. Mr. REAGAN. The Treasury Department recognizes the facts as they have been stated here.

Mr. CULBERSON. I will read a statement of the payments which have been made.

Mr. HOLMAN. Paid to the State of Texas?

Mr. CULBERSON. No, sir; paid to the creditors. The State of Texas has never had a dollar of this fund in its hands; the Government of the United States bought the land and kept the money to pay the creditors. The records of the Treasury Department show the following disbursements and payments made by the Secretary of the Treasury of the United States out of said fund:

| | |
|----------------------------------|----------------|
| During the fiscal year 1856..... | \$6,435,931 51 |
| During the fiscal year 1857..... | 1,008,583 94 |
| During the fiscal year 1858..... | 39,317 47 |
| During the fiscal year 1860..... | 46,642 13 |
| During the fiscal year 1861..... | 78,884 16 |
| During the fiscal year 1865..... | 3 85 |
| During the fiscal year 1867..... | 196 45 |
| During the fiscal year 1870..... | 10,782 87 |

Total..... 7,648,886 73

Leaving a balance of \$101,113.27, which has been carried to the surplus fund and covered into the Treasury.

Mr. HOLMAN. I reserve the right to object. All I am asking for is that a statement from the Treasury Department shall be presented showing the state of the account between the United States and Texas.

Mr. CULBERSON. Here it is.

Mr. HOLMAN. I reserve the right to object. I wish a statement from the Secretary of the Treasury showing that there is this balance in the Treasury and that this sum ought to be paid to this creditor. It is a subject that the Treasury Department knows all about, and of which we can know nothing except as we get information from the Treasury Department.

Mr. MILLS. There is nothing at all complicated about this matter. The gentleman from Indiana is too old a statesman in this country to affect ignorance of this transaction. It ought to be known to him that in 1850 there was a serious controversy between the Government of the United States and the State of Texas as to the State boundary. That controversy was settled by the celebrated compromise of 1850, in which the Government of the United States took from Texas a certain quantity of land, some sixty-odd millions of acres, and agreed to give that State \$10,000,000 for the land.

At the instance of the creditors of Texas \$5,000,000 of that money was retained in the public Treasury at Washington, and the Government of the United States assumed the duty of paying the creditors of Texas out of that fund. The fund was afterwards increased to seven and a half millions of dollars, I believe. The creditors of Texas then presented their claims to the Treasury of the United States, and a certain amount of them were paid.

At the next session of Congress, as all the creditors had not pre-

sented their claims, Congress in an appropriation bill continued the time for the further presentation of these claims. After the payment of all the creditors there was left of this fund \$101,000 still in the Treasury belonging to the State of Texas.

One of the creditors of the State of Texas who has a claim on this fund did not present his claim to the Government until the remainder of the fund was covered into the Treasury. The State of Texas now asks the Government of the United States to pay the amount of that claim. That is all there is about it; there is no complication whatever.

The SPEAKER. Is there objection?

Mr. HOLMAN. Yes, sir; I object.

The SPEAKER. Objection is made. The Chair recognizes the gentleman from Pennsylvania on the left, [Mr. HARMER.]

Mr. HARMER. I ask unanimous consent—

Mr. REAGAN. I hope the gentleman from Indiana will be permitted to withdraw his objection and offer an amendment providing that if this account is not as stated the Treasury Department shall not pay it.

The SPEAKER. The Chair indulged considerable discussion upon the proposition of the gentleman from Texas, [Mr. CULBERSON.]

Mr. HOLMAN. If an amendment were accepted providing that the Secretary of the Treasury—

The SPEAKER. The gentleman from Pennsylvania [Mr. HARMER] has been recognized.

Mr. REAGAN. The gentleman from Indiana desires to offer an amendment which will obviate the objection to this measure.

The SPEAKER. The Chair has indulged discussion on the bill; and objection has been made.

Mr. REAGAN. We are willing that the gentleman should offer an amendment which will remove all difficulty, if the Chair will entertain the proposition.

The SPEAKER. The Chair has no discretion.

Mr. JONES, of Texas. Our entire State is interested in this matter.

The SPEAKER. The gentleman from Pennsylvania is on the floor. Mr. SMITH, of Pennsylvania. I call for the regular order.

CORRECTION.

The SPEAKER. The gentleman from Pennsylvania [Mr. MILLER] desires, as the Chair understands, to make a correction.

Mr. MILLER. Mr. Speaker, on yesterday I stated I had been informed that Mr. Harris, of Virginia, chairman of the Committee of Elections of the Forty-fifth Congress, had stated to a sub-committee of the Committee on Elections of this Congress that the committee of the Forty-fifth Congress had agreed to a report in favor of seating Mr. Haralson, contestant from the fourth district of Alabama. I am now satisfied I was misinformed, and that the statement did Mr. Harris injustice, and that in fact he signed the report (which was never made to the House) in favor of the sitting member, Shelley. I make this statement in justice to Judge Harris and such members of the committee as signed the report in favor of the Senate amendment.

ENROLLED BILLS SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. No. 6743) to establish diplomatic relations with Persia; A bill (S. No. 96) for the relief of Joseph Conrad, of Missouri; A bill (S. No. 1440) relating to the registration of trade-marks; A bill (S. No. 1472) for the relief of Julia A. Nutt; and A bill (S. No. 2171) to remove the political disabilities of Frank C. Armstrong, of Maryland.

REPORTS OF CONTESTED ELECTIONS.

The SPEAKER. The regular order is the proceeding under the Pound rule for one hour.

Mr. SPRINGER. I desire to make a privileged report from the Committee on Printing.

The SPEAKER. The Chair will entertain it.

Mr. SPRINGER, from the Committee on Printing, reported back with an amendment the joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed for the use of the Senate and House the usual number of copies of the digest of contested-election cases of the Forty-fifth and Forty-sixth Congresses, together with a full index of the same, to be prepared by the clerk of the Committee on Elections; for the preparation and superintendence of which there shall be paid said clerk by the Clerk of the House of Representatives the sum of \$1,000, and not more than \$500 shall be paid before the work is completed.

The amendment reported by the committee was read, as follows:

In line 3, after the word "printed," insert "and bound."

Mr. PELLE. We were unable to hear the resolution read; we desire to understand it.

Mr. CALKINS. It simply authorizes the printing of a digest of the contested-election cases in the Forty-fifth and Forty-sixth Congresses, to be prepared by the clerk of the Committee on Elections.

Mr. SPRINGER. It is the usual publication.

The amendment reported by the Committee on Printing was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADVERTISEMENTS FOR GOVERNMENT SUPPLIES, ETC.

Mr. SPRINGER. By direction of the Committee on Printing, I report back the bill (H. R. No. 6800) to amend section 3709 of the Revised Statutes with recommendation that the bill pass.

The bill was read, as follows:

Be it enacted, &c. That hereafter executive proclamations and treaties required by law to be published, and all advertisements, notices, or proposals for contracts and supplies for any Department of the Government, or any bureau thereof, shall be published under such regulations as may be prescribed by the head of the Department, in such newspapers as may be designated by the President of the United States; and all such advertisements for any Department of the Government, and for the District of Columbia, shall be published in such daily newspapers in the District of Columbia as may be designated by the President of the United States, in accordance with the provisions of the act entitled "An act to regulate the award of and compensation for the public advertising in the District of Columbia," approved January 21, 1881. And all advertising required to be done in the District of Columbia by the courts of said District shall be published in one daily newspaper, to be designated by the President of the United States; but in no case shall the compensation for any such service exceed the regular commercial rate of the newspaper selected. But nothing in this act shall be construed to authorize the publication of advertisements or expenditures for the same in excess of existing provisions of law, except as herein provided for the District of Columbia.

Mr. PEELE. I ask whether this is a privileged matter?

The SPEAKER. It is a report from the Committee on Printing.

Mr. PEELE. But it is a bill to amend a section of the Revised Statutes.

Mr. ANDERSON. I make the point that it is not a privileged matter.

The SPEAKER. The Chair will hear the gentleman from Illinois [Mr. SPRINGER] on the point of order.

Mr. SPRINGER. I submit that the gentleman making the point of order should first be heard; he must show wherein his point is good.

The SPEAKER. The Chair desired to hear from the other side.

Mr. PEELE. I make the point for two reasons—

Mr. SPRINGER. Does the gentleman make a point of order against the committee as not being privileged to report this matter, or upon the matter itself?

Mr. PEELE. I think that under the rule this is not a privileged report. In the next place I can see no reason why the President of the United States should be required to designate newspapers for the publication of advertisements.

Mr. SPRINGER. I will make an explanation. This bill changes the existing law in this respect only: at present if any supplies are to be purchased by the Government or any public property to be sold, advertisements may be published in a remote part of the country, and contracts may be made or the property sold without proper publicity. This bill proposes to require the President of the United States to designate three newspapers in the District of Columbia, in which all these advertisements must appear, so that those who desire to purchase Government property or to furnish Government supplies may know, in all cases, where to find the advertisements. This is the only change proposed in the existing law.

Mr. ROBESON. I will ask the gentleman whether the privilege of the Committee on Printing is not confined to propositions for printing for the two Houses, and whether this bill is a proposition of that kind?

Mr. SPRINGER. I have not stated anything in regard to that matter. I was instructed to make this report.

Mr. ROBESON. I have no objection to it.

The SPEAKER. The report was made some time since and recommended. The question now is whether the gentleman has a right to report it for consideration as a privileged matter.

Mr. SPRINGER. The report was made heretofore and ordered to be printed and recommitted, and I desire now to report it for consideration.

The SPEAKER. The Chair thinks it is subject to the point of order.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House take a recess for two hours.

The SPEAKER. There are some privileged reports which gentlemen desire to present. Does the gentleman from Indiana insist on his motion?

Mr. HOLMAN. I will not if there are privileged reports.

CLERK OF COMMITTEE ON ACCOUNTS.

Mr. MARTIN. I am directed by the Committee on Accounts to submit the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay a sum equal to a month's pay to the present clerk of the Committee on Accounts of the House for clerical work to be done during the recess; the same to be paid out of the contingent fund of the House.

Mr. HOLMAN. I wish to inquire of the gentleman from Delaware whether this is a regular employé at this time, and this is service to be rendered in addition to his regular services?

Mr. MARTIN. The Committee on Accounts of the House is not permitted, as is the Committee to Audit and Control the Contingent Expenses of the Senate, to sit during the recess of Congress, and yet the pay-rolls of the House have to be approved by the chairman of that committee during the recess as well as during the session. The clerk of that committee has all these pay-rolls to transcribe, for it should be understood by the House that every bill audited and ordered to be paid by the Committee on Accounts is entered on the books of that committee. It has been the uniform custom heretofore to allow this clerk one month's pay in lieu of allowing the Committee on Accounts to sit during the recess, so as to pay this clerk for the extra work which is imposed upon him.

The resolution was adopted.

Mr. MARTIN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, AUGUSTA, MAINE.

Mr. REED. Mr. Speaker, I desire to make a request of the House which, if the facts were different, I should perhaps deem a little bit absurd at this stage of the session. But the facts of the case are these: last February my colleague [Mr. LINDSEY] was attacked by a disease of the heart, rendering abstention from public business necessary for the preservation of his life. He lingered here for some time, and then, under the advice of his physician, went home, where he now is. About that time the Senate of the United States passed a bill for the erection of a post-office building in the city of Augusta, which he was unable to attend to here. I think I can satisfy this House beyond all peradventure, every man of them, that the request should be granted, if I have consent to make it, and the Senate bill should be taken up.

The facts, Mr. Speaker, are these: the city of Augusta, owing to the establishment there of permanent lithographic and newspaper publishing works, is actually the fifth post-office in revenue in the United States in second-class matter.

It follows New York, Chicago, Boston, Philadelphia, and even this is an understatement of the fact, because these publishing establishments receive postage-stamps in payment for their wares to such an extent that the actual business transacted by that office places it immediately after Chicago, the third post-office in the Union.

The city of Augusta is a small city comparatively, of only eleven or twelve thousand inhabitants. It is the capital of the State of Maine. Nevertheless, being a city of that size, the post-office business has to be transacted in two separate offices, there not being a building large enough in which to transact it. The actual rents paid for inferior accommodations are \$3,300.

It seems to me under these circumstances, this being a permanent increase of actual official earnings on second-class matter, being within \$5,000 of what it is in the city of Philadelphia, the actual earnings being more than that, it makes out a case the like of which has not been presented to this House this session.

I ask to take up the Senate bill which provides for an appropriation of \$150,000 and to modify it so as to correspond with the report of the Committee on Public Buildings and Grounds of the House by reducing the appropriation to \$100,000. I ask unanimous consent to take up and pass that bill as it is proposed to be amended, and I think under the circumstances it is a fair act of justice that the request should be granted.

Mr. ATHERTON. Will the gentleman permit me to ask him a question?

Mr. REED. I should be happy to answer the gentleman's question.

Mr. ATHERTON. I should like to ask whether there is any other building there except a post-office?

Mr. REED. There is no other.

Mr. ATHERTON. Is a Federal court held there?

Mr. REED. I will state, in further answer to the gentleman's question, that there is an arsenal there. Beside, Augusta is within four miles of Togus, where there is a soldiers' home, and the Augusta post-office has to handle all the mailable matter of that institution. There is also a pension-office there, which could be accommodated in the same building.

Mr. SPRINGER. I hope the gentleman from Maine will restate his request, as I did not hear it.

Mr. REED. I will repeat what I said. The request I make is in behalf of my colleague, Mr. LINDSEY, whose illness prevents him from personally making the request, and has for the last four or five months. It is that Augusta, which is the fifth revenue-paying post-office in the United States in second-class matter, having a revenue of \$65,000 in actual cash, and transacting a business, as I have already explained, amounting to \$108,000 a year, shall be permitted to have a public building erected there for the use of the post-office, internal revenue, pension office, and other Government purposes, and for that purpose that the bill of the Senate may be taken up and passed, simply amending it by providing an appropriation of \$100,000 for the

purpose instead of \$150,000. I ask this because there is no possibility of renting a building in that city wherein the business of the post-office can be properly transacted. It is now carried on in an unsatisfactory manner in two separate buildings, some three hundred feet apart, at great inconvenience, and for which a rental of \$3,300 per annum is paid, while the accommodations are utterly insufficient.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MCKENZIE. I do not rise, Mr. Speaker, to object to this bill, and will not object provided the House will permit me to have action upon a bill which I sought to have taken up a few days since for the erection of a public building at Owensborough, in Kentucky.

Mr. REED. I do not think the gentleman from Kentucky ought to make that request to me.

Mr. MCKENZIE. The objection to the request which I made came from gentlemen on that side of the House.

Mr. REED. I certainly have not objected.

Mr. MCKENZIE. Then, will the gentleman permit the bill to which I have referred to be taken up for consideration?

Mr. REED. I will say this to the gentleman, that I would not, for the sake of all the public buildings erected in Maine or elsewhere, mortgage my views in this manner upon any subject.

Mr. COX, of New York. I demand the regular order.

Mr. DINGLEY. I hope the gentleman from Kentucky will withdraw his objection to this bill.

Mr. MCKENZIE. I will withdraw if objection is withdrawn to the bill which I have asked consent to consider.

Mr. ATHERTON. I object to the consideration of the bill.

Mr. REED. Do I understand the gentleman from Kentucky as insisting upon his objection?

Mr. MCKENZIE. I have not insisted upon the objection. I simply called attention to the fact that I had made a request of a similar character, to which gentlemen on the other side saw fit to object. I had hoped they would withdraw that objection, and still hope they will do so.

Mr. REED. I understand, then, there is no objection.

The SPEAKER. The Chair understood the gentleman from Indiana to rise for the purpose of objecting.

Mr. HOLMAN. No, sir; I rose to make an inquiry.

Mr. ATHERTON. I have objected.

Mr. MCKENZIE. I ask the gentleman from Maine again if objection is withdrawn to his bill whether objection will still be urged upon the one I have mentioned?

Mr. REED. That I cannot say. I ask unanimous consent on the merits of the bill I present. If that is declined, I have nothing further to say.

Mr. SPRINGER. I hope the objection will be withdrawn, and that the gentleman from Michigan who objected to a measure which I sought to introduce some time ago will also withdraw his objection.

Mr. MCKENZIE. I have withdrawn the objection.

Mr. ATHERTON. I object.

Mr. ANDERSON. Allow me to suggest to the gentleman from Ohio that there are peculiar circumstances in this case—

Mr. COX, of New York. Regular order.

Mr. REED. Let me again repeat my request in behalf of my colleague. I do not ask this for myself.

The SPEAKER. The Chair understands objection has been made from several quarters, and the regular order is demanded.

Mr. COX, of New York. I demand the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate insist upon its amendments to the resolution of the House of July 25, 1882, to print 300,000 copies of the annual Report of the Commissioner of Agriculture for the year 1881, disagreed to by the House of Representatives, and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon. Further, that the Senate had appointed Messrs. ANTHONY, HARRISON, and VEST as managers of said conference on the part of the Senate.

The message further announced that the Senate receded from its amendment No. 47 to the bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

The message further announced that the Senate had passed a joint resolution (S. No. 106) providing for the payment of mileage to Senators, in which the concurrence of the House of Representatives was requested.

Also, that the Senate agree to the concurrent resolution of the House of Representatives, granting the use of the Rotunda and adjacent rooms in the Capitol to the Garfield monument committee, Society of the Army of the Cumberland, for use in connection with said society on certain days in November and December next.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported

that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 97) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy;

A bill (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians in the State of Nebraska; and for other purposes; and

A bill (S. No. 126) to reimburse the Creek orphan fund.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now take a recess for two hours.

Mr. BROWNE. I hope that will not be done. There are very important pension matters which should be considered, which will effect a great saving to the people of this country—

Mr. URNER. I desire also to submit several favorable reports from the Committee on Accounts.

Mr. HOLMAN. I insist on the motion.

The House divided; and there were—ayes 17, noes 31.

Mr. HOLMAN. No quorum has voted.

The SPEAKER. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HOLMAN and Mr. BROWNE were appointed tellers.

The House again divided; and the tellers reported—ayes 61, noes 76.

Mr. HOLMAN. For the present I withdraw the point as to a quorum.

So (further count not being called for) the motion for a recess was not agreed to.

ENROLLED BILL SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.

INVALID PENSIONS.

Mr. BROWNE. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 2172) to amend section 4702, title 57, of the Revised Statutes of the United States, and for other purposes. And if the House will indulge me just a minute or two I will try to have it understand exactly the amendments contemplated by this bill.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That section 4702, title 57, of the Revised Statutes of the United States is hereby amended so as to read as follows:

"SEC. 4702. If any person embraced within the provisions of sections 4692 and 4693 has died since the 4th day of March, 1861, or hereafter dies, by reason of any wound, injury, or disease which under the conditions and limitations of such sections would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death without payment to her of any part of the pension hereinafter mentioned, his child or children under sixteen years of age shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and if the widow remarry, the child or children shall be entitled from the date of remarriage, except when such widow has continued to draw the pension-money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid.

"SEC. 2. That marriages, except such as are mentioned in section 4705 of the Revised Statutes, shall be proven in pension cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at a time when the right to pension accrued, and the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation."

Mr. BROWNE. A bill substantially the same as this was called up the other day by the gentleman from Pennsylvania, [Mr. CURTIN,] but in the confusion which prevailed he had no opportunity to make the House understand its precise purpose. This bill seems a long one; yet, in fact, its first section simply recites the law as it now is, down to the word "except," and only changes the law in that respect in these words:

Except when such widow has continued to draw the pension money after her remarriage, in contravention of law, and such child or children have resided with and been supported by her, their pension will commence at the date to which the widow was last paid.

Under the present law, in the case of the remarriage of the widow the children draw the pension money from the date of that remarriage. Notwithstanding in almost innumerable cases the widow in contravention of law has drawn the pension covering periods subsequent to the remarriage, she has also drawn the pension money that was due the children at the time when the children were living with her and were supported by her. This bill provides that in such cases the pension shall be paid for the benefit of the children only up to the date of the last payment to the mother; that is, in cases where the mother has drawn the pension and applied it to the maintenance of the children.

Thus it will be seen the bill saves so much money as may be covered by the periods in which widows marrying have drawn pension in contravention of law.

The second section provides that in proving in the Pension Office where a marriage exists it shall be determined by the law of the place where the marriage shall have been solemnized, except in the case of Indians and negroes, which is covered by another section. The reason why that is required is this: in numerous instances it has been ascertained that widows living in improper relations subsequent to the husband's death are drawing pension money; and when the question of adulterous connection is raised it is insisted a marriage exists as at common law, that the mere fact that the parties are living together and holding themselves out as husband and wife is sufficient evidence of the solemnization of the marriage.

This section therefore provides that in proving whether or not a marriage exists it shall be determined whether or not it has been solemnized in conformity with the law of the place at which it is claimed the marriage took place.

That section then provides that where widows drawing pensions on account of husbands whose lives have been lost as an incident of the service are living in improper relations, or in adultery, that during the period of this illicit cohabitation the Pension Office shall suspend the pension. I saw in the hands of the Commissioner of Pensions the other day a letter giving an instance in which the widow, or the woman who subsequently became a widow, had been living in improper relations with a man other than her husband for more than two years prior to the husband's death, was so living at the time of his death, is so living now, and has been for ten years. And yet during eight years of that time she and her paramour have been living on the pension given her in consequence of the death of the soldier husband. This bill provides that in such cases the Commissioner of Pensions, on due proof, may suspend the pension.

In many instances it is said, and I suppose there can be no doubt of the truth of the statement, that widows do not marry, but live in these improper relations simply because they know that a marriage suspends the payment of the money. If the cohabitation suspends the pension that obstruction to marriage will be removed.

This is all there is in this bill. It was passed unanimously by the Senate, and I think with this explanation there will be no objection to it on the part of any gentleman in this House.

Mr. HOLMAN. I would inquire if the bill, except so far as the gentleman from Indiana has made an explanation, is a re-enactment of the present law?

Mr. BROWNE. Yes, sir; it is a re-enactment of the present law down to the word "except," in the fourth line from the end of the first section; what follows that word "except" is the only change made to the original law, so far as that section is concerned. The effect of the second section is as I have stated it.

The SPEAKER. Is there objection to the present consideration of the bill? The Chair hears none.

The bill was taken from the Speaker's table, read three times, and passed.

Mr. BROWNE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted upon its amendments disagreed to by the House of Representatives to the bill (H. R. No. 2997) granting right of way to the Fremont, Elk Horn and Missouri Valley Railroad Company across the Niobrara military reservation, of the State of Nebraska, and authorizing the sale of a portion of said reservation; and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. LOGAN, Mr. COCKRELL, and Mr. HARRISON.

The message further announced that the Senate insisted upon its amendments disagreed to by the House to the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as the conferees on the part of the Senate Mr. LOGAN, Mr. HAWLEY, and Mr. COCKRELL.

JOHN W. FORNEY.

Mr. RANDALL. I ask consent to take from the Speaker's table for consideration at this time the bill (S. No. 2099) for the relief of the executors of John W. Forney. Before the bill or report is read I desire to say that Mr. Forney during his life-time was a resident of the district which I have the honor to represent here, and his widow and surviving daughters are now residents of my district. This bill relates to a matter purely within the province of the Senate, concerning one of its officers. But I do not rest the propriety of the passage of the bill upon that alone; I rest it upon its merits. I ask that the bill be read, and also the report if it is desired.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the executors of John W. Forney the sum of \$27,684.70, out of any money in the Treasury not otherwise appropriated, to reimburse the estate of the said John W. Forney for losses sustained by him while Secretary of the Senate in making good the deficit in the accounts of the financial clerk.

Mr. BURROWS, of Michigan. I think we had better have some explanation of this bill, reserving the right to object.

Mr. RANDALL. Then I ask that the report be read; it is very conclusive.

The SPEAKER. Does the gentleman desire to have the entire report read? It is very long.

Mr. McMILLIN. Let it all be read.

Mr. RANDALL. It had better be read.

The report was read, as follows:

The Committee on Claims, to whom was referred the petition of the executors of John W. Forney, have considered the same, and respectfully report: The case is well stated in the petition, which we insert:

Petition for the relief of the estate of John W. Forney, deceased.

To the honor of the Senate of the United States of America:

The petition of the subscribers, citizens of Philadelphia, in the Commonwealth of Pennsylvania, respectfully sheweth:

That John W. Forney, late of said city, died on the 9th day of December, A. D. 1881, leaving a last will and testament dated the 4th day of July, A. D. 1874, and admitted to probate by the register of wills in the county of Philadelphia aforesaid on the 23d day of December, A. D. 1881, and that letters testamentary were granted to the executors in said will named, (a copy of which is hereto annexed, marked Exhibit A.)

That your petitioners are the same persons named as executors in said will, which contains *inter alia* the following provision, to wit:

"Item 21. Inasmuch as during the time that I held the office of Secretary of the Senate of the United States I made good and paid into the Treasury of the United States, out of my own moneys, a large sum which it appeared had been misappropriated or taken by one of my subordinates out of the moneys for which I was officially accountable as such Secretary, but under circumstances and in a manner which did not reflect in any way upon my administration of said office for care and vigilance in regard to the public funds intrusted thereto, as fully appears by a report of a committee of said Senate appointed to investigate the matter, and such making good and payment by me was made promptly and without hesitation, and without question as to my legal liability to make good such loss, of which there was a strong doubt; and inasmuch as Congress has in several instances acted for the relief of those who have made payments into the Treasury under circumstances similar to my own, my will is, and I hereby direct, that it shall and may be lawful for my said executors and trustees at any time to take such measures in such way as they deem best and most expedient to obtain a repayment from the United States to my estate of the sum so paid by me; and I do this especially because some amount of the incumbrances now existing against my real estate, and of my indebtedness, and which may embarrass my executors and trustees in the settlement and management of my estate, and the trusts under this will, were created and had their origin in the efforts I had to make to raise the money for such payment into the Treasury as aforesaid."

And your petitioners, in accordance with the direction in said will, hereby make application to your honorable body for a repayment of a portion of the moneys paid into the Treasury of the United States as aforesaid, and submit herewith the following facts as set forth in the report of the Committee of the Senate to Audit and Control the Contingent Expenses, to whom was referred a resolution of the Senate to examine and thoroughly investigate the accounts of John W. Forney, then Secretary of the Senate, from the date of his election, (a copy of which report being hereto annexed, marked Exhibit B,) together with certain additional facts relating thereto.

John W. Forney entered upon the duties of Secretary of the Senate on the 15th day of July, A. D. 1861, and remained in continuous service as such officer until the 4th day of June, A. D. 1868, when he resigned the office. In October, 1867, rumors appeared in the public prints alleging a defalcation or misuse of the funds of the Senate in the hands of the Secretary, and led to the passage of a resolution to examine the accounts of the Secretary. At the time of the appointment of the committee under the resolution, and during the progress of its work, it appeared, by reference to an official statement obtained from the Treasury Department, dated April 18, 1868, that the whole sum advanced to the Secretary before that time was \$4,125,713.99, and that the sums passed to his credit in said Department on vouchers paid by him and audited there, together with the sums paid by him and not yet passed by the accounting officers, but examined by the committee and found correct, and, with the cash on hand, left the Secretary the creditor to a small amount, and that no losses were sustained by the Government through his action. On the contrary, the evidence taken by the committee completely vindicated him from such imputation.

It also appeared, however, that on the 23d day of December, 1867, there was an actual deficit in the Secretary's accounts adjusted and unadjusted of \$35,486, and that to make good the deficit as soon as it came to his knowledge the Secretary raised and placed in the official safe in his office, subject to disbursement, the sum of \$35,200.

The committee say: "While it was the duty of the Secretary to sign the requisitions on the Treasury, he in no case received or paid out the money drawn. The actual control and disbursement of the contingent fund of the Senate is with the financial clerk, who is one of the officers of the Senate and assigned to that particular duty by the Secretary. The financial clerkship is an office of much importance, and the person who fills it should be a man of high integrity and competency. He prepares requisitions upon the Treasury, from which all moneys are drawn, receives the money so drawn, has exclusive control of the safe in which it is kept, and makes all the disbursements therefrom."

It further appears that Mr. Samuel Wagner, of York, Pennsylvania, was the financial clerk in the office of the Secretary at the time the default occurred. The committee say:

"Mr. Wagner was selected by the Secretary as a man entirely competent and reliable to perform the duties of financial clerk. While discharging those duties he was esteemed by members of the Senate and by others with whom he transacted business as a very fit man for the place he held. He had been for a long time cashier of a bank at York, Pennsylvania, and his selection by the Secretary was apparently judicious. The trust reposed by the Secretary in him would seem, therefore, to have been reasonable and within the bounds of ordinary prudence. There is no evidence that he suspected his clerk of misconduct prior to December, 1867, or that circumstances were brought to his knowledge which should have induced distrust."

"There can be no doubt that the financial clerk is responsible for the larger part, if not the whole, of the \$35,486. There is no evidence which points to any one except to the financial clerk as responsible for its loss or abstraction. He had exclusive control of the moneys when the default occurred; he acknowledged a misappropriation to his own use of \$20,000, and admits that he is responsible for whatever deficiency existed at the date of his resignation."

And your petitioners further say that the said Wagner was promptly removed from his position as financial clerk immediately upon the discovery of his defalcation by the said Forney, and that all the real and personal property of the said Wagner that he possessed to the knowledge of the said Forney was secured by and surrendered to the latter for the purpose of applying to and liquidating the

amount of money abstracted as aforesaid, and that the said Forney proceeded with diligence and prudence to realize the cash value of the property surrendered by the said Wagner as aforesaid; that at the time it was represented by him, the said Wagner, as ample to cover the loss occasioned to the said Forney, but it was subsequently ascertained to have been grossly exaggerated in value, producing and yielding to the said Forney about one-fourth only of the amount abstracted as aforesaid. (See affidavit hereto annexed, marked Exhibit C.)

And your petitioners submit for the consideration of your honorable body the following reasons why the prayer of this petition should be granted, namely:

First. The financial clerk was an official of the Senate with distinctly defined duties, and his appointment was authorized to be made by the Secretary simply for reasons of convenience and propriety.

Second. In point of fact and in accordance with law and usage the said Wagner had, as financial clerk, the entire and exclusive control and possession of the contingent fund of the Senate from the time the money was received by him from the Treasury Department, deposited in the office safe, to which he alone had access by means of a combination lock, until it was by him disbursed, the said Forney in no instance receiving or disbursing one dollar of said fund.

Third. The said Wagner, at the time of his appointment, was a gentleman of unblemished reputation and undoubted financial integrity. He had been a bank officer at York, Pennsylvania, for twenty years; was possessed of property, had excellent personal habits, was courteous, industrious, intelligent, and esteemed by all the Senators to be a model officer of trained capacity, and whose honesty was wholly unsuspected up to the hour of the discovery of the deficit.

Fourth. The defalcation of Wagner was the result of acts and circumstances of which the said Forney had no knowledge, direction, or control, and in which he was in no way implicated. He could not have prevented it by any exercise of ordinary care and vigilance, because his official occupations necessarily prevented constant personal supervision over the acts of the financial clerk, as to the moneys committed to his care. The said Forney himself caused an exposure of the wrong, and immediately made up from his private means, without apology, question, or quibble as to his legal or equitable liability therefor, the amount of the abstracted funds, thus promptly meeting and discharging the obligation created by the letter of his bond.

Fifth. While the official bond given by the said Forney, in the sum of \$40,000, for the safe-keeping and disbursement of the contingent fund imposed upon him a strictly legal responsibility, namely, to account for every dollar drawn from the Treasury for Senatorial use whenever required, without hesitation or excuse for a failure to keep to the letter of his bond, yet this theory of official duty is not inconsistent with bills of relief subsequently enacted upon fit occasions for cause shown where, as in this case, the official who sustains a loss by the default of another is himself clear of misconduct or fault.

Sixth. The said Forney has always maintained that he was not equitably liable for the amount abstracted by Wagner, but preferred to pay the amount promptly into the Treasury in order to balance his accounts with that Department, and to depend upon the justice and generosity of Congress to refund the actual amount of his loss when he should apply for the same.

Your petitioners are advised and believe that the said sum of \$35,486 so paid into the Treasury of the United States as aforesaid has not been nor has any part thereof been refunded to the said John W. Forney, nor to any one for him, by the said the Government of the United States, but that a portion of said sum, to wit, the sum of \$7,801.30 was the entire amount realized out of the proceeds of the property surrendered by the said Wagner as aforesaid and applied by the said Forney in his lifetime in part payment of his said loss. (See Exhibit C.)

Your petitioners therefore pray that the United States will refund the amount of said loss, to wit:

| | |
|--|-------------|
| Amount paid United States Treasury by John W. Forney..... | \$35,486 00 |
| Amount realized by him from sale of Wagner's property..... | 7,801 30 |
| Balance..... | 27,684 70 |

and that said balance of \$27,684.70, being the actual loss sustained by said John W. Forney, be granted to the petitioners, executors as aforesaid.

And they will ever pray, &c.

W. W. WEIGLEY.
JAMES FORNEY.

PHILADELPHIA COUNTY, ss:

James Forney, being duly sworn according to law, doth depose and say that the facts set forth in the foregoing petition are true to the best of his knowledge, information, and belief.

JAMES FORNEY.

Sworn and subscribed before me this 3d day of April.
[SEAL.]

JAMES CROWE, Notary Public.

EXHIBIT A.

PHILADELPHIA CITY AND COUNTY, ss:

I, W. Marshall Taylor, register for the probate of wills and granting letters of administration in and for the city and county of Philadelphia, in the Commonwealth of Pennsylvania, do hereby certify and make known that on the 20th day of December, in the year of our Lord 1881, letters testamentary on the estate of John W. Forney, deceased, were granted unto W. W. Weigley and James Forney, they having first been qualified well and truly to administer the same.

Given under my hand and seal of office this 22d day of December, 1881.

[SEAL.] WM. G. SHIELDS, Deputy Register.

We insert, for the further information of the Senate, the report of the Committee to Audit and Control the Contingent Expenses of the Senate, who investigated the matter at the time of its occurrence:

EXHIBIT B.

[Senate Rep. Com. No. 98, Fortieth Congress, second session.]

In the Senate of the United States, May 6, 1868, ordered to be printed.

Mr. Cragin, from the Committee to Audit and Control the Contingent Expenses of the Senate, submitted the following report:

The Committee to Audit and Control the Contingent Expenses of the Senate have, in compliance with the resolution of the Senate passed on the 15th day of April last, examined and thoroughly investigated the accounts of John W. Forney, Secretary of the Senate, from the date of his election to the present time, and beg leave to report:

That by reference to an official statement obtained from the Treasury Department, herewith presented, dated April 18, 1868, and marked A, it appears that the whole sum advanced to the Secretary of the Senate is \$4,125,713.99; that the sum of \$3,713,526.25 has been passed to his credit in said Department on vouchers paid by him and audited there; that the sum of \$80,503.88 drawn from the Treasury was deposited by him and is now standing to his credit on the books of the Treasurer of the United States, subject to draft, as shown by the letter of the Treasurer dated April 20, 1868; that the vouchers paid by him since November 30, 1867, and not yet passed upon by the accounting officers of the Treasury, but ready to be transmitted to them, and which we have examined, as per statement herewith presented and marked B, amount to \$311,704.08, making a sum total of \$4,105,734.21, and leaving a balance to be accounted for of \$19,979.78. The cash on hand and

vouchers paid since this investigation began, and not included in statement B, amount to \$19,524.07; and there is due the Secretary on account of his salary \$809.74. It will thus be seen that he is a creditor to a small amount, and that no losses have been sustained by the Government through his action. On the contrary, the evidence taken by the committee completely vindicates him from such imputation.

The foregoing general summary of results exhibits the general condition of the account of the Secretary of the Senate, and complies with the demand of the resolution of instruction to the committee.

But, in view of the remarks made in the Senate when the resolution was adopted, the committee have bestowed particular attention to the question of an alleged defalcation or misuse of the funds of the Senate in the hands of the Secretary.

Inasmuch as that question had been a topic of remark in the public press, and was one well calculated to provoke serious doubts regarding the disbursement of the contingent fund of the Senate, it was clearly proper that it should be made the subject of investigation.

It appears that on the 23d of December last there was an actual deficit in the Secretary's accounts, adjusted and unadjusted, of \$35,486. At that date, upon an investigation made by direction of the Secretary, the amount of the deficit was fixed at \$25,530.43, but by subsequent corrections, reducing the amount, and by the addition of two items which did not appear upon the Secretary's account, but which were shown by the books of the Treasury Department, the above total of \$35,486 was produced. Certain advances, however, made by the financial clerk to officers of the Senate, and the future allowance of some other rejected or suspended items, may possibly reduce this amount by about \$3,000.

To make good the deficit, as soon as it came to his knowledge, the Secretary of the Senate raised and placed in the official safe in his office, subject to disbursement, the sum of \$26,000, on the 26th day of December, and on the 16th, 20th, and 22d days of April of the present year further sums amounting to \$9,200.

The Secretary is under bond in the sum of \$40,000 for the faithful disbursement of the contingent fund according to law, and when the deficit in his accounts was ascertained in December he executed a new bond, with good and sufficient sureties, which was duly filed in the Treasury Department.

By the evidence taken it will appear that the actual control and disbursement of the contingent fund of the Senate is with the financial clerk, who is one of the officers of the Senate, and assigned to that particular duty by the Secretary. He prepares requisitions upon the Treasury, from which all moneys are drawn; receives the money so drawn; has exclusive control of the safe in which it is kept, and makes all disbursements therefrom.

The Secretary signs the requisitions on the Treasury, but in no case receives or pays out the moneys drawn. It will therefore be seen that this financial clerkship is an office of much importance, and that the person who fills it should be a man of high integrity and competency. It is stated to the committee by the witnesses that the duties are too great for faithful and prompt discharge by one person, in view of the increased amount and variety of expenditures in recent years, and that this fact will explain in part the delay in making settlements at the Treasury, and the difficulty in ascertaining through the financial clerk the exact condition of the Secretary's account at a given date.

Mr. J. S. Bowen, the present postmaster of Washington City, was financial clerk from the 1st of June, 1862, until the 1st of April, 1863. He was again called into the Secretary's office in December last to assist in the investigation of the accounts, and since the 23d day of that month has acted as financial clerk, and has rendered valuable service in investigating and placing the accounts in order.

Mr. Samuel Wagner, of Pennsylvania, became financial clerk in the office in April, 1863, when Mr. Bowen left, and continued to act until the 23d of December, 1867, when he resigned and left the office. There can be no doubt that he is responsible for the larger part, if not the whole, of the deficit of \$35,486. He had exclusive control of the moneys when the default occurred; he acknowledges a misappropriation to his own use of \$20,000, and admits that he is responsible for whatever deficiency existed at the date of his resignation. But his explanations are not entirely satisfactory, inasmuch as they leave unaccounted for the misappropriation or loss of some \$12,000 of the aggregate amount before mentioned. His suggestion that there may still be corrections to make which will reduce the amount of defalcation to a large extent is not supported by any evidence before the committee, while there is reason to accept the statement from the Treasury Department and the exhibit by Mr. Bowen, herewith reported, as substantially accurate.

Mr. Wagner was selected by the Secretary, as a man entirely competent and reliable, to perform the duties of financial clerk. While discharging those duties he was esteemed by members of the Senate and by others with whom he transacted business as a very fit man for the place he held. He had been for a long time cashier of a bank at York, Pennsylvania, and his selection by the Secretary was apparently judicious.

The trust reposed by the Secretary in his financial clerk would seem, therefore, to have been reasonable and within the bounds of ordinary prudence. There is no evidence that he suspected his clerk of misconduct prior to December, 1867, or that circumstances were brought to his knowledge which should have induced distrust. His absence in Europe during the summer of 1867, and his engrossing employments when at home, perhaps prevented that careful supervision of his subordinates which under other circumstances would have been possible. The committee think, however, that he should have insisted upon and secured a more prompt settlement by his subordinates of his accounts at the Treasury Department. It is no doubt true that in such cases delays of settlement give occasion to delinquency and tend to produce it, and the explanations given of the unsettled state of the accounts toward the close of 1867, though entitled to due consideration, do not constitute a complete excuse. There had been an unusual accumulation of accounts, mainly caused by several adjourned sessions of Congress, many bills of outlay were unapproved or unadjusted by the Committee on Contingent Expenses, and the financial clerk was probably overworked. But, notwithstanding these facts, the committee cannot think that unsettled items of disbursement should have accumulated to the extent shown by a communication from Mr. Taylor, Comptroller of the Treasury, to the Secretary of the Senate, under date of October 30, 1867, to be found in the evidence herewith reported.

Mr. Wagner repeats to the committee under oath the statement made by him when the deficiency was discovered in December. It is in brief that, being indebted to a Mr. Blagden in the sum of \$20,000, and being called upon suddenly for payment, he took that sum from the contingent fund of the Senate (in the safe under his charge) and applied it upon the debt. He explains his conduct in a manner quite usual with defaulters who misuse public or trust funds, to wit, that the demand upon him was unexpected; that he was not prepared to meet it; that the public moneys under his control were conveniently at hand, and that he expected to replace the amount abstracted before its absence from the safe would be discovered.

Beyond this statement of Mr. Wagner as to his misappropriation of the \$20,000 the committee are unable to ascertain what became of the money covered by or included in the deficit, unless the small items of advances and rejected or suspended items before referred to should be taken into account. As these would probably amount to only about \$3,000, there remains \$12,000 wholly unaccounted for. There is no evidence which points to any one except to the financial clerk as responsible for its loss or abstraction. He disavows all knowledge as to this part of the deficiency, though not his responsibility therefor. But this question incurs the loss to the Secretary rather than to the Government. The Secretary incurs the loss and must bear it without remedy, unless he shall be reimbursed by the transfers of property made to him by his subordinate. In any event there can be no loss to the Treasury.

A.—Statement showing the amount of money advanced to John W. Forney, Secretary of the Senate, and the date and amount of each sum placed to his credit under the different appropriations:

COMPENSATION AND MILEAGE OF SENATORS.

| Date. | Advanced. | Date. | Credited. |
|-------------------------|--------------|-------------------------|--------------|
| July 16, 1861..... | \$30,000 00 | January 16, 1862..... | \$45,169 62 |
| July 25, 1861..... | 18,000 00 | September 16, 1862..... | 191,280 85 |
| November 30, 1861..... | 50,000 00 | July 3, 1863..... | 147,523 91 |
| December 11, 1861..... | 60,000 00 | March 29, 1865..... | 256,682 17 |
| March 4, 1862..... | 20,000 00 | September 11, 1865..... | 167,154 01 |
| April 1, 1862..... | 50,000 00 | January 2, 1868..... | 602,421 47 |
| July 1, 1862..... | 28,000 00 | January 22, 1868..... | 184,456 10 |
| November 28, 1862..... | 50,000 00 | Balance..... | 226,478 53 |
| January 3, 1863..... | 25,000 00 | | |
| February 21, 1863..... | 30,000 00 | | |
| March 4, 1863..... | 40,000 00 | | |
| December 3, 1863..... | 75,000 00 | | |
| December 10, 1863..... | 50,000 00 | | |
| January 19, 1864..... | 50,000 00 | | |
| March 7, 1864..... | 25,000 00 | | |
| May 23, 1864..... | 30,000 00 | | |
| June 25, 1864..... | 50,000 00 | | |
| December 2, 1864..... | 75,000 00 | | |
| December 16, 1864..... | 50,000 00 | | |
| February 23, 1865..... | 50,000 00 | | |
| November 29, 1865..... | 75,000 00 | | |
| December 6, 1865..... | 75,000 00 | | |
| December 21, 1865..... | 50,000 00 | | |
| March 1, 1866..... | 50,000 00 | | |
| May 2, 1866..... | 50,000 00 | | |
| July 27, 1866..... | 75,000 00 | | |
| August 1, 1866..... | 75,166 66 | | |
| November 27, 1866..... | 100,000 00 | | |
| December 19, 1866..... | 60,000 00 | | |
| March 1, 1867..... | 30,000 00 | | |
| April 3, 1867..... | 85,000 00 | | |
| April 18, 1867..... | 25,000 00 | | |
| June 1, 1867..... | 23,000 00 | | |
| July 1, 1867..... | 23,000 00 | | |
| July 13, 1867..... | 25,000 00 | | |
| August 30, 1867..... | 23,000 00 | | |
| September 23, 1867..... | 23,000 00 | | |
| October 29, 1867..... | 23,000 00 | | |
| November 27, 1867..... | 75,000 00 | | |
| | 1,821,166 66 | | 1,821,166 66 |
| Balance..... | 226,478 53 | | |

Upon the whole case, the committee recommend that the relief prayed for be granted.

The creation of the office of financial clerk indicated the expectation of the Senate that the funds of the Senate should be received and disbursed by him.

The other duties of the Secretary were enough to employ his whole time, and rendered it impossible for him to receive or disburse these moneys himself or to supervise his financial clerk in these functions.

Mr. Forney was fully justified by the character and experience of the financial clerk in appointing him and in confiding in him. It was wise and prudent to give him the sole charge of the safe and not to allow any other person to go to it.

While the Committee to Audit the Contingent Funds think the accounts should have been settled more frequently with the Treasury, and that unsettled items of disbursement should not have been allowed to accumulate as they did, yet it does not appear that greater strictness in this respect would have prevented this default.

We think the Secretary might and should have established a system of checks by books kept by a separate officer and by frequent personal examination of the clerk's balances. But Mr. Forney found no such system in existence when he came into office. He did all that ordinary prudence had been considered to demand from the beginning of the Government.

We therefore recommend the passage of the accompanying bill.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. BURROWS, of Michigan. I think I shall not object, but I hope the practice will not obtain of passing bills without examination by committees of this House. This bill has not been examined at all by any committee of this House, and I think it is a bad practice to pass bills without such examination.

Mr. RANDALL. This is a matter, as I said before, between the Senate and one of its officers. Being peculiarly a Senate matter, I did not wish to encounter the delay which would result from a reference of this bill to the Committee on Claims of this House. The parties interested are really in need of the money. I am informed that the Senate Committee on Claims reported this bill unanimously, and it was unanimously passed by the Senate.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BOEHM BROTHERS, OF NEW YORK.

Mr. RICHARDSON, of New York. I desire to ask consent that the Committee on Ways and Means be discharged from the further consideration of the bill (H. R. No. 2201) to refund a duplicate tax to Boehm Brothers, of New York, and that the claim be referred to the Court of Claims. I therefore submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the claim of Boehm Brothers, of New York, for \$10,234.08, being the amount of a duplicate tax alleged to have been paid by said Boehm Brothers upon three hundred and fifty barrels of whisky and fifty barrels of alcohol, be referred to the Court of Claims to be heard and determined.

The resolution was adopted.

Mr. RICHARDSON, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SEPTEMIA RANDOLPH MEIKLEHAM.

Mr. ROBINSON, of New York. I ask unanimous consent that the Committee on Invalid Pensions be discharged from the further consideration of the bill (H. R. No. 6304) granting a pension to the sole surviving grandchild of the author of the Declaration of Independence, and that it be considered in the House at this time.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place the name of Septemia Randolph Meikleham, widow of David S. Meikleham, deceased, and the only surviving grandchild of Thomas Jefferson, author of the Declaration of Independence, on the pension-roll, and pay to her a pension, during her natural life, at the rate of \$5,000 a year, from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read?

Mr. BURROWS, of Michigan, Mr. NEAL, and others, objected.

The SPEAKER. Objection being made, the bill is not before the House.

LABORERS IN HOUSE FOLDING-ROOM.

Mr. URNER. I am directed by the Committee on Accounts to report a substitute for a resolution which was referred to that committee.

The substitute was read, as follows:

Resolved, That the resolution of the House of March 30, 1882, providing for the appointment of twelve additional laborers in the House folding-room for the purpose of folding speeches, be so amended as to further extend the period of their employment of sixty days; and that the six men employed in the House post-office during the session only be continued for the same period.

Mr. CONVERSE. Is this a privileged report?

The SPEAKER. It is reported from the Committee on Accounts and relates to the employes of the House.

Mr. URNER. Who are to be paid out of the contingent fund of the House.

Mr. CONVERSE. Has the resolution been referred to that committee?

The SPEAKER. It has been referred.

Mr. CONVERSE. I understand that this resolution originates with the committee.

The SPEAKER. It is a substitute for a resolution referred to that committee.

Mr. URNER. The original resolution was referred to the Committee on Accounts on motion of the gentleman from Kentucky, [Mr. THOMPSON.]

Mr. CONVERSE. Is there a report? If so I would like to have it read.

The report was read, as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. P. B. THOMPSON—

"That the resolution of the House of March 30, 1882, providing for the appointment of twelve additional laborers in the House folding-room for the purpose of folding speeches be so amended as to extend the period of their employment for sixty days?"—

respectfully report that they have considered the same and report the following substitute and ask that it do now pass:

Resolved, That the resolution of the House of March 30, 1882, providing for the appointment of twelve additional laborers in the House folding-room for the purpose of folding speeches be so amended as to further extend the period of their employment for sixty days; and that the six men employed in the House post-office during the session only be continued for the same period."

Mr. CONVERSE. There is no reason set out in that report why the employment of these men should be extended for sixty days.

Mr. URNER. I will explain the reasons which have been submitted to the Committee on Accounts by the Doorkeeper of the House for the adoption of this resolution. The original resolution was referred to the Committee on Accounts on motion of the gentleman from Kentucky, [Mr. THOMPSON.] The number of speeches that have gone through the folding-room during this session I am informed is unprecedented, more than double the number in any previous session. There are now about 300,000 speeches in the folding-room, and they are coming in at the rate of 20,000 a day.

It is utterly impossible for the present force to complete the folding of these speeches during the present session; and according to computation it will be necessary that their services be retained for sixty days. In order to make their work effective it is necessary that these additional men in the post-office be retained in order to send out the speeches.

Mr. CONVERSE. I wish to make one suggestion. Congress is about to adjourn; and the retention of these employes for sixty days is nothing more nor less than employing so many men for the Repub-

hican Congressional committee to run their campaign. No other reason for the resolution can be offered. I object to its adoption.

Mr. URNER. In reply to the gentleman from Ohio [Mr. CONVERSE] I wish to say, in the first place, that this resolution was offered by the gentleman from Kentucky, [Mr. THOMPSON,] who is the secretary of the Democratic Congressional campaign committee.

Mr. McMILLIN. Is it on that account that you propose to continue this force?

Mr. URNER. I am informed that the present Doorkeeper has made no discrimination in sending out speeches, but has sent them without partiality upon the order of Democrats as well as Republicans. These speeches have been paid for by members. They are entitled to have them sent out according to custom. It is utterly impossible for the Doorkeeper with the present force to do this during the present session; and it is absolutely necessary for the Government to supply him with the means of doing so, the work being for the benefit of Democrats as well as Republicans. One gentleman, a Democrat, has had, as I am informed, 400,000 speeches folded. Some others have had 100,000.

Mr. CONVERSE. Those gentlemen have paid for the folding of their own speeches, and I think that the 2 per cent. which gentlemen on the other side have collected from their employés ought to be enough to pay for sending out their own speeches.

Mr. ANDERSON. Does the gentleman know whether the speech of the gentleman from New York [Mr. HEWITT] has been ordered to the number of 200,000?

Mr. URNER. I do not know as to any particular speech. I have a communication from the Doorkeeper on the subject. If the folding of any speeches has been paid for by individual members, it was simply because they wanted to distribute them more rapidly than the folding force could get them ready. But such individual folding has been but little. In fact, the Democrats have availed themselves of the services of the folders in the employ of the House to a greater extent than the Republicans. These speeches, I repeat, are sent out without regard to party. There is no party in this resolution. I will add that this is a unanimous report.

The question being on the adoption of the resolution reported as a substitute by Mr. URNER,

Mr. CONVERSE called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 57, not voting 162; as follows:

YEAS—70.

| | | | |
|--------------------|------------------|-------------------|-------------------|
| Aldrich, | Fisher, | McCook, | Smith, J. Hyatt |
| Anderson, | Ford, | McKinley, | Spooner, |
| Bingham, | George, | Miller, | Springer, |
| Brewer, | Godshalk, | Morey, | Stone, |
| Brimm, | Guenther, | Murch, | Strait, |
| Burrows, Julius C. | Harmer, | Page, | Thompson, P. B. |
| Calkins, | Harris, Benj. W. | Payson, | Townsend, Amos |
| Campbell, | Haskell, | Peelle, | Tyler, |
| Cannon, | Henderson, | Peirce, | Updegraff, J. T. |
| Carpenter, | Hubbell, | Pound, | Updegraff, Thomas |
| Cullen, | Jadwin, | Rice, John B. | Urner, |
| Davis, George R. | Ketcham, | Rich, | Van Voorhis, |
| Dawes, | Lacey, | Ritchie, | Wait, |
| De Motte, | Leedom, | Robeson, | Walker, |
| Dezendorf, | Lewis, | Robinson, Jas. S. | Webber, |
| Dingley, | Lynch, | Rosecrans, | Willits, |
| Errett, | McClure, | Shultz, | |
| Farwell, Sewell S. | McCoid, | Smith, A. Herr | |

NAYS—57.

| | | | |
|-----------------|------------------|--------------------|------------------|
| Armfield, | Cravens, | McKenzie, | Talbot, |
| Atherton, | Culbertson, | McMillin, | Townsend, R. W. |
| Barbour, | Deuster, | Mills, | Turner, Henry G. |
| Berry, | Ellis, | Oates, | Turner, Oscar |
| Briggs, | Ermentrout, | Phelps, | Upson, |
| Buchanan, | Evins, | Prescott, | Valentine, |
| Cabell, | Forney, | Randall, | Vance, |
| Caldwell, | Gunter, | Reagan, | Warner, |
| Carlisle, | Harris, Henry S. | Rice, Theron M. | Welborn, |
| Chapman, | Hatch, | Ross, | Willis, |
| Clements, | Hoblitzell, | Scales, | Wilson, |
| Colerick, | Holman, | Shallenberger, | Wise, George D. |
| Converse, | House, | Simonton, | |
| Cox, Samuel S. | Jones, George W. | Singleton, Otho R. | |
| Cox, William E. | Latham, | Stockslager, | |

NOT VOTING—162.

| | | | |
|------------------|-------------------|-------------------|------------------|
| Aiken, | Camp, | Dunn, | Hewitt, Abram S. |
| Atkins, | Candler, | Dunnell, | Hewitt, G. W. |
| Barr, | Cassidy, | Dwight, | Hill, |
| Bayne, | Caswell, | Farwell, Chas. B. | Hiscock, |
| Beach, | Chace, | Flower, | Hoge, |
| Belford, | Clardy, | Frost, | Hooker, |
| Belmont, | Clark, | Fulkerson, | Horr, |
| Beltzhoover, | Cobb, | Garrison, | Houk, |
| Bisbee, | Cook, | Geddes, | Hubbs, |
| Black, | Cornell, | Gibson, | Humphrey, |
| Blackburn, | Covington, | Grout, | Hutchins, |
| Blanchard, | Crapo, | Hall, | Jacobs, |
| Bland, | Crowley, | Hammond, John | Jones, James K. |
| Bliss, | Curtin, | Hammond, N. J. | Jones, Phineas |
| Blount, | Cutts, | Hardenbergh, | Jorgensen, |
| Bowman, | Darrah, | Hardy, | Joyce, |
| Bragg, | Davidson, | Haseltine, | Kasson, |
| Browne, | Davis, Lowndes H. | Hazelton, | Kelley, |
| Buck, | Deering, | Heilman, | Kenna, |
| Buckner, | Dibrell, | Hepburn, | King, |
| Barrows, Jos. H. | Dowd, | Herbert, | Klotz, |
| Batterworth, | Dugro, | Henden, | Knott, |

| | | | |
|-----------|---------------------|--------------------|--------------------|
| Ladd, | Muldrow, | Robinson, Geo. D. | Thompson, Wm. G. |
| Le Fevre, | Mutchler, | Robinson, Wm. E. | Tucker, |
| Lindsey, | Neal, | Russell, | Van Aernam, |
| Lord, | Nolan, | Ryan, | Van Horn, |
| Lowe, | Norcross, | Scoville, | Wadsworth, |
| Mackey, | O'Neill, | Scranton, | Ward, |
| Manning, | Orth, | Shackelford, | Washburn, |
| Marsh, | Pacheco, | Sherwin, | Watson, |
| Martin, | Parker, | Singleton, Jas. W. | West, |
| Mason, | Paul, | Skinner, | White, |
| Matson, | Pettibone, | Smalls, | Whitthorne, |
| McLane, | Phister, | Smith, Dietrich C. | Williams, Chas. G. |
| Miles, | Ranney, | Sparks, | Williams, Thomas |
| Money, | Ray, | Spaulding, | Wise, Morgan E. |
| Moore, | Reed, | Speer, | Wood, Benjamin |
| Morrison, | Rice, William W. | Steele, | Wood, Benjamin |
| Morse, | Richardson, D. P. | Stephens, | Young, |
| Mosgrove, | Richardson, Jno. S. | Taylor, | |
| Moulton, | Robertson, | Thomas, | |

The following pairs were announced from the Clerk's desk:

Mr. JONES, of New Jersey, with Mr. HERBERT.

Mr. HEILMAN with Mr. BLAND.

Mr. LINDSEY with Mr. LADD.

Mr. HUMPHREY with Mr. BRAGG.

Mr. HALL with Mr. WISE of Pennsylvania.

Mr. HUBBS with Mr. SHACKELFORD.

Mr. BARR with Mr. DAVIDSON.

Mr. FARWELL, of Illinois, with Mr. MULDRON.

Mr. ORTH with Mr. SPARKS.

Mr. THOMPSON, of Iowa, with Mr. COOK.

Mr. CORNELL with Mr. DOWD.

Mr. SCRANTON with Mr. BEACH.

Mr. LACEY with Mr. BENJAMIN WOOD.

Mr. STEELE with Mr. COBB.

Mr. CASWELL with Mr. MOULTON.

Mr. CHACE with Mr. SCOVILLE.

Mr. MOORE with Mr. MATSON.

Mr. SMITH, of Illinois, with Mr. MORSE.

Mr. PETTIBONE with Mr. ATHERTON.

Mr. HOUK with Mr. DUGROW.

Mr. NEAL with Mr. GEDDES.

Mr. MORRISON with Mr. KELLEY.

Mr. CUTTS with Mr. KENNA.

Mr. DWIGHT with Mr. NOLAN.

Mr. THOMAS with Mr. CURTIN.

Mr. DARRALL with Mr. BLOUNT.

Mr. KNOTT with Mr. WHITE.

Mr. STONE with Mr. HEWITT of Alabama.

Mr. MASON with Mr. MOREY.

Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.

Mr. RUSSELL with Mr. SPEER.

Mr. NORCROSS with Mr. WILLIAMS of Alabama.

Mr. PHISTER with Mr. HAMMOND of New York.

Mr. SKINNER with Mr. FLOWER.

Mr. URNER with Mr. McLANE.

Mr. RANNEY with Mr. KING.

Mr. HARRIS, of Massachusetts, with Mr. WHITTHORNE.

Mr. RICE, of Massachusetts, with Mr. HEWITT, of New York.

Mr. DUNN with Mr. LORD.

Mr. ROBINSON, of Massachusetts, with Mr. MANNING.

Mr. JACOBS with Mr. HARDENBERGH.

Mr. CANDLER with Mr. BUCKNER.

Mr. SPAULDING with Mr. JONES of Arkansas.

Mr. RYAN with Mr. LE FEVRE.

Mr. WARD with Mr. AIKEN.

Mr. CROWLEY with Mr. HAMMOND of Georgia.

Mr. MILES with Mr. SINGLETON of Illinois.

Mr. O'NEILL with Mr. ERMENTROUT.

Mr. BAYNE. I was temporarily absent, and I now ask, by unanimous consent, to record my vote in the affirmative.

The SPEAKER. That request under the rules cannot be submitted to the House.

Mr. KNOTT. I am paired with my colleague, [Mr. WHITE.] If he were present, I would vote "no."

On motion of Mr. URNER, by unanimous consent, the reading of the names was dispensed with.

The SPEAKER. The yeas are 70, nays 57.

Mr. CONVERSE. I make the point that no quorum has voted.

The SPEAKER. No quorum has voted.

Mr. HOLMAN. Is the motion to adjourn in order? If so, I submit that motion.

Mr. BURROWS, of Michigan. I hope that will not be done, as we will have a conference report here in a short time.

Mr. HOLMAN. If there is a possibility of having a conference report I withdraw the motion.

Mr. ROBESON. I have just come from the other end of the Capitol, and they expect to get through with the sundry civil appropriation bill in about an hour.

Mr. HOLMAN. Then let us take a recess for an hour.

Mr. ANDERSON. I ask by unanimous consent—

The SPEAKER. The House is dividing.

Mr. WILSON. Can I submit a report from a committee?

Mr. HOLMAN. Nothing is in order while the House is dividing. I demand the regular order.

Mr. URNER. I wish to make a parliamentary inquiry.

The SPEAKER. The motion to take a recess pending a division when no quorum is developed is not in order.

Mr. HOLMAN. Let the gentleman from Maryland withdraw his resolution.

Mr. URNER. Is it in order to move that there be a call of the House?

The SPEAKER. It is.

Mr. URNER. Then I make that motion.

Mr. BAYNE. I hope my friend will withdraw that, for the pairs will make a quorum if they vote.

Mr. ATKINS. I hope some necessary action will be agreed to on the part of members, otherwise the House may be led into an awkward situation. We ought not to get into any snarl that we cannot get out of. There remains some necessary business that must be done; we must get through with the appropriation bills, and that cannot be done if we are left without a quorum.

Mr. RANDALL. What is the situation of the sundry civil bill?

Mr. HOLMAN. It will be here in an hour.

Mr. RANDALL. Let us take a recess for an hour.

Mr. HOLMAN. I ask by unanimous consent that the House take a recess for one hour.

Mr. MCCOOK. I object.

Mr. HASKELL. I will move that there be a call of the House, hoping it will be voted down, and then we can take the vote over on the adoption of the resolution when there will be a quorum by gentlemen who are at present paired casting their votes. The House divided; and there were—ayes 16, noes 56.

So the motion that there be a call of the House was disagreed to.

Mr. PEELLE. I want to take a bill from the House Calendar by unanimous consent. [Cries of "Order!"]

The SPEAKER. Nothing is in order while the House is dividing. The question again recurred on the adoption of the resolution reported by Mr. URNER.

The question was again taken; and there were—ayes 67, noes 62, not voting 160; as follows:

YEAS—67.

| | | | |
|------------------|--------------------|--------------------|-------------------|
| Aldrich, | Errett, | McCook, | Springer, |
| Anderson, | Farwell, Sewell S. | McKinley, | Strait, |
| Bayne, | Fisher, | Miller, | Thomas, |
| Bingham, | Ford, | Parker, | Thompson, P. B. |
| Brewer, | George, | Peelle, | Townsend, Amos |
| Brunn, | Guenther, | Peirce, | Tyler, |
| Calkins, | Harmer, | Ray, | Updegraff, J. T. |
| Campbell, | Harris, Benj. W. | Rice, John B. | Updegraff, Thomas |
| Cannon, | Haskell, | Rich, | Urner, |
| Carpenter, | Henderson, | Ritchie, | Van Voorhis, |
| Chace, | Hubbell, | Robeson, | Wait, |
| Cullen, | Kasson, | Robinson, James S. | Walker, |
| Davis, George R. | Ketchum, | Shultz, | Ward, |
| Dawes, | Lacey, | Smalls, | Webber, |
| De Motte, | Leedom, | Smith, A. Herr. | Willits, |
| Dingley, | Lewis, | Smith, J. Hyatt | Wilson. |
| Dunnell, | Lord, | Spooner, | |

NAYS—62.

| | | | |
|--------------------|------------------|--------------------|------------------|
| Armfield, | Deuster, | McKenzie, | Stockslager, |
| Atherton, | Ellis, | McLane, | Stone, |
| Berry, | Evins, | McMillin, | Talbot, |
| Briggs, | Forney, | Mills, | Tucker, |
| Buchanan, | Godshalk, | Morey, | Turner, Henry G. |
| Burrows, Julius C. | Gunter, | Murch, | Turner, Oscar |
| Caldwell, | Harris, Henry S. | Oates, | Upson, |
| Carlisle, | Hazeltine, | Payson, | Valentine, |
| Clements, | Hatch, | Phelps, | Vance, |
| Colerick, | Herdson, | Prescott, | Warner, |
| Converse, | Hoblitzell, | Randall, | Wellborn, |
| Cornell, | Holman, | Ross, | White, |
| Cox, Samuel S. | Jadwin, | Scales, | Whithorne, |
| Cox, William R. | Jones, George W. | Shallenberger, | Willis. |
| Cravens, | Knott, | Simonton, | |
| Culbertson, | Latham, | Singleton, Otho R. | |

NOT VOTING—160.

| | | | |
|------------------|-------------------|------------------|-----------|
| Aiken, | Chapman, | Gibson, | Joyce, |
| Atkins, | Clardy, | Grout, | Kelley, |
| Barbour, | Clark, | Hall, | Kenna, |
| Barr, | Cobb, | Hammond, John | King, |
| Beech, | Cook, | Hammond, N. J. | Klotz, |
| Belford, | Covington, | Hardenbergh, | Ladd, |
| Belmont, | Crapo, | Hardy, | Le Fevre, |
| Beltzhoover, | Crowley, | Hazelton, | Lindsey, |
| Bisbee, | Curtin, | Heilman, | Lowe, |
| Black, | Cutts, | Hepburn, | Lynch, |
| Blackburn, | Darrall, | Herbert, | Mackey, |
| Blanchard, | Davidson, | Hewitt, Abram S. | Manning, |
| Bland, | Davis, Lowndes H. | Hewitt, G. W. | Marsh, |
| Bliss, | Deering, | Hill, | Martin, |
| Blount, | Dezendorf, | Hiscock, | Mason, |
| Bowman, | Dibrell, | Hoge, | Matson, |
| Bragg, | Dowd, | Hooker, | McClure, |
| Brown, | Dugro, | Horr, | McCold, |
| Buck, | Dunn, | Houk, | Miles, |
| Buckner, | Dwight, | House, | Money, |
| Burrows, Jos. H. | Ermentrout, | Hubbs, | Moore, |
| Butterworth, | Farwell, Chas. B. | Humphrey, | Morrison, |
| Canell, | Flower, | Hutchins, | Morse, |
| Camp, | Frost, | Jacobs, | Mosgrove, |
| Candler, | Fulkerson, | Jones, James K. | Moulton, |
| Cassidy, | Garrison, | Jones, Phineas | Muldrow, |
| Caswell, | Geddes, | Jorgensen, | Mutchler, |

| | | | |
|------------|-------------------|--------------------|--------------------|
| Neal, | Reed, | Shackelford, | Van Aernam, |
| Nolan, | Rice, Theron M. | Sherwin, | Van Horn, |
| Norcross, | Rice, William W. | Singleton, Jas. W. | Wadsworth, |
| O'Neill, | Richardson, D. P. | Skinner, | Washburn, |
| Orth, | Richardson, J. S. | Smith, Dietrich C. | Watson, |
| Pacheco, | Robertson, | Sparks, | Weat, |
| Page, | Robinson, Geo. D. | Spaulding, | Williams, Chas. G. |
| Paul, | Robinson, Wm. E. | Speer, | Williams, Thomas |
| Pettibone, | Rosecrans, | Steele, | Wise, George D. |
| Phister, | Russell, | Stephens, | Wise, Morgan R. |
| Pound, | Ryan, | Taylor, | Wood, Benjamin |
| Ranney, | Scoville, | Thompson, Wm. G. | Wood, Walter A. |
| Reagan, | Scranton, | Townshend, R. W. | Young. |

On motion of Mr. URNER, by unanimous consent, the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. HOLMAN. No quorum has voted.

Mr. HASKELL. I ask unanimous consent that the House take a recess for an hour. We may as well wait an hour for the action of the Senate on the appropriation bill rather than adjourn.

Mr. WELLBORN. I think that is proper.

Mr. URNER. Before that, Mr. Speaker, I ask unanimous consent to withdraw that resolution for the present, and will offer it again on Monday.

There was no objection, and the resolution was accordingly withdrawn.

WILBUR F. KELLOGG.

Mr. URNER. I am directed by the Committee on Accounts to report back the following resolution with a favorable recommendation.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to Wilbur F. Kellogg the difference between his salary at \$720 and that of a messenger at \$1,000 per annum from the 6th of January to the 13th of June, 1882, the sum of \$135.33.

Mr. McMILLIN. Let the report be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. JOYCE, report that they have considered the same, and ask that it do now pass.

Mr. ELLIS. That is a very satisfactory report. [Laughter.]

Mr. URNER. If any gentleman desires any explanation of the subject, I will give all the information the committee had, and on which they based their action.

The resolution was agreed to.

Mr. URNER moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. URNER. I am also instructed by the Committee on Accounts to report back two resolutions which have been referred to that committee and ask that the Committee on Accounts be discharged from their consideration, and that they be referred to the Committee on Claims. The first of these resolutions is one directing the committee to inquire how much was due a certain employé, who was borne on the rolls of the House on the 1st day of July, 1879. That being prior to the present Congress, the Committee on Accounts, believing that they had no right to appropriate the contingent fund to any claims originating prior to the present Congress, ask to be discharged from its further consideration and that it be referred to the Committee on Claims. They find, however, the amount due to be \$60.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

Joint resolution (H. R. No. 181) for the relief of John Wallace.

Mr. URNER. I move that the Committee on Accounts be discharged from its further consideration, and that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. URNER. There is also another resolution, to pay James Gauler, expert in handwriting, for certain services, which I am also directed to report back and move that the Committee on Accounts be discharged from its further consideration and that it be referred to the Committee on Claims.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. TALBOTT. Mr. Speaker, I ask unanimous consent now to take from the Speaker's table the bill (S. No. 241) for the relief of John T. Hennaman for immediate consideration.

Mr. HOLMAN. While I do not wish to object to particular cases, I must insist that the roll-call just taken disclosed the fact that no quorum was present in the House for the transaction of any business.

Mr. TALBOTT. Let me say to the gentleman that this bill has been unanimously reported from the committee; a similar bill passed the House of Representatives of the Forty-sixth Congress. It is simply to pay back a tax on tobacco which was assessed and collected twice, and ought to be refunded.

Mr. HOLMAN. I have no doubt as to the merits of the case to which the gentleman refers, and that it should be passed under

proper circumstances; but there is no quorum present, as shown by the last vote.

Mr. TALBOTT. This is unanimously reported from the committee, and has already passed the Senate. I hope the gentleman will not object.

Mr. HOLMAN. I now move that the House take a recess for one hour.

Mr. WILSON. Let me make a report from the Committee on Foreign Affairs.

The SPEAKER. The gentleman from Indiana moves that the House take a recess for one hour.

Mr. ELLIS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ELLIS. The gentleman from Maryland was recognized by the Chair. Now, I wish to ask if he can be taken off the floor by the motion of the gentleman from Indiana without his consent?

The SPEAKER. The motion of the gentleman from Indiana that the House take a recess is equivalent to an objection.

Mr. ELLIS. But he had not the floor to make that motion.

The SPEAKER. He had the floor for the purpose of objecting to the unanimous consent asked by the gentleman from Maryland.

Mr. ELLIS. But he did not object. He simply made a motion for a recess.

The SPEAKER. The motion for the recess is in the nature of an objection. The request of the gentleman from Maryland was one requiring unanimous consent. The motion for a recess is in the nature of a demand for the regular order.

Mr. ELLIS. But he did not call the regular order. He simply made a motion for a recess. Now my point of order is that he did not have the floor for that purpose.

The SPEAKER. The Chair thinks otherwise. Pending the submission of a proposition for unanimous consent the motion to adjourn or take a recess is in order. The gentleman from Maryland had the floor, not for the purpose of holding it to make a speech, but simply to ask unanimous consent to take up a bill from the table. The right of the gentleman from Indiana to make the motion he did is unquestionable under the rules.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows:

To Mr. HASELTINE indefinitely.

To Mr. PHELPS for one week from Monday next, on account of sickness in his family.

LEAVE TO PRINT.

By unanimous consent, leave to print remarks in the RECORD on subjects local to his State was granted to Mr. CASSIDY. [See Appendix.]

RECOMMITTAL OF A BILL.

On motion of Mr. ATKINS, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill (H. R. No. 1587) for the relief of Hiram Johnson and others, and it was recommitted to the Committee on War Claims.

CHILI-PERUVIAN INVESTIGATION.

Mr. WILSON. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WILSON. Some months ago a resolution was referred to the Committee on Foreign Affairs instructing them to inquire into the Chili-Peruvian matter. A sub-committee was raised to investigate the legal power of the House to require answers to certain questions. The sub-committee were not able to get together, and I was directed by the chairman of the committee to ask to have printed the views on the legal question, which I have prepared to go with the report of the committee. The committee was authorized to report at any time.

The SPEAKER. The Chair thinks there will be no objection to the gentleman's request.

There was no objection, and it was so ordered.

TREATY OF 1819 BETWEEN THE UNITED STATES AND SPAIN.

Mr. WILSON also, by unanimous consent, from the Committee on Foreign Affairs, reported back with an adverse recommendation the bill (H. R. No. 1969) to provide for the complete execution of the ninth article of the treaty of 1819 between the United States and Spain; which was laid upon the table, and the accompanying report ordered to be printed.

Mr. WILSON also, from the same committee, reported a resolution as a substitute for said bill; which was referred to the House Calendar, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WHITE. I ask unanimous consent to make a statement.

Several members called for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Indiana, [Mr. HOLMAN,] that the House take a recess for one hour.

The question being taken; there were—ayes 40, noes 30.

Mr. BAYNE and Mr. ELLIS. No quorum.

The SPEAKER. A quorum not having voted, the Chair will order tellers; and appoints the gentleman from Pennsylvania, Mr. BAYNE, and the gentleman from Indiana, Mr. HOLMAN.

The House again divided; and the tellers reported—ayes 34, noes 20.

Mr. UPSON. No quorum.

The SPEAKER. The gentleman from Indiana and the gentleman from Pennsylvania will resume their places as tellers.

Mr. MILLER. I desire to make a parliamentary inquiry. Would not a motion to adjourn be in order? If it be in order, I move that the House do now adjourn.

Mr. ROBESON. That motion is not in order. We are waiting for a conference report.

Mr. RANDALL. Let us receive the sundry civil bill first.

Mr. PEELLE. I ask unanimous consent that we take a recess for one-half hour.

Mr. NEAL. I object.

The tellers resumed the count, and reported—ayes 41, noes 35.

Mr. ROBESON. Is it in order to ask unanimous consent that the House take a recess until five o'clock to await the report of the committee of conference on the sundry civil bill?

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the House take a recess until five o'clock. Is there objection? The Chair hears none. Before the recess is taken the Chair will submit one or two personal requests.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. BRUMM, on account of important business.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. TYLER to withdraw from the files papers in the case of Frank A. Page, there being no adverse report thereon.

C. E. CARMON.

Mr. PEELLE. I ask unanimous consent to report back from the Committee on the Post-Office and Post-Roads the petition for the relief of C. E. Carmon, postmaster at Lyons, Ohio, and to move that the committee be discharged from the further consideration of the same, and that it be laid upon the table. This is reported back because it is covered by the provisions of the general bill for the payment of loss of postage-stamps by burglary and fire.

There being no objection, the committee were discharged from the further consideration of the petition; which was laid on the table, and the accompanying report ordered to be printed.

The SPEAKER. In accordance with the order of the House, made by unanimous consent, the House is in recess until five o'clock p. m.

The recess having expired, the House reassembled at five o'clock, p. m.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that he had approved and signed bills and a joint resolution of the following titles:

An act (H. R. No. 2402) to quiet title to certain land in Washington, District of Columbia;

An act (H. R. No. 5222) to restore the Fort Benton military reservation to the public domain, and for other purposes;

An act (H. R. No. 6244) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes;

A joint resolution (H. R. No. 288) to continue the provisions of a joint resolution to provide temporarily for expenditures of the Government; and

An act (H. R. No. 720) to fix the compensation of the master armorer at the national armory in Springfield, Massachusetts.

LITTLE SISTERS OF THE POOR, DISTRICT OF COLUMBIA.

Mr. NEAL. I ask unanimous consent that Senate bill No. 1612, to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia, and for the relief of the Little Sisters of the Poor, be now taken from the Speaker's table and considered at this time. I desire to offer an amendment to the bill.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia are hereby authorized and instructed, on the petition of all the owners of property abutting on that part of the fifteen-foot-wide alley in square 751 in the city of Washington, running north and south, between North H street and a wider alley in the center of said square, to declare said part of said fifteen-foot-wide alley closed: *Provided,* That the owners of the land abutting on that portion of said alley to be closed in said square shall, as condition precedent to such action on the part of the commissioners, file in the office of the surveyor of the District of Columbia a plat, to be approved by the commissioners, dedicating to the use of the public, as a public alley, an area of ground equal to the area of the alley-way declared to be closed, or sufficient for the purpose of connecting said alley in the center of the square with East Second street.

Sec. 2. That the owners of the property abutting on the portion of said alley which may be closed as aforesaid shall be held to have acquired all the right and title of the District of Columbia or the city of Washington in and to the portion of the alley which may be closed under the provisions of the first section of this act, and which may be included within the extension of their several bounds to the lines of the new alley.

Sec. 3. That the commissioners of the District of Columbia be, and they are hereby, authorized and directed to release lots 3 and 4 in square 751, owned and occupied by the Little Sisters of the Poor, from the payment of the special taxes heretofore levied against the same and now remaining unpaid.

Mr. NEAL. I move to strike out section 3 of the bill.

The motion was agreed to.

The bill as amended was then ordered to a third reading, read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN M. DORSEY AND WILLIAM F. SHEPARD.

Mr. CASSIDY. I ask unanimous consent that Senate bill No. 214, for the relief of John M. Dorsey and William F. Shepard, be taken from the Speaker's table and passed at this time. It is a bill to pay the claim of citizens of my State, which claim I know to be as honest as the sun, as are also the claimants. A similar bill has passed the House three times and passed the Senate five times, but has never passed both Houses of the same Congress.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$9,021.33 to John M. Dorsey, and the sum of \$3,746.66 to William F. Shepard, in full settlement for beef and supplies furnished certain volunteer troops by said Dorsey, Shepard, and one S. B. Wallace, while said troops were engaged in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860.

Mr. HOLMAN. I reserve my right to object to that bill until I can inquire if it has been reported upon by a committee of this House.

Mr. CASSIDY. It has been reported favorably three times in this House, and it has passed the Senate five times.

Mr. HOLMAN. Has it been reported during this session?

Mr. CASSIDY. It has been reported during this session, and I now have the report in my hand.

Mr. CANNON. What committee does it come from?

Mr. CASSIDY. From the Committee on Claims, and the House bill to the same effect is now on the Calendar.

Mr. HOLMAN. I have no objection to the reading of the report, but with a mere handful of members here—

Mr. CASSIDY. It is impossible for me to get up the bill in a full House.

Mr. HOLMAN. Besides all that there is a large Calendar.

Mr. CASSIDY. I have not asked many favors by this House, and I hope the gentleman will not object.

Mr. HOLMAN. I will have to insist upon the regular order.

PUBLIC LANDS IN RAILROAD LIMITS.

The SPEAKER. The regular order is the consideration of business under the POUND rule. The pending business at the close of the hour yesterday is the bill (H. R. No. 3699) to amend an act entitled "An act to grant additional rights to homestead settlers on public lands in railroad limits," approved March 3, 1879; which was called up by the gentleman from Minnesota [Mr. STRAIT] by instructions of the Committee on the Public Lands.

Mr. DUNNELL. Let the bill be read.

The SPEAKER. The bill and the report were read on a former occasion and printed in the RECORD.

Mr. DUNNELL. My colleague [Mr. STRAIT] is absent from the Hall at this time. I would like to hear the report read. It is a unanimous report of the Committee on the Public Lands, and I do not think the bill can well be objected to.

Mr. HOLMAN. Is this the regular order?

The SPEAKER. It is.

Mr. CONVERSE. Objections have not yet been called for.

The SPEAKER. Not yet.

Mr. McMILLIN. Let the report be read.

The report was read.

Mr. DUNNELL. The object of this bill is simply to provide that entries may be made under the general law of even-numbered sections as now of odd sections of any quarter-section or section of land that may not have been entered under the homestead or pre-emption law within the limits of railroad grants. It is certainly in the interest of settlers. It simply extends the operations of the law to sections granted to railroads which they have not got hold of. It requires a year's settlement and cultivation. The bill was originally introduced into the House by myself, and it has been in the charge of my colleague, [Mr. STRAIT], a member of the Committee on Public Lands. I am certain it has merit and ought to pass this House, and I hope there will be no objection.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. CONVERSE. I would like to state that this bill involves at least 6,000,000 acres of land.

The SPEAKER. Four members rising to object, the bill is not before the House.

ENROLLED BILL SIGNED.

Mr. LYNCH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes.

HELEN M. SCHOLEFIELD.

The SPEAKER called the list of committees under the POUND rule, and when the Committee on Claims was called,

Mr. RAY said: I understand that the gentlemen who the other day objected to the consideration of Senate bill No. 249, to pay a small sum of money to the widow of Paymaster Scholefield, do not now persist in their objections. A similar bill has been favorably reported by the Committee on Claims of the House.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That there be paid, out of any moneys in the Treasury appropriated or hereafter to be appropriated to the payment of the Army, to Helen M. Scholefield, administratrix of the estate of C. M. Scholefield, deceased, late an additional paymaster in the Army, the sum of \$544.32, being the amount due to the said paymaster on the final settlement of his accounts, after deducting from the amount charged to him the sum of \$10,000 which stands to the debit of the said paymaster on the authority of an alleged voucher for that amount presented by Major J. Ledyard Hodge, late paymaster, and bearing date August 10, 1864, the validity of which voucher the Government has failed to establish in a suit brought and finally determined in the United States district court at Utica, New York, in April, 1876, for the settlement of the accounts of the said Major C. M. Scholefield, as such additional paymaster, with the Government; and upon the payment of the said sum of \$544.32, as herein provided, the accounting officers of the Treasury are authorized to balance the accounts of the said Major C. M. Scholefield, as paymaster, with the Government.

The SPEAKER. Is there objection to the present consideration of the bill which has been read?

Mr. RANDALL. I objected to that bill on a former occasion, since which time I have given it a very thorough investigation, and I find that it does not, as I then apprehended, release the sureties from any obligation to the Government, and therefore I do not now object.

Mr. McMILLIN. Does the gentleman from Pennsylvania [Mr. RANDALL] hold that the parties do not owe the Government \$10,000, as claimed by the Government?

Mr. RANDALL. No; I want the Government to proceed against the sureties. I do not see that this bill interferes with the power of the Government in that respect.

Mr. RAY. Not at all.

Mr. McMILLIN. Whom does the bill seek to release?

Mr. RAY. No one.

Mr. RANDALL. It merely provides for the payment of a balance to the widow.

Mr. McMILLIN. If there is anything due the Government, then the Government does not owe these parties anything.

Mr. PRESCOTT. The facts are that J. Ledyard Hodge reported a voucher for \$10,000 which he claimed had been executed by Major Scholefield, and which was charged against his accounts. If this voucher be charged against the account it leaves a balance of \$9,500 due the Government. Subsequently the Government, for the purpose of determining this matter, sued the sureties on the bond of this paymaster upon this voucher, claiming the balance of \$9,500. This suit was tried in a United States court before a judge and a jury, and a verdict was rendered in favor of the defendant on the ground that the voucher was a forgery. The Government applied for a new trial upon the ground of newly discovered evidence and also on the ground that evidence had been improperly admitted on behalf of the defense. On this application the court granted a new trial, which was had two years subsequently, in 1876, the attorney acting at that time being Mr. CROWLEY, now a member of this House from New York, and who made the report in this case. On this second trial it was again found that the voucher was a forgery, thus leaving due this widow upon the books of the Treasury \$543.32.

Mr. RAY. Just the amount that Scholefield reported when he went out of office. He died without having any knowledge of this false voucher.

The question being taken on the consideration of the bill, there was no objection.

The bill was ordered to a third reading, read the third time, and passed.

Mr. PRESCOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendment of the Senate to the resolution of the House to print 300,000 copies of the annual Report of the Commissioner of Agriculture for 1881.

TITLE TO POTOMAC FLATS.

The Committee on the District of Columbia being called, Mr. NEAL. I am instructed by the Committee on the District of Columbia to call up and have put on its passage, with certain amendments, House bill No. 5965 to provide for the quieting of the title of the United States in certain lands therein described, and for the reclamation of the marshes in the Potomac River.

The bill, with the proposed amendments, was read, as follows:

A bill (H. R. No. 5965) to provide for the quieting of the title of the United States in certain lands therein described.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby made the duty of the Attorney-

General of the United States to bring such actions and institute such proceedings in the supreme court of the District of Columbia as may be necessary for the purpose of quieting the title of the United States in and to lands bordering upon the Potomac River lying between Easy's Point and the property of the United States known as the Arsenal grounds, and also of so much of the bed of said river lying between said points as any person or party may have pretended or attempted to purchase, locate, or otherwise obtain possession of or acquire ownership in.

SEC. 2. That all writs issued in said actions shall be addressed to and served by the marshal of the District of Columbia, or of the State or Territory, or one of his legally appointed deputies, in which any one of said defendants may have a legal residence or may be found.

SEC. 3. That said actions shall be tried at the next term of said court held after the commencement of the same, unless they shall be continued upon the motion of one of said parties, who shall satisfy the court that, after exercising due diligence, for reasons beyond his control, he has not been able to prepare for trial, when the same may, in the discretion of the court, be continued until the succeeding term of said court; but no further continuance shall be granted on the application of said party. For the purpose of said trial said action shall be advanced upon the docket of said court ahead of all other civil business. Upon hearing, such judgments, orders, and decrees shall be made as may be just and equitable. Appeals may be taken by either party as are now allowed in similar actions, but all actions so appealed shall be heard and disposed of without unnecessary delay by said appellate court, and shall, on motion of said Attorney-General, be advanced upon the docket of said court.

Mr. NEAL. I will state for the information of the House that this bill simply authorizes the Attorney-General in his discretion to bring suits for the purpose of quieting the title of the United States to that portion of the bed of the Potomac River which is popularly known as the "flats," an appropriation of \$400,000 having been made for the reclamation of the same. I had a consultation with the Attorney-General a day or two ago, and he believes it important that this bill should become a law.

The question being taken on the consideration of the bill, there was no objection.

Mr. McMILLIN. I desire to offer an amendment to the bill. The gentleman from Ohio [Mr. NEAL] tells us that the bill is for the purpose of quieting the title of the United States to what are known as the Potomac flats. We have made an appropriation of \$400,000 for their reclamation. Hence I think that the amendment I now propose is eminently proper. It is to add the following:

Provided, That none of the money appropriated for the improvement or reclamation of the Potomac flats or river front shall be expended till these suits are determined.

Mr. ANDERSON. That is right.

Mr. NEAL. I trust that the amendment will not be adopted. The appropriation of \$400,000 is made in the river and harbor bill, which contains an express provision that the Attorney-General shall examine into these titles. This bill is an independent measure for the purpose of quieting the title not only with reference to that appropriation but for all future time. I do not wish to have the bill embarrassed by any amendment of this kind.

Mr. McMILLIN. I do not think the amendment will embarrass the bill. It is eminently proper that the money we have appropriated should not be expended till we know to whom the land belongs. The appropriation was passed with the understanding that this was Government property.

Mr. NEAL. I want to inquire whether the amendment is in order?

Mr. SPRINGER. Is it in order when proceeding under the present rule to offer an amendment to a bill considered by consent?

Mr. NEAL. Another point of order I want to make is that the amendment is not germane to the bill.

Mr. SPRINGER. I wish to inquire whether when proceeding under the Pound rule it is in order to consider any proposition by way of amendment?

The SPEAKER. An amendment would be in order if germane after a bill has been taken up for consideration under the Pound rule. The first bill presented to the House under this rule was a bill to which the gentleman from Virginia [Mr. TUCKER] moved an amendment.

Mr. SPRINGER. It seems to me that was not the intention of the rule.

ORDER OF BUSINESS.

Mr. HISCOCK. I ask unanimous consent to make a statement. Whenever the House is through with whatever business it may wish to transact I desire that a recess be taken till eight o'clock this evening, at which time the conferees on the sundry civil appropriation bill will doubtless be ready to report.

Mr. KASSON. I hope the gentleman from New York will not bring us here unless he is certain the conference report will be ready.

Mr. RANDALL. I suggest to the gentleman from New York that the House take a recess with the understanding business shall be confined to the reception of conference reports and messages from the President and Senate.

Mr. HISCOCK. I do not care—

Mr. RANDALL. I will state that my object is the convenience of members. There are some gentlemen who do not want to come here to-night. I will come here myself.

Mr. HISCOCK. I think we had all better come here to-night, for it is not impossible there may be a disagreement between the two Houses on the sundry civil bill. I do not know we shall agree, and all members ought to be present.

Mr. RANDALL. It is necessary of course we should come here to-night and pass the bill, as it needs to be enrolled preparatory to receiving the signature of the President.

Mr. HOLMAN. I should like to know whether there is any probability of our adjourning on Monday next?

Mr. HISCOCK. Whether we adjourn on Monday next or not, it is absolutely necessary this bill should be signed Monday next, and therefore it is necessary the bill should be passed here and engrossed and go to the President for his signature.

Mr. RANDALL. Has the time been extended until Monday?

Mr. HISCOCK. No; only till to-night.

Mr. COX, of New York. I should like to ask the gentleman from New York a question.

Mr. HISCOCK. What is it?

Mr. COX, of New York. A great many members desire to go away, and I would like to inquire of my colleague whether he thinks the tax discussion which has sprung up in the Senate is likely to prolong the session? [Laughter.]

Mr. ANDERSON. The gentleman from New York is entirely too innocent. [Laughter.]

Mr. HISCOCK. I have suggested we take a recess until eight o'clock; but it may be possible to bring in the report before that time, and if gentlemen prefer we may take a recess until seven o'clock this evening.

A MEMBER. What is the necessity for taking a recess until eight o'clock?

Mr. HISCOCK. I have already stated to the gentleman why this bill should be passed and engrossed and sent to the President for his signature before Monday morning.

The SPEAKER. Does the gentleman wish to have his motion for a recess at once put to the House?

Mr. HISCOCK. I protest against any suggestion in favor of an adjournment of the House until the sundry civil appropriation bill has been passed.

Mr. HOLMAN. Let us have the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Tennessee [Mr. McMILLIN] to amend the pending bill quieting the title to the Potomac flats.

Mr. HISCOCK. I ask unanimous consent that when the House concludes to take a recess it be until eight o'clock this evening.

The SPEAKER. The Clerk will read the proposed amendment of the gentleman from Tennessee, [Mr. McMILLIN.]

Mr. NEAL. I have made the point of order on that amendment that it was not germane to the bill, and therefore not in order.

The SPEAKER. The Chair thinks the amendment is in order.

Mr. HISCOCK. I move the House take a recess from fifteen minutes before six until eight o'clock this evening.

Mr. NEAL. Let us put this bill through first.

Mr. ANDERSON. I suggest that the gentleman move to take a recess now.

The SPEAKER. The House is dividing on the amendment of the gentleman from Tennessee, [Mr. McMILLIN.]

The House divided; and there were—ayes 26, noes 21.

Mr. BERRY. No quorum has voted.

Mr. ROBESON. Mr. Speaker, I move that the House take a recess until eight o'clock this evening.

Mr. SPRINGER. No quorum has voted.

Mr. WILSON. Before that is done I wish to say a word.

Mr. ROBESON. I demand the regular order of business.

The SPEAKER. The Chair does not understand the point there is no quorum is made.

Mr. ROBESON's motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. WARNER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 2099) for the relief of the executors of John W. Foreney; and

A bill (S. No. 2092) for the relief of Major W. R. King.

AMERICAN CITIZENS IMPRISONED ABROAD.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and, with the accompanying reports, ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State, submitted in compliance with the resolution of the House of Representatives of the 28th of June calling for additional information respecting the case of American citizens under arrest in Ireland.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, August 5, 1882.

And then (at five o'clock and thirty-five minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The recess having expired, the House at eight o'clock p. m. resumed its session.

REVENUE-MARINE BILL.

Mr. TOWNSEND, of Ohio. I ask unanimous consent at this time for the consideration of a resolution fixing a day next session for the consideration of the revenue-marine bill.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the bill (H. R. No. 3983) to promote the efficiency of the revenue-marine service, now on the House Calendar with amendments thereto reported from the Committee on Commerce, be made the special order for Wednesday, December 6, 1882, after the morning hour, and from day to day thereafter until disposed of, not to interfere with general appropriation bills or revenue bills.

Mr. McMILLIN. Who has this in charge?

Mr. TOWNSEND, of Ohio. I have submitted the resolution.

Mr. McMILLIN. What is the nature of the bill?

Mr. TOWNSEND, of Ohio. It is to reorganize the revenue-marine service; to make it more efficient, and to provide for the retirement of officers under certain conditions.

Mr. ATKINS. What time does the resolution fix?

Mr. TOWNSEND, of Ohio. December 6 next.

Mr. ATKINS. I do not see the chairman of the Committee on Appropriations present, but I would suggest at all events that no special order should be fixed for consideration of the bill unless it be made subject to appropriation bills.

Mr. TOWNSEND, of Ohio. It is subject to appropriation bills and also to revenue bills.

Mr. McMILLIN. Reserving the right to object, I desire to ask a question of the gentleman from Ohio. Does this provide for pensioning those engaged in the revenue-marine service, or for the retirement of the officers?

Mr. TOWNSEND, of Ohio. It provides for the retirement of officers after a service of forty years with a portion of their pay.

Mr. McMILLIN. I thought so.

Mr. TOWNSEND, of Ohio. But I beg the gentleman to understand that the bill will be subject to amendment when it comes up for consideration, and if it is wrong in any of its provisions it will be within the power of the House to amend it in any respect. I only ask that a day be fixed for its consideration by the House.

Mr. McMILLIN. I think it will be time enough to set a day for its consideration when the House meets in its next session, and we will then know better what action to take in that regard. This is simply in the direction of pensioning those who are not in the military service—

Mr. TOWNSEND, of Ohio. It does not provide for pensioning them.

Mr. McMILLIN. But it is in the direction of pensioning them, and I shall never consent to it in any form. I certainly never will until the Mexican soldiers have justice done to them; and shall therefore have to object.

Mr. BERRY. I object to the resolution.

The SPEAKER. Objection being made, the resolution is not before the House for consideration.

NOAH HINCKLEY.

Mr. PRESCOTT, by unanimous consent, introduced a bill (H. R. No. 6892) for the relief of Noah Hinckley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON, SALEM, OHIO.

Mr. McKINLEY, by unanimous consent, introduced a bill (H. R. No. 6893) donating four condemned cast-iron cannon and sixteen cannon-balls to Trescott Post No. 10, Grand Army of the Republic, at Salem, Ohio, for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF FROM CHARGES OF DESERTION.

Mr. CALKINS. I desire at this time to submit a privileged report. I present the report of the committee of conference on the disagreeing votes of the two Houses on the bill to relieve certain soldiers from the charge of desertion.

The SPEAKER. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion having met, after a full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 8.

That the Senate recede from its amendment numbered 7 with an amendment as follows: Insert "six" instead of "twelve," so that it will read: "six months."

W. H. CALKINS,

BENJ. BUTTERWORTH,

R. W. TOWNSHEND,

Managers on the part of the House.

JOHN A. LOGAN,

F. M. COCKRELL,

Managers on the part of the Senate.

Mr. BUTTERWORTH. I desire to call the attention of the House to one item embodied in this report, in order to see whether we really accomplished what we intended to accomplish by the bill. This was intended to relieve soldiers who were simply technical deserters from the charge of desertion and to secure the issuance to them or their legal representatives whatever pay may have been withheld from them by reason of the charge of desertion.

Mr. HOUSE. I would like to ask the gentleman from Ohio what he means by "technical desertion?"

Mr. BUTTERWORTH. I mean where a party is simply absent without leave, but reported as a deserter. For instance, this condition of things has given rise to numerous bills for the relief of sol-

diers from the charge of desertion who really had no intention of deserting.

Mr. HOUSE. May not a man be a deserter who is absent from his command without leave?

Mr. CALKINS. A man may be absent without leave and yet not a deserter.

Mr. BUTTERWORTH. I will give the gentleman an instance to show what I mean. For instance, a regiment is ordered, we will say, to Louisville to be mustered out. It goes down the Ohio, and at Cincinnati, if you please, there are a large number of soldiers who meet members of their families—their wives, mothers, or children—there, and who stop off, not with the intention of deserting from their command, but with the expectation of overtaking and rejoining the regiment at Louisville, to be mustered out with it. Now, this is after the war, remember. It may happen when they get to Louisville—and I speak now of a case in point—the regiment is ordered on to Little Rock. These men go on next morning, but are unable to overtake their regiment. The regiment is subsequently ordered back and is mustered out before they are able to reach their command. The result is they are returned as deserters, when they never thought of deserting. But the war being over they are found in this unfortunate situation.

Mr. REAGAN. May I ask the gentleman a question?

Mr. BUTTERWORTH. Yes, sir.

Mr. REAGAN. Is the bill not so framed as to cover real deserters as well as those who have been called technical deserters?

Mr. CALKINS. That is the only difficulty—whether it does not cover too much.

Mr. BUTTERWORTH. After providing for all those cases this language is used, and I submit to my friend from Tennessee [Mr. HOUSE] whether it does not undo all the first clauses in the bill attempt to accomplish. After reciting that the Secretary of War may grant an honorable discharge in certain cases, that he may hear and determine, &c., it adds this provision:

And provided further, That no soldier, nor the heirs nor legal representatives of any soldier, who served in the Army a period of less than six months, or who intentionally deserted, shall be entitled to the benefits of the provisions of this act.

Now, the use of the words "intentionally deserted" where the soldier was a technical deserter, in my judgment, may prevent him from availing himself of the provisions of this act.

Mr. HOUSE. Who is to settle the question whether the soldier intentionally deserted?

Mr. BUTTERWORTH. The Secretary of War. But according to the language of this proviso if the soldier, although merely a technical deserter, did what he did "intentionally"—the qualifying word used here—he could not have the relief which this bill is drawn to afford. I fear that is the case, although I hope it is not.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. No. 2002) to extend the fees of certain officers over the Territories of New Mexico and Arizona.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

The bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States; and

The bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, "collection of duties on imports."

The message further announced that the Senate had passed the joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws, with amendments, in which the concurrence of the House was requested.

RELIEF FROM CHARGES OF DESERTION.

Mr. CALKINS. I desire to say only a word in reference to this matter. The bill provides three classes of soldiers shall be relieved from the charge of desertion. The first class consists of those who served their time out and were not granted final and honorable discharges, because not present with their regiment at the time the regiment was mustered out.

Mr. HOUSE. Does the bill apply to those only who served their time out?

Mr. CALKINS. No, sir. I am stating the three classes who are to benefit by the provisions of the act. The second class consists of those who served until the 22d day of May, 1865, the day of the grand general reunion in Washington. The third class consists of those who were wounded or were suffering from disease and were in hospital when the regiment was mustered out of the service. Then the bill says, to make it doubly sure who are intended, that the Secretary of War shall not grant this relief to those who were intentional deserters. I think, disagreeing with my friend from Ohio, [Mr. BUTTERWORTH,] the relief is ample, and that there can be no difficulty about the meaning of the act.

Mr. TOWNSHEND, of Illinois. I desire to say to my friend from Tennessee [Mr. HOUSE] that the bill has been carefully prepared, both in the House and in the Senate, with a view to avoid allowing any actual or intentional deserter to receive an honorable discharge. The bill was passed by the House unanimously, I think, at the request of the gentleman from Pennsylvania, [Mr. RANDALL,] or it may

have been the gentleman from Indiana, [Mr. CALKINS,] I am not certain which; at all events it passed the House unanimously.

The Senate has amended the bill in only two material particulars. The bill as it passed the House provided that those who had served out their term of enlistment, or had continued in service until the 1st day of May, 1865, should it appear that they did not intentionally desert the service, should have an honorable discharge. The Senate has extended that time until the 27th of May, and restricted the number to be benefited by this bill.

The House provided that those who had served for not less than three months should receive the benefits of this bill. The Senate extended that term to twelve months. The committee of conference has agreed to the term of six months. The House conferees gave up three months, and the Senate conferees gave up six months; so that we practically gained three months on the Senate. I think the bill has been carefully guarded with a view of not allowing any actual or intentional deserter to receive an honorable discharge.

Mr. RYAN. I only want to say that, in my judgment, this bill, as now submitted, actually accomplishes nothing. The object of the bill as it passed the House was to remove the charge of technical desertion. The bill, as now presented, does nothing of the kind. It only provides that where the desertion is intentional there can be no removal of the charge of desertion.

Mr. TOWNSHEND, of Illinois. Does my friend from Kansas [Mr. RYAN] want to remove the charge of desertion against those who intentionally deserted?

Mr. RYAN. I want to say that perhaps the intention of the gentleman is to carry out the object of the bill; but in my judgment he does not do it. Every desertion, whether technical or otherwise, is intentional. As a general rule you have nothing except the evidence of the rolls to show whether there was desertion or not.

It has been said here that where there was absence without leave there was a charge of desertion. In many cases that depends largely upon the officer in command, the captain of the company. Where a soldier left, disappeared without leave, the captain in his discretion might carry him on the rolls as absent without leave, or he might have him marked as a deserter.

Take the case which was put a little while ago, where the war was practically closed, and the soldier left his command for a day or two, expecting to return before his command was mustered out. The captain, when he found by the roll-call that he did not appear, marked him as a deserter.

Now, the soldier intended to do the very thing he did do. He intended to leave in violation of the rules, under circumstances which justified his being marked on the roll as a deserter. The soldier comes back a week afterward and finds that the regiment is mustered out. Now, this bill affords that man no relief under heaven.

I will take another case; I have in mind another instance. A soldier enlisted in an Illinois regiment and was wounded at the battle of Pea Ridge. He went into a hospital, and while there his command left. Soon afterward another regiment came along and he enlisted in that regiment under another name. Now, the very fact that he enlisted under another name indicated a purpose on his part to desert contrary to the rules of war.

Mr. TOWNSHEND, of Illinois. Did he desert the service?

Mr. RYAN. You do not say anything in your bill about deserting the service; all you say is that the person to be benefited by this bill shall not appear to have been an intentional deserter. Now, let me go on. As I said, another regiment came along and he enlisted in that regiment under another name. He served honorably and faithfully in that regiment and died on the battle-field of wounds received while in that service. Now there is no relief for his representatives under this bill. And there are plenty of such cases.

Now, if the committee of conference had made provision as I have indicated, if they had not said "intentional desertion of service," it would have enabled the Department to have provided for that class of persons; but this bill in my judgment does nothing of the kind.

Mr. CALKINS. I now desire to move the previous question on the adoption of the report of the committee of conference.

Mr. HENDERSON. I would like to say a word on this subject.

Mr. TOWNSHEND, of Illinois. I hope my colleague, the chairman of the Committee on Military Affairs, [Mr. HENDERSON,] will be allowed to say a word or two.

Mr. CALKINS. I yield to the gentleman from Illinois.

Mr. HENDERSON. I want to say this: this bill seems in some way to have got out from under the control of or to have deserted the Committee on Military Affairs; still I feel an interest in the passage of the bill.

I will say to the gentleman from Kansas [Mr. RYAN] that it is almost impossible to so frame a general bill as not to admit of the removal of the charge of desertion in some cases where it ought not to be removed. The bill was prepared carefully by the Committee on Military Affairs, and with express reference to guarding against the possibility of having the charge of desertion removed from those who intentionally deserted the flag of their country. The case spoken of by my friend from Kansas [Mr. RYAN] is one of that class which I think ought to be and must be provided for by special law, for the very reason that if you undertake to pass a general law here which will embrace all those cases it will be so broad in its scope that it will admit of the removal of the charge of desertion from some who were willful deserters.

Now, I think this bill ought to pass in the shape it now is. I should have had no serious objection if it had passed this morning in the way it came from the Senate.

Mr. CALKINS. I now demand the previous question upon the adoption of the report.

The previous question was ordered.

The report of the committee of conference was adopted.

Mr. CALKINS moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HISCOCK. I submit the report of the conference committee on the sundry civil appropriation bill.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6716) "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 6, 8, 34, 42, 45, 51, 52, 56, 57, 58, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 95, 96, 98, 105, 111, 112, 116, 136, 137, 138, 139, 143, 144, 146, 152, 159, 171, 180, 189, 198, 201, 223, 228, 230, 232, 233, 235, 243, 244, and 246.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 26, 32, 33, 35, 37, 38, 39, 40, 43, 44, 46, 47, 48, 49, 50, 53, 54, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 97, 98, 99, 100, 101, 102, 103, 107, 110, 113, 114, 115, 119, 120, 126, 127, 129, 134, 140, 141, 147, 148, 150, 153, 154, 157, 158, 160, 161, 162, 166, 169, 172, 176, 179, 181, 182, 183, 184, 185, 186, 187, 188, 192, 193, 194, 195, 196, 197, 199, 202, 203, 204, 205, 206, 207, 210, 211, 214, 215, 216, 217, 219, 221, 222, 224, 225, 226, 227, 229, 231, 237, 239, 241, and 242, and agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "\$100;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted, and strike out in line 1, page 31 of the bill, the words "twenty-five," and insert in lieu thereof "fifty;" and the Senate agree to the same.

Amendment numbered 104: That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 104, and agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$200,000;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: Strike out all of said amendment after the word "roadways" in line 3 of said amendment; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: Strike out the word proposed to be inserted, and also strike out all of the amended paragraph; and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: Strike out of the matter proposed to be inserted the following: "under authority of law;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000;" and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,000;" and add at the end of the amendment the following: "In full satisfaction thereof;" and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "And the cession by the State of Rhode Island to the United States of said island for use as a 'naval training station' is hereby accepted;" and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In line 6 of said amendment strike out all after the word "retired" down to and including the word "to" in line 7, and in line 10 strike out the word "which," and at the end of said amendment insert the following: "Provided further, That the total cost of said building shall not exceed the sum of \$400,000;" and the Senate agree to the same.

Amendment numbered 173: That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000;" and the Senate agree to the same.

Amendment numbered 178: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed by said Senate amendment insert "\$10,000;" and the House agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "Provided, That no binding shall be done at the Government Printing Office for Senators, Representatives, or Delegates in Congress except that there may be bound for each Senator, Representative, or Delegate one copy of each book or document issued by order of Congress, but this provision shall not allow any binding as aforesaid to be done of books or documents issued by authority of and during any former Congress;" and the Senate agree to the same.

Amendments numbered 212 and 213: That the House recede from its disagreement to the amendments of the Senate numbered 212 and 213, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted and insert in lieu thereof as follows: "To supply district judges, district attorneys, and clerks of the United States courts who have not already received the same with the Revised Statutes of the United States and the statutes published since the first revision a sufficient sum of money is hereby appropriated: *Provided*, That all statutes heretofore or hereafter furnished by the United States to district judges, district attorneys, and clerks of the United States courts, under this or any other law, shall not become the property of these officers, but on the expiration of their official term shall be by them turned over and delivered to their respective successors in office; and the following provision in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, approved March 3, 1881, namely,

'to supply district judges and district attorneys, who have not already received the same, with the reports of the Supreme Court and Statutes at Large of the United States, and also to furnish complete sets of the same, where there are none, to such points where United States courts are authorized to be held and to supply broken sets where there are missing volumes, a sufficient sum of money is hereby appropriated,' be, and the same is hereby, repealed."

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of said amendment insert the following: "To enable the Commissioner of Agriculture to pay Dr. John L. Hays for preparing pamphlet on the husbandry of the Angora goat, in conformity with the provision of the joint resolution approved July 1, 1882, \$500, and the said pamphlet shall be printed at the Government Printing Office and paid for out of the appropriation for the Department of Agriculture;" and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with amendments as follows: Insert after said amendment as independent paragraphs, as follows:

"To pay James C. Courts, assistant clerk of the Committee on Appropriations of the House for extra services, \$500.

"To pay Charles Carter for cleaning extra room of the House Committee on Appropriations, \$60.

"To pay William H. Smith for services as assistant in the Library of the House of Representatives the difference between the pay of messenger and that of assistant from July 1, 1876, to December 12, 1881, \$752.08.

"To pay Hon. ROBERT SMALLS for salary and mileage for the fiscal year ending June 30, 1882, \$6,927.60."

And the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: Insert after the word "the," where it occurs the second time, in line 5 of said amendment, the following: "First session of the;" and the Senate agree to the same.

FRANK HISCOCK.
BENJ. BUTTERWORTH,
J. C. S. BLACKBURN,
Managers on the part of the House.
W. B. ALLISON,
EUGENE HALE,
JAS. B. BECK,
Managers on the part of the Senate.

Mr. HISCOCK. Mr. Speaker, I shall not make any extended statement with reference to this report, but am ready to answer any inquiries that members of the House may desire to make with reference to the action of the conferees upon the various amendments. After having answered such inquiries, if any should be put, I shall move the previous question, merely stating that in round numbers we have reduced the appropriations as proposed by the Senate amendments \$958,150.52.

Mr. ATKINS. Will the gentleman yield to me for a few moments?

Mr. HISCOCK. Yes, sir.

Mr. ATKINS addressed the House. [See Appendix.]

Mr. HISCOCK. Mr. Speaker, the bill which we are now considering carries, in the aggregate, \$25,589,358. It is the last of the appropriation bills. The aggregate of all the appropriations which have been made by this Congress for the fiscal year commencing July 1, 1882, including the bill now under consideration, amounts to \$265,923,065.09. The aggregate of the appropriations for the last fiscal year is about \$219,367,983.38. It will be seen by this statement, Mr. Speaker, that this Congress has increased the appropriations over the amount appropriated for the last fiscal year in the aggregate \$46,555,081.71.

In speaking of the appropriations which have been made by the present session of Congress I include the river and harbor bill and I include the agricultural bill, neither of which emanated from the Committee on Appropriations, and I also include those special bills which have been passed and which carry an appropriation. Of this sum of \$46,555,081.71, representing the difference in the appropriations by this session of Congress and those for the last fiscal year, \$34,000,000 of it alone is the increase which this Congress has made in the appropriations to pay the claims of pensioners. It is not my purpose to discuss the propriety of the "arrearage bill," and my pension laws rendering necessary the increase, at this time. It is my purpose only to point out in what the increase consists.

In that increase again, Mr. Speaker, is included the sum of \$1,742,432 to pay an increase in the clerical force of the Government to adjust the pension claims. The Committee on Appropriations find upon our statute-books the law granting the pensions, and we have not believed it to be our duty to prevent their payment by failing to provide the necessary clerical force to adjust the pending claims. A previous Congress and Democratic House with great unanimity passed the "arrearage of pensions bill" without providing the clerical force for its execution, and the last Congress substantially nullified the law by a failure to make the necessary provisions for the adjustment of the claims. We have believed—

Mr. COBB. Will the gentleman permit me to ask him a question in this connection?

Mr. HISCOCK. I will yield for a question.

Mr. COBB. Does not the gentleman from New York, the chairman of the Committee on Appropriations, know that Mr. Bentley, the Commissioner of Pensions, was called before the Appropriations Committee, and that every cent which he recommended as necessary for carrying out the law was appropriated? Does not the gentleman know that Mr. Bentley was called there and questioned as to how much money he wanted for the payment of pensions, and was not that amount appropriated?

Mr. HISCOCK. The fact was obvious to every member of the Committee on Appropriations that with the large increase of the pension list and increase of pensions an increase of force was absolutely neces-

sary for the honest and reasonably prompt adjustment of the claims. It needed no Mr. Bentley to tell us that fact. It was patent to the Committee on Appropriations; it was patent to the Forty-fifth and was patent to the Forty-sixth Congress that when you increase the number of the claimants and the value of their claims there must be a corresponding increase of the clerical force given to honestly adjust them in a reasonable time, that the rights of the claimants and safety to and protection of the Government against fraudulent claims demanded it.

Mr. COBB. The chairman of the Committee on Appropriations does not answer my question.

Mr. HISCOCK. Well, if I have not answered it I can only make this further reply, that I do not question the assertion of the gentleman from Indiana, and if he says such was the case I do not dispute him; but I do not recollect the circumstances to which he refers, myself.

Mr. COBB. If the gentleman will allow me further, I would like to ask this question: whether or not the Commissioner of Pensions at that time was not the proper judge as to the amount necessary to carry out the law; and further, whether he would regard it as being right and proper for the Appropriations Committee to have brought in a bill appropriating millions of money that was not asked for by the officer in charge of that department.

Mr. HISCOCK. The gentleman from Indiana entirely mistakes the question before us. I do not dispute but that the Appropriations Committee intended to appropriate money enough to pay all of the pensions and the arrears of pensions that would be adjusted and settled. But they failed to appropriate or to make provision for the proper necessary clerical force to honestly adjudicate the claims in a reasonable time. They defeated the bill, not by failing to make appropriations for the claims which would be allowed but by a failure to make provision for an additional force to adjudicate the claims themselves; and in this manner the law was nullified, has been nullified since it was enacted. The present Committee on Appropriations have taken the responsibility of providing an adequate force for the disposition of the claims, to have them heard, passed upon, and adjusted in a reasonable time, and to investigate them so thoroughly that fraudulent cases will be defeated.

Mr. SPRINGER. Will the gentleman allow me to ask whether he was a member of the Committee on Appropriations of the last Congress?

Mr. HISCOCK. I was.

Mr. SPRINGER. Did the gentleman make any recommendation to that effect which was not adopted by the majority of the committee?

Mr. HISCOCK. I can only say, Mr. Speaker, that the Republican end of the Committee on Appropriations favored an increase of force. Whether we took an appeal from the committee to the House my memory at this time fails to serve me.

Mr. SPRINGER. Did the gentleman in any speech in Congress ask for any further clerical force for the adjudication and adjustment of pensions that was not granted?

Mr. HISCOCK. My recollection is that an attempt to increase in the House was made, and that it was voted down by the gentlemen on the other side.

Mr. SPRINGER. Show the record to that effect.

Mr. HISCOCK. I shall not stop now, Mr. Speaker, for the purpose of finding in the record the vote of the gentleman from Illinois or of the party of which he is a member.

Mr. BUCKNER. Will the gentleman allow me to ask him whether he or the committee did not make this appropriation on the recommendation of the present Commissioner?

Mr. HISCOCK. Mr. Speaker, I can say to the gentleman from Missouri that the Committee on Appropriations is thoroughly and heartily in sympathy with the Commissioner of Pensions in reference to providing the proper force for the adjudication of the pension claims.

In this excess of appropriations for the current year of \$46,555,081.71 is included \$7,302,575 of excess in the river and harbor bill over the appropriations for the last fiscal year. It is not my purpose, sir, to enter into an examination of the merits of that bill.

I shall briefly point out the items of increase, and the bill does not suffer by comparison with the one our Democratic predecessors gave the country. Three million one hundred and twenty-three thousand dollars of the excess for the improvement of the Lower Mississippi, a great national work to which the legislation of preceding Congresses has committed the country, and as to which I do not understand there is any division in the judgment of the country. The improvement of that great water-way is the right of the great States to which it affords a protection against railroad monopoly. Seven hundred and forty thousand dollars of the excess is in the increase of appropriation for the navigation of the same river and its tributaries, notably the Missouri, aggregating about \$3,900,000. Baltimore receives \$300,000 of the excess; Providence River, \$65,000 of the excess; Charleston Harbor, \$125,000; Savannah Harbor, \$135,000; Galveston Harbor, \$50,000; Oakland Harbor, California, \$140,000; Buffalo Harbor, \$25,000; Lynn Harbor, Massachusetts, \$60,000; and \$400,000 of the excess is for the improvement of the Potomac flats.

The items of increase I have indicated aggregate about \$5,000,000 and I could point out others equally meritorious, though not so large, to account for the remaining \$2,300,000 of the excess in appropria-

tions of the bill of the Committee on Commerce of the present House as approved and concurred in by this Congress over the last year's bill. As compared with last year's bill, it is fair to say of it, it only appropriates \$600,000 for new works not commenced by our Democratic predecessors. I did not join in its approval and concurrence. I believe the law appropriates too much money, granting every object it provides for worthy of aid, and in my opinion it provides for improvements that have no claims upon the Treasury of the General Government; but the law for the present year is far less objectionable in this respect than the last year's law.

Carry through the comparisons of amounts for the same specific purposes provided for by the two laws, and you will find the aggregate of excess of appropriations in the law for this fiscal year therefore for works of a national character and entitled to national aid account for the difference in amount between the two laws. An examination of the two bills will also disclose less appropriation for this fiscal year than for the last for works that in my judgment should not receive the aid of the General Government.

But, Mr. Speaker, my purpose now is rather to discuss the work of the Committee on Appropriations than of another committee of the House, and all my time can be properly devoted to that.

In the excess of appropriations for this fiscal year over last year there is an increase of \$2,062,274 in miscellaneous bills. The laws referred to are for public works or for other public purposes which carry their appropriations with them. I am entirely willing that that schedule be subjected to the closest scrutiny of gentlemen on the other side or of the country. It is in excess of the aggregate of the sums which were granted by the last session of the last Congress in laws of like character, I think some \$2,000,000. There is in it nearly \$400,000 to relieve the sufferers from the spring overflow of the Mississippi and its tributaries. In it is included appropriations to pay honest claims against the Government. Scrutinize it and scan it as closely as you may and you will find nothing in it but what is honest and what ought to be appropriated for by Congress.

Mr. Speaker, there is also included in this excess the sum of \$1,493,116.77, the increase which has been given by this Congress to the postal service of the United States. That, sir, is a service constantly increasing. There has not been the increase in the appropriation for this fiscal year over those of last year there was in the appropriation for the last year over those of its preceding year.

Without crippling the service, the Post-Office Department is now doing far more work, for the same expenditure, than in either of the three preceding years.

I am happy to say that in the present administration of the Post-Office Department the expense of certain branches of that service has been decreased so largely that the increase in the total appropriations is not in the ratio of the increase of service—absolutely necessary service, I mean—while the amount which can be expended for the service is largely fixed by law, depending upon the amount of work done. To illustrate, the amount to be paid for railroad transportation of the mail matter depending by law upon its weight and the space occupied, and the salaries of postmasters upon the receipts of their respective offices and not within the discretion of Congress, nevertheless the transportation of the mails outside of railroads is so far dependent upon the judgment and honesty of the executive officers of the Government that large sums may be wasted thereon; and the wisdom and economy of the Post-Office Department, exercised without impairing the star-route mail-service, has so lessened its cost that the increase in the cost of the whole service is not proportionate to the increase of the service now rendered. And I am assured the report of the work and expenditures therefor of the Second Assistant Postmaster-General for the fiscal year is more than likely to show the entire postal service for this year will cost less than for the fiscal year ending June 30, 1882.

Ninety-one thousand seven hundred and eighty dollars of the increase is in the agricultural bill of the current year, as compared with that of last year. This Department is now far-reaching in its work, but further extension is demanded by the country, and \$91,000 of increase for its support has been given by this Congress; \$33,000 of the increase consists of permanent appropriations for which we have substituted annual appropriations.

Mr. Speaker, the aggregate of the annual appropriations for the last fiscal year, including the agricultural bill, which carries \$91,780 more this year than last, and excluding the river and harbor bill, neither of which were prepared by the Committee of Appropriations, was \$204,646,256.79; for the present fiscal year, \$241,826,489.50; the excess, \$37,180,232.71.

As I have already stated, we have given this year for the payment of pensions and arrearages of pensions under existing law, and the payment of which cannot be avoided at some time, \$34,000,000; for clerical force to adjust them, \$1,742,430; aggregate, \$35,742,430. Credit our appropriations with this amount, and the showing is that we have appropriated for all Government service proper, to pay Government liabilities, for the construction of public buildings, except in a few minor instances, in which the bills carried their appropriations, (and they are included in the miscellaneous bill I have referred to,) \$1,437,802.71.

Mr. Speaker, the excess in appropriations for postal-service for this year over last, as I have stated, more than accounts for it—that was \$1,493,116.71, and leaves \$45,314.06 in favor of this Congress, and

to this you should certainly add the \$33,080 annual appropriation we have substituted for permanent.

Mr. Speaker, at the risk of repeating myself somewhat, the aggregate annual appropriations for last year were \$219,367,983.38. Included in this amount is a little more than \$24,000,000 provided for by this Congress but chargeable to last year's service, and should have been appropriated for by the last Congress. In contrasting the appropriations for this year with last there should be added to last year the \$33,080 for service which last year was paid from permanent appropriations, and this year by the annual appropriations.

| | |
|--|------------------|
| Aggregate appropriations for last year | \$219,401,063 38 |
| For the current year | 265,923,065 09 |

| | |
|--|---------------|
| Increase | 46,522,001 71 |
| Excess in appropriations for pensions over last year | \$34,000,000 |
| For pension force | 1,742,430 |
| Rivers and harbors | 7,302,575 |
| | 43,045,005 |

| | |
|------------------|--------------|
| Difference | 3,476,996 71 |
|------------------|--------------|

for increase of service consequent upon the growth of the country, including the postal service increase of \$1,493,116.77 and all the public-building bills—not the excess over last year.

If the Democratic Congress was economical this Republican Congress has been more so in all matters except in appropriations for rivers and harbors, and those appropriations are not chargeable to either party, but to the members of both parties who supported them.

Mr. BLOUNT. I will ask the gentleman from New York, as a matter of information—I did not hear the beginning of his speech—whether in his comparisons he has inserted deficiencies?

Mr. HISCOCK. I have.

Mr. BLOUNT. Then you cannot make it complete until the end of the fiscal year; till you know what yours may be.

Mr. HISCOCK. I will answer the question and reply to the suggestion which has been made by the gentleman from Georgia. We have provided in this Congress for a large volume of deficiencies; and, sir, I apprehend that in the next year, while there may be some deficiencies, as compared with those which we have provided for they will be inconsiderable. It has been our intention and we have striven to make full appropriations for the service; and I know of no instance in which we have given a less sum than we believed was necessary for the support and maintenance of the particular branch of the service for which the appropriation was made. And in many branches of the service the amount given has been increased in consequence of the investigation of the appropriations made for the last year, including deficiencies voted by this Congress; the first appropriation with the deficiency constituting the amount appropriated in most cases for the same service for this year. We have never given a less amount.

It is proper in this connection that I should call the attention of the committee to the \$29,248,193.96 of deficiencies which we have provided for. There is included in the deficiency bill \$1,192,206.80 compensation to postmasters. The gentleman from Georgia [Mr. BLOUNT] knows that the compensation to postmasters is regulated by the amount of postal revenue received at their offices respectively. He knows more than that; that they only turn into the Treasury the balance which is in their hands after defraying the expenses of their offices, respectively, including their salaries, and the gentleman from Georgia will concede that this is a proper and legitimate deficiency.

Mr. BLOUNT. And one that occurs almost every fiscal year.

Mr. HISCOCK. It has occurred almost every fiscal year, or it has occurred during the last four fiscal years. And I want to say more than that: deficiencies of this kind have gone over year after year, and we have been compelled in this Congress to provide for deficiencies two or three years old, I think.

Mr. BLOUNT. If my friend will allow me—

Mr. HISCOCK. But they are not included in the amount I have stated here and charged to last year.

Mr. BLOUNT. If my friend will allow me, I will say that the Forty-fourth Congress went back six, seven, and ten years for deficiencies which arose under the Republican administration.

Mr. HISCOCK. I will not dispute the gentleman on that point. I believe that the bill making appropriations for the Post-Office Department for this fiscal year contains ample appropriations for that service. And I believe that when the end of the year shall have been reached it will be found that instead of there being a deficiency for the support of the Post-Office Department a surplus will be turned into the Treasury.

Mr. BLACKBURN. Which Department is that, may I ask?

Mr. HISCOCK. The Post-Office Department. Another item of deficiency in the last fiscal year which we have provided for at this session was \$1,120,000 for transportation of mail by railroad. It is a well-known fact that the compensation to railroads is fixed by statute; it depends upon certain conditions, the weight of the matter and space it occupies, and Congress has no discretion over the amount to be paid. This was a legitimate deficiency. It was an amount that under no circumstances could be charged over to the

current fiscal year. It was a debt of last year and we provided for it in the deficiency bill.

Mr. BLOUNT. Will my friend allow me to interrupt him again?

Mr. HISCOCK. Certainly.

Mr. BLOUNT. I will ask him if that deficiency does not arise from the fact that the Government was insisting that the amount claimed by the railroads ought not to be paid to them, and a decision in favor of the railroads made it necessary to put it in an appropriation bill?

Mr. HISCOCK. Such is not the case.

Mr. BLOUNT. That is my understanding of it.

Mr. HISCOCK. It is due in part to the extension of our railroad system. I do not now charge bad faith to the Forty-sixth Congress for the insufficient appropriation made. To a large extent this item of deficiency was due to the fact that steamboat transportation of the mails has been dispensed with and railroad transportation substituted.

Mr. BLOUNT. If my friend will allow me, that was the understanding of the Committee on Appropriations last year.

Mr. HOLMAN. Will the gentleman allow me a moment?

Mr. HISCOCK. Certainly.

Mr. HOLMAN. Was the payment to the land-grant railroads included?

Mr. HISCOCK. That is not included in this sum.

Mr. HOLMAN. The sum of \$125,000 is included.

Mr. HISCOCK. I think not.

Mr. HOLMAN. The deficiency bill contains an item of \$125,000 for land-grant railroads.

Mr. HISCOCK. Yes; but it is not included in the amount which I have given and am now discussing.

We have provided for a deficiency in the service of the last fiscal year for miscellaneous postal services, \$75,000, made up of small items which I have not before me, but which were items over which Congress had no discretion, items which had to be paid.

We have provided for a deficiency, which is taken into account in comparing the bills of the current year with those of last year, of \$1,036,867 for the Indian service. That aggregate is made up largely of appropriations to discharge treaty obligations existing between the Government of the United States and the different Indian tribes. In no instance has an appropriation been made and charged in this account against the last fiscal year which was not to discharge or perform some treaty obligation existing between the Government of the United States and various tribes of Indians, or to support certain tribes to avoid an Indian war, all expended last year.

There is included in the deficiencies I have charged to the last fiscal year \$520,000 for Army transportation. So far as the item of Army transportation is concerned, Congress has substantially no control over it. In the bill which was presented by the Committee on Appropriations to this Congress, and which has become law, we endeavored to provide ample means, so that there shall be no deficiency at the end of the present fiscal year; and I believe we have accomplished that object.

It is said by some one near me that it cannot be helped. It can be helped. This deficiency to a large extent was due to there being imposed upon this service other expenditures than those which properly and legitimately belonged to the Army. There has been paid from the Army appropriations to clerks engaged in the investigation of claims the sum of \$200,000 a year, which in part came from the appropriation for transportations and for contingencies of the Army.

In our appropriations we have adopted the theory of specific appropriations. We have upon another bill providing for that service defined the amount which shall be paid, and obviated one of the causes of this deficiency. It should have been corrected by a previous Congress, and would have been if it had understood the subject. There was a failure to investigate sufficiently to reach an understanding of it.

Another source of deficiency in the Army appropriations is this:

Appropriations for legislative, executive, and judicial expenses of the Government for the fiscal years 1880, 1881, 1882, and 1883.

| | 1880. | | 1881. | | 1882. | | 1883. |
|---|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|--------------|
| | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | |
| Congress | \$2,889,415 20 | | \$2,848,615 02 | | \$2,913,705 38 | | |
| Deficiencies | 89,672 35 | | 32,886 61 | | 138,592 36 | | |
| Public Printer, Library of Congress, and Botanic Garden | 86,940 00 | | 84,160 00 | | 84,140 00 | | |
| Deficiencies | | 86,940 00 | 3,000 00 | | 5,000 00 | | |
| Executive Office | 95,464 00 | | 97,464 00 | | 98,864 00 | | |
| Deficiencies | 1,000 00 | | 2,458 89 | | 2,000 00 | | |
| State Department | 158,340 00 | | 145,640 00 | | 158,940 00 | | |
| Deficiencies | 2,108 70 | | 1,179 14 | | 2,000 00 | | |
| Treasury Department: Salaries and contingencies | 2,583,034 00 | | 2,548,662 00 | | 2,616,240 00 | | |
| Deficiencies | 23,683 00 | | 2,250 00 | | 7,570 00 | | |
| | | 2,606,717 00 | | 2,550,912 00 | | 2,623,810 00 | 2,791,102 25 |

the Signal Service is paid in part from it without any limit upon the amount. It must have been known that such was the case. I believe that in the aggregate the sum of \$600,000, in the discretion of one man, has been taken from the various appropriations in the Army bill for the support of the Army, for the Signal Service. We have made our appropriations definite and specific.

I believe that the expenditures of the money for the service of the Army has been made as economically and as carefully as they could be; and there has never been any difficulty in getting at the amount that should be appropriated for that service. But these deficiencies have been created by allowing other services to be attached to that without fixing any limit upon the amount to be expended for those services.

I do not propose, Mr. Speaker, to go through with all the deficiency items which we have charged to the last fiscal year, making up the aggregate appropriations for that year's service, and which I have included in the comparison of the appropriations for the current fiscal year. Yet there are certain other items to which I must call the attention of the committee, and which are all so manifestly deficiencies that the most critical gentleman on the other side will not question it.

There is the item for expenses of United States courts, \$253,056.70—witnesses' fees, marshals' fees—sums over which Congress has no discretion whatever. Yet there has been that large deficiency which it was necessary to provide for. We charged over to the last year \$620,000 for the completion of the census; and I can confidently appeal to this Committee of the Whole to sustain us in holding that amount is properly charged to the last fiscal year.

I will call attention also to the item of public printing. The Forty-sixth Congress in its last session appropriated for public printing \$1,700,000. I believe there had been expended during the preceding year in that bureau \$2,100,000. I am tempted to use this instance to illustrate what sometimes has seemed to me true—perhaps I ought not to charge or insinuate it, but still the suspicion has crept into my mind—that it was a settled policy in the last session of the last Congress to make insufficient appropriations for the then next fiscal year. One million seven hundred thousand dollars was appropriated for the support of the Printing Bureau when I believe \$2,100,000 had been used in the previous year. That Congress had the control of the printing; it controlled the volume of the printing and knew it had increased; yet it failed to appropriate up to the amount of the preceding year. The deficiency in that branch of the service alone which we were compelled to provide for was \$865,000, and, sir, it was all expended to print documents ordered by a Democratic Congress.

Another item in this list of deficiencies is \$16,000,000 to pay pension claims which were settled during the last fiscal year. I apprehend there will be no question upon the other side of the House that all pension claims allowed and payable last year by the insufficient force which was provided for the Pension Department by the last Congress should be charged over to the last fiscal year.

The aggregate of the list of deficiencies is, as I have said, \$29,248,193.96. This is the aggregate of all the bills and resolutions which have been passed appropriating money for the last and preceding fiscal years. Of this amount about \$24,000,000 must be charged to last year, and was rendered necessary by the insufficient appropriations for that year's Government service.

I may be pardoned, I trust, if I repeat that in making provisions for the present fiscal year we have done so after a full investigation of the needs of the service in connection with the deficiencies for which we have been compelled to recommend appropriations.

In this connection I will print the statements which I have before me. They show in detail the legislative, executive, and judicial, the sundry civil, and Post-Office bills classified for purposes of comparison, and the other regular appropriation bills for the years 1880, 1881, 1882, and 1883, with the deficiencies for each year, and also includes the miscellaneous acts making appropriations for those years, corrected at the close of the session:

Appropriations for legislative, executive, and judicial expenses of the Government for the fiscal years 1880, 1881, 1882, and 1883—Continued.

| | 1880. | | 1881. | | 1882. | | 1883. |
|--|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|-------------------------|
| | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations. |
| Internal revenue, including salaries of the office of Commissioner | \$4,018,330 00 | \$4,534,266 37 | \$4,303,330 00 | \$5,071,330 00 | \$4,845,330 00 | \$5,225,330 00 | <i>a</i> \$5,145,099 00 |
| Deficiencies | 535,936 37 | | 768,000 00 | | 380,000 00 | | |
| Mints and assay offices, including salaries, &c., of office of Director .. | 1,221,780 00 | 1,270,227 49 | 1,226,710 00 | 1,237,795 55 | 1,260,350 00 | 1,315,608 00 | <i>b</i> 1,263,010 00 |
| Deficiencies | 48,447 49 | | 11,085 55 | | 55,318 00 | | |
| Territorial governments | 185,043 90 | 211,444 21 | 200,043 91 | 225,448 91 | 217,009 23 | 217,009 23 | 253,373 73 |
| Deficiencies | 26,400 31 | | 25,405 00 |  | ..... |  |  |
| Independent treasury | 374,800 00 | 380,800 00 | 455,800 00 | 455,800 00 | 459,600 00 | 459,794 00 | <i>c</i> 446,780 00 |
| Deficiencies | 6,000 00 |  | ..... |  | 194 00 | | |
| War Department: | | | | | | | |
| Salaries and contingencies | 647,590 00 | 649,590 00 | 634,040 00 | 634,040 00 | 639,940 00 | 643,940 00 | 883,630 00 |
| Deficiencies | 2,000 00 |  | ..... |  | 4,000 00 | | |
| Adjutant-General's Office | 305,940 00 | 317,022 50 | 343,940 00 | 352,442 00 | 376,160 00 | 376,669 00 | 587,740 00 |
| Deficiencies | 11,082 50 | | 8,502 00 | | 500 00 | | |
| Surgeon-General's Office | 205,140 00 | 217,898 40 | 246,880 00 | 260,796 57 | 298,980 00 | 298,980 00 | 551,170 00 |
| Deficiencies | 12,758 40 | | 13,916 57 |  | ..... |  |  |
| Navy Department | 165,039 00 | 167,030 00 | 173,160 00 | 173,160 00 | 160,660 00 | 160,660 00 | 328,256 25 |
| Deficiencies | 2,000 00 |  | ..... |  | ..... |  |  |
| Interior Department: | | | | | | | |
| Salaries and contingent | 459,614 00 | 485,264 00 | 541,544 00 | 541,544 00 | 524,299 00 | 528,299 00 | 595,119 00 |
| Deficiencies | 25,750 00 |  | ..... |  | 4,000 00 | | |
| General Land Office | 298,220 00 | 298,220 00 | 304,220 00 | 304,220 00 | 324,820 00 | 349,820 00 | 419,000 00 |
| Deficiencies ..... | ..... |  | ..... |  | 25,000 00 | | |
| Pension Office | 555,850 00 | 609,950 00 | 658,250 00 | 774,155 00 | 998,630 00 | 1,072,530 00 | 2,337,150 00 |
| Deficiencies | 114,100 00 | | 115,905 00 | | 73,900 00 | | |
| Patent Office | 536,070 00 | 539,369 22 | 554,970 00 | 564,121 21 | 618,870 00 | 663,781 79 | 697,800 00 |
| Deficiencies | 3,299 22 | | 9,151 21 | | 44,911 79 | | |
| Post-Office Department | 570,640 00 | 580,661 57 | 601,480 00 | 605,894 07 | 650,540 00 | 653,572 50 | 782,950 00 |
| Deficiencies | 10,021 57 | | 4,414 07 | | 3,032 50 | | |
| Department of Justice | 520,380 00 | 529,780 00 | 531,480 00 | 531,480 00 | 526,480 00 | 537,717 00 | 559,270 00 |
| Deficiencies | 400 00 |  | ..... |  | 11,237 90 | | |
| Court of Claims | 33,340 00 | 33,340 00 | 35,840 00 | 35,840 00 | 33,840 00 | 33,840 00 | 33,840 00 |
| Southern claims commission | 27,169 21 | 27,169 21 | 1,224 60 | 1,224 60 | ..... | ..... | ..... |
| Totals ..... | ..... | 16,852,790 22 | ..... | 17,535,607 57 | ..... | 18,565,554 16 | <i>d</i> 20,210,090 65 |
| RECAPITULATION. | | | | | | | |
| Appropriations | 15,938,130 31 | 16,852,790 22 | 16,536,228 93 | 17,535,607 57 | 17,807,397 61 | 18,565,554 16 | 20,210,090 65 |
| Deficiencies | 914,659 91 | | 999,378 64 | | 758,156 55 | | |

a Contains appropriations for stamps, papers, and dies, \$500,000, and punishment for violation of internal-revenue laws, \$65,000, reported in sundry civil bill.*b* Contains "freight on bullion, \$30,000," reported in sundry civil bill.*c* Contains "contingent expenses, independent treasury, \$75,000," reported in sundry civil bill.*d* This total does not contain the individual items, aggregating \$670,000, added as above for comparison under sub-heads, and heretofore appropriated in this act, but the amount is included in the total of the sundry civil act; also the sum of \$95,500, reimbursable items, is not included.

Appropriations for sundry civil expenses of the Government for the fiscal years 1880, 1881, 1882, and 1883.

| | 1880. | | 1881. | | 1882. | | 1883. |
|--|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|-----------------|
| | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations. |
| Public printing and binding | \$1,524,000 00 | \$1,931,250 00 | \$1,606,800 00 | \$2,006,800 00 | \$1,714,000 00 | \$2,579,000 00 | \$2,377,650 00 |
| Deficiencies | 407,250 00 | | 400,000 00 | | 865,000 00 | | |
| Library of Congress and Botanic Garden | 6,345 00 | 6,345 00 | 19,663 00 | 19,663 00 | 19,927 60 | 19,927 60 | 10,650 00 |
| Executive office ..... | ..... | 1,900 00 | ..... | 16,200 00 | 15,000 09 | 15,000 00 | ..... |
| State Department | 1,900 00 | | 16,200 00 | | 88,020 00 | | |
| Deficiencies ..... | ..... | ..... | ..... | ..... | 32,328 92 | 120,348 92 | 106,500 00 |
| Treasury Department: | | | | | | | |
| Public buildings | 2,989,464 28 | 2,989,464 28 | 2,436,232 70 | 2,576,238 42 | 2,862,000 00 | 2,894,970 76 | 4,338,500 00 |
| Deficiencies ..... | ..... |  | 140,005 72 | | 32,970 76 | | |
| Light-houses, &c. | 551,950 00 | 574,096 40 | 489,700 00 | 489,883 68 | 486,400 00 | 486,400 00 | 563,000 00 |
| Deficiencies | 22,146 40 | | 183 68 |  | ..... |  |  |
| Light-house establishment | 1,981,500 | 1,981,500 00 | 1,984,000 00 | 1,984,000 00 | 2,039,000 00 | 2,039,000 00 | 2,074,000 00 |
| Life-Saving Service | 600,860 00 | 602,860 00 | 558,010 00 | 570,010 02 | 585,900 00 | 587,142 85 | 792,300 00 |
| Deficiencies | 2,000 00 | | 12,000 00 | | 1,242 85 | | |
| Revenue-cutter service | 860,000 00 | 860,000 00 | 850,000 00 | 850,000 00 | 1,025,000 00 | 1,050,000 00 | 966,000 00 |
| Deficiencies ..... | ..... |  | ..... |  | 25,000 00 | | |
| Coast survey | 548,000 00 | 573,000 00 | 554,400 00 | 554,400 00 | 556,900 00 | 556,900 00 | 573,900 00 |
| Deficiencies | 25,000 00 |  | ..... |  | ..... |  |  |

Appropriations for sundry civil expenses of the Government for the fiscal years 1880, 1881, 1882, and 1883—Continued.

| | 1880. | | 1881. | | 1882. | | 1883. |
|--|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|-----------------|
| | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations. |
| Engraving and printing | \$400,000 00 | | \$375,000 00 | | \$325,000 00 | | |
| Fish and fisheries | 129,500 00 | | 121,500 00 | | 234,000 00 | | |
| Deficiencies | 27,500 00 | 157,000 00 | 12,709 00 | 134,209 00 | 82,001 45 | 316,001 45 | 229,000 00 |
| Current expenses of public buildings under the Treasury Department | 816,500 00 | | 861,500 00 | | 851,500 00 | | |
| Deficiencies | 42,779 31 | 859,279 31 | 163,000 00 | 1,024,500 00 | 172,216 00 | 1,023,716 00 | 1,062,500 00 |
| Miscellaneous, including National Board of Health | | 988,461 12 | | 575,626 20 | | 608,372 81 | a 740,675 83 |
| War Department: | | | | | | | |
| Buildings and grounds in and around Washington | | 601,000 00 | | 713,825 99 | | 973,000 00 | 658,000 00 |
| Arsenals | | 277,000 00 | | 340,118 43 | | 366,100 00 | 537,105 00 |
| Posts, roads, &c. | | 320,500 00 | | 364,038 19 | | 210,205 84 | 268,385 21 |
| Signal Service, military telegraph lines, &c. | | 465,000 00 | | 465,000 00 | | 475,000 00 | 320,000 00 |
| National cemeteries | | 351,027 49 | | 159,720 00 | | 159,720 00 | 168,440 00 |
| Artificial limbs | 100,000 00 | | 250,000 00 | | 175,000 00 | | |
| Deficiencies | | 100,000 00 | 200,000 00 | 450,000 00 | | 175,000 00 | 120,000 00 |
| Support of National Home for Disabled Volunteer Soldiers | | 880,000 00 | | 1,033,560 83 | | 950,000 00 | 1,122,088 03 |
| Miscellaneous | | 519,680 00 | | 389,900 80 | | 359,751 17 | 325,822 05 |
| Navy Department: | | | | | | | |
| Navy yards and stations | | 402,525 00 | | 737,500 00 | | 870,000 00 | 650,800 00 |
| Miscellaneous | | 58,450 00 | | 2,000 00 | | 183,045 00 | 117,633 00 |
| Interior Department: | | | | | | | |
| Public buildings and grounds | 415,200 00 | | 289,946 72 | | 305,242 07 | | |
| Deficiencies | | 415,200 00 | 5,915 00 | 295,861 72 | 9,530 57 | 314,772 64 | 310,580 00 |
| Public lands service | 1,093,000 00 | | 1,093,700 00 | | 1,144,800 00 | | |
| Deficiencies | 82,738 23 | 1,175,738 23 | 62,686 01 | 1,156,386 01 | 26,129 61 | 1,170,929 61 | 403,800 00 |
| Expenses tenth census | 250,000 00 | | 3,085,000 00 | | 625,000 00 | | |
| Deficiencies | | 250,000 00 | | 3,075,000 00 | 620,000 00 | 1,245,000 00 | 245,000 00 |
| Beneficiaries | 251,736 00 | | 248,300 00 | | 260,300 00 | | |
| Deficiencies | 9,806 91 | 261,542 91 | 11,250 00 | 259,550 00 | 23,792 51 | 284,092 51 | 505,000 00 |
| Miscellaneous | 125,705 28 | | 86,450 00 | | 170,700 00 | | |
| Deficiencies | 32,120 00 | 157,825 28 | 30,542 26 | 116,992 26 | 45,000 00 | 215,700 00 | 311,900 00 |
| Post-Office Department: | | | | | | | |
| Department of Agriculture | | 8,000 00 | | 16,365 00 | | 5,000 00 | 219,500 00 |
| Department of Justice | 2,177,500 00 | | 2,928,923 00 | | 3,050,500 00 | | |
| Deficiencies | 943,500 00 | 3,121,000 00 | 433,600 00 | 3,362,523 00 | 281,056 78 | 3,340,556 78 | 3,126,980 00 |
| Judgments, Court of Claims | 125,000 00 | | | | | | |
| Deficiencies | 285,803 54 | 410,803 54 | 450,000 00 | 450,000 00 | 650,938 00 | 650,938 00 | |
| Miscellaneous | | 78,997 91 | | 40,707 64 | | 124,900 81 | 248,648 94 |
| Totals | | 21,779,446 47 | | 24,615,580 17 | | 24,715,492 75 | b 25,589,358 06 |
| RECAPITULATION. | | | | | | | |
| Appropriations | 19,898,802 08 | | 22,603,688 50 | | 21,828,592 46 | | |
| Deficiencies | 1,880,644 39 | 21,779,446 47 | 1,921,891 67 | 24,615,580 17 | 2,886,900 29 | 24,715,492 75 | 25,589,358 06 |

a Not including dies, paper, and stamps, \$500,000; violations of internal revenue laws, \$65,000; freight on bullion, \$30,000; contingent expenses independent Treasury, \$75,000; total, \$670,000—carried to legislative, executive, and judicial appropriation statement.

b This total includes the above items, aggregating \$670,000, heretofore appropriated in the legislative, &c., act, but which are not included as above shown under sub-heads for sake of comparison.

Appropriations for postal service for the fiscal years 1880, 1881, 1882, and 1883.

| | 1880. | | 1881. | | 1882. | | 1883. |
|--|----------------------------------|----------------|----------------------------------|----------------|----------------------------------|----------------|-----------------|
| | Appropriations and deficiencies. | Total. | Appropriations and deficiencies. | Total. | Appropriations and deficiencies. | Total. | Appropriations. |
| Compensation to postmasters | \$7,550,000 00 | | \$7,500,000 00 | | \$7,800,000 00 | | |
| Deficiency | 2,723 56 | \$7,552,723 56 | 798,742 79 | \$8,298,742 79 | 1,192,206 88 | \$8,992,206 88 | \$8,800,000 00 |
| Compensation to clerks in post-offices | 3,600,000 00 | | 3,650,000 00 | | 3,850,000 00 | | |
| Deficiency | | 3,600,000 00 | 32,530 56 | 3,682,530 56 | | 3,850,000 00 | 4,385,000 00 |
| Compensation to letter-carriers | 2,000,000 00 | | 2,500,000 00 | | 2,600,000 00 | | |
| Deficiency | 415,000 00 | 2,415,000 00 | | 2,500,000 00 | | 2,600,000 00 | 3,000,000 00 |
| Transportation by railroad routes | 9,000,000 00 | | 9,315,000 00 | | 9,458,282 00 | | |
| Deficiency | | 9,000,000 00 | | 9,315,000 00 | 1,120,000 00 | 10,578,282 00 | 11,130,000 00 |
| Transportation by star routes | 5,900,000 00 | | 7,375,000 00 | | 7,900,000 00 | | |
| Deficiency | 1,200,000 00 | 7,100,000 00 | | 7,375,000 00 | | 7,900,000 00 | 7,250,000 00 |
| Transportation by steamboat routes | | 900,000 00 | | 900,000 00 | | 925,000 00 | 800,000 00 |
| Transportation by postal cars | | 1,250,000 00 | | 1,366,000 00 | | 1,426,000 00 | 1,526,000 00 |
| Special railroad facilities | | 150,000 00 | | 350,000 00 | | 455,000 00 | 675,000 00 |
| Compensation to local agents | | 120,000 00 | | 135,000 00 | | 150,000 00 | 175,000 00 |
| Compensation to mail-messengers | | 675,000 00 | | 725,000 00 | | 775,750 00 | 800,000 00 |
| Compensation to railway post-office clerks | 1,350,000 00 | | 1,450,000 00 | | 1,550,000 00 | | |
| Deficiency | 20,000 00 | 1,370,000 00 | 20,000 00 | 1,470,000 00 | | 1,550,000 00 | 1,700,000 00 |

Appropriations for postal service for the fiscal years 1880, 1881, 1882, and 1883—Continued.

| | 1880. | | 1881. | | 1882. | | 1883. |
|---|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|----------------|
| | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | Appropriations and deficiencies. | Total appropriations. | |
| Compensation to route-agents | \$1,125,000 00 | \$1,125,000 00 | \$1,125,000 00 | \$1,245,000 00 | \$1,275,000 00 | \$1,275,000 00 | \$1,555,000 00 |
| Deficiency | | | 20,000 00 | | | | |
| Compensation to mail-route messengers | 175,000 00 | 185,000 00 | 200,000 00 | 213,059 98 | 235,000 00 | 235,000 00 | 280,000 00 |
| Deficiency | 10,000 00 | | 13,059 98 | | | | |
| Miscellaneous expenses | 2,326,400 00 | 2,492,382 54 | 2,402,420 00 | 2,504,845 84 | 2,557,400 00 | 2,638,544 35 | 2,617,900 00 |
| Deficiency | 165,982 54 | | 102,425 84 | | 81,144 35 | | |
| Grand total | | 37,935,106 10 | | 40,080,179 17 | | 43,350,783 23 | 44,643,900 00 |
| RECAPITULATION. | | | | | | | |
| Appropriations | 36,121,400 00 | 37,935,106 10 | 39,093,420 00 | 40,080,179 17 | 40,957,432 00 | 43,350,783 23 | 44,643,900 00 |
| Deficiencies | 1,813,706 10 | | 986,759 17 | | 2,393,351 23 | | |

| | 1880. | | 1881. | | 1882. | | 1883. |
|---|----------------------------------|-----------------|----------------------------------|-----------------|----------------------------------|-----------------|-----------------|
| | Appropriations and deficiencies. | Total. | Appropriations and deficiencies. | Total. | Appropriations and deficiencies. | Total. | |
| Military establishment | \$26,638,300 00 | \$27,313,382 50 | \$26,425,800 00 | \$27,097,488 66 | \$26,687,800 00 | \$27,207,800 00 | \$27,258,000 00 |
| Deficiency | 675,082 50 | | 581,688 66 | | 520,000 00 | | |
| Naval establishment | 14,028,468 95 | 14,029,188 89 | 14,405,797 70 | 14,813,123 69 | 14,566,037 55 | 14,991,444 59 | 14,816,176 70 |
| Deficiency | 719 94 | | 407,325 99 | | 425,407 04 | | |
| Rivers and harbors | | 9,577,494 61 | | 8,976,500 00 | | 11,441,300 00 | 18,743,875 00 |
| Forts and fortifications | | | | | | | |
| Military Academy | 319,547 33 | 320,307 37 | 316,224 28 | 316,234 28 | 322,435 37 | 322,435 37 | 335,557 04 |
| Deficiency | 706 04 | | | | | | |
| Pensions | 54,390,000 00 | 63,630,000 00 | 32,404,000 00 | 50,686,306 68 | 50,000,000 00 | 66,000,000 00 | 100,000,000 00 |
| Deficiency | 9,240,000 00 | | 18,282,306 68 | | 16,000,000 00 | | |
| Indians | 4,713,478 58 | 4,906,162 45 | 4,657,262 72 | 5,045,028 59 | 4,587,866 80 | 5,628,648 47 | 5,229,374 61 |
| Deficiency | 192,683 87 | | 387,765 87 | | 1,040,781 67 | | |
| Consular and diplomatic | 1,097,735 00 | 1,138,299 95 | 1,180,335 00 | 1,215,587 38 | 1,191,435 00 | 1,229,435 00 | 1,256,635 00 |
| Deficiency | 40,564 95 | | 35,252 38 | | 38,000 00 | | |
| Department of Agriculture | | 198,000 00 | | 253,300 00 | | 335,500 00 | 427,280 00 |
| District of Columbia, 50 per cent. | 1,625,733 00 | | 1,712,628 67 | | 1,689,785 72 | | |
| Deficiency | 30,992 67 | 1,656,725 67 | 92,036 41 | 1,804,665 08 | 34,377 50 | 1,724,163 22 | 1,695,098 04 |
| Miscellaneous and reliefs | | | | | | | |
| | | 2,084,805 95 | | 5,671,318 31 | | 3,280,426 59 | 5,342,700 59 |

RECAPITULATION OF TOTAL APPROPRIATIONS BY ACTS.

| Acts. | 1880. | 1881. | 1882. | 1883. |
|--|-----------------|-----------------|-----------------|-----------------|
| Legislative, executive, and judicial | \$16,852,790 22 | \$17,535,697 57 | \$18,565,554 16 | \$20,210,090 65 |
| Sundry civil | 21,779,446 47 | 24,615,580 17 | 24,715,492 75 | 25,589,358 06 |
| Postal service | 37,935,106 10 | 40,080,179 17 | 43,350,783 23 | 44,643,900 00 |
| Military establishment | 27,313,382 50 | 27,097,488 66 | 27,207,800 00 | 27,258,000 00 |
| Naval establishment | 14,029,188 89 | 14,813,123 69 | 14,991,444 59 | 14,816,176 70 |
| Rivers and harbors | 9,577,494 61 | 8,976,500 00 | 11,441,300 00 | 18,743,875 00 |
| Forts and fortifications | 275,000 00 | 550,000 00 | 575,000 00 | 375,000 00 |
| Military Academy | 320,307 37 | 316,234 28 | 322,435 37 | 335,557 04 |
| Pensions | 63,630,000 00 | 50,686,306 68 | 66,000,000 00 | 100,000,000 00 |
| Indians | 4,906,162 45 | 5,045,028 59 | 5,628,648 47 | 5,229,374 61 |
| Consular and diplomatic | 1,138,299 95 | 1,215,587 38 | 1,229,435 00 | 1,256,635 00 |
| Department of Agriculture | 198,000 00 | 253,300 00 | 335,500 00 | 427,280 00 |
| District of Columbia, 50 per cent. | 1,656,725 67 | 1,804,665 08 | 1,724,163 22 | 1,695,098 04 |
| Miscellaneous and reliefs | 2,084,805 95 | 5,671,318 31 | 3,280,426 59 | 5,342,700 59 |
| Grand total | 201,696,710 18 | 198,570,919 58 | 219,367,983 38 | 265,923,065 09 |

Now, Mr. Speaker, I may be pardoned for saying a word in reference to the late day at which the appropriation bills have been presented to the House. This has been a long and laborious session; and, sir, it has not been the intention of the committee of which I have the honor to be the chairman to crowd its appropriation bills upon the attention of the House to the exclusion of other public business. We have recognized the fact that we came here not alone to pass appropriation bills to support the Government and enable it to discharge its various functions and duties, but that the country had the right to demand of us certain general legislation of great public benefit, and that it was our duty rather to hold back the appropriation bills than such general legislation might have consideration than to force the appropriation bills upon the House to the exclusion of that legislation if that exclusion would result in its defeat.

It was the duty of this Congress to reapportion the members of Congress to the various States. The last Congress failed in that great constitutional duty. It was a matter which we were to dispose of. The Constitution imposed it upon us. It took time; it took consideration. It received the necessary consideration at our hands; and

a bill was perfected and passed with which I believe the whole country is satisfied.

Another important question has claimed the attention of Congress, the revision of the tariff. For years there has been an effort to readjust in some way the customs duties. The Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses failed in all efforts in that direction, until it seemed to be the settled sentiment of the whole country that a tariff commission should be created to which this subject should be referred. The last Congress had failed to pass a law, though there was a public demand for such a measure. This Congress has considered the subject and disposed of it. No man can prophesy what result may come from it; but we have at least answered the demands of the country that the legislation should be had.

I shall not go through with all the various matters which have occupied the attention of this Congress; but there are one or two others to which I will refer. The Pacific coast has been for years agitated by Chinese immigration. The question within what restrictions or limits the Chinese should be allowed to immigrate to this

country, other Congresses had confronted as we confronted it. We believed a policy should be determined upon and the subject be removed from politics, that the people of the Pacific States and of the whole country, however the question might be determined, would be better off if it were settled. This Congress has considered and disposed of that question. It is removed from politics. It has ceased to be a disquieting influence in the communities on the Pacific coast.

Sir, one other matter, perhaps in its effects not as widespread as the Chinese question, but more pernicious, more poisonous in my opinion, claimed the attention of Congress—the Mormon question. For twenty years or more that community, that government, has been allowed to have its Delegate seated on this floor. It almost seemed as if the Government of the United States was fostering the institution that it was under the protection of the Federal Congress. It had increased, it had strengthened until as an ulcer in our social and political system it was recognized and abhorred by every Christian community throughout the length and breadth of the land.

There came to us in the Forty-fifth and Forty-sixth Congresses appeals from our constituents to destroy and do away with this offense to our civilization, yet those appeals were denied. This Congress, sir, has answered the appeals of Christian constituencies. It has perfected the legislation which we believe will destroy the institution of Mormon, the Mormon hierarchy, as a political force and political body. Appropriation bills were not pressed against that legislation.

There is, Mr. Speaker, another matter we have taken time to consider. We believed it was the duty of an American Congress before it disposed of its business, before its last days were reached, to settle the question of the title of members to their seats. We believed it was our right to know whether the gentleman whose vote and voice might offset or defeat the vote and voice of another was entitled to vote and voice. We believed, for the settlement of grave business and political questions by the American Congress, it was the first duty of Congress to purge itself of members not entitled to seats, and to seat in their places those entitled to them. We believed it was a duty we owed to the country that men who were elected should represent the constituencies which had elected them; and we believed that it was a duty we owed to these constituencies. We believed every constituency had the right of representation upon the floor of this House, and that he who had received a majority vote in a Congressional district should be the one to represent it.

We encountered great delay, but still we did consider these matters and questions to the exclusion of the consideration of appropriation bills, and we did get a vote upon the election cases which the Committee on Elections could bring before us. We did as a Republican party dispose of them, and at the first, the present session of Congress, rather than defer them to the last days of the last session, then to be disposed of by paying the full salary both to the contestant and the contestee without regard to our own rights or the rights of constituencies.

There is one other matter I must not forget. Coming into power, we believed that it was the duty of Congress to investigate the subject of taxation. There were the old war taxes, levied and collected year after year. We believed it was the duty of the Republican party to consider whether an overburdened people could not be relieved from some of them. We considered the question in this House. We have given to it all the time needed for debate. We have accomplished this, if our action shall be approved by the Senate, we have removed from the people taxation to the amount of \$25,000,000 a year at least.

Under our national banking law most of the charters of the bank were about to expire. Here was a question of pressing importance. That expiration, Mr. Speaker, with the consequent withdrawal of circulation threatened a contraction of the currency, a disturbance of business, and almost a financial convulsion in the great business centers. We believed that our time was demanded to provide legislation on the subject, that it was the business of a Republican Congress not to pass appropriation bills, adjourn and go home, but to devote itself to the business interests of the country, and that this was one question which demanded our closest attention.

It is not unfair to say, Mr. Speaker, that on this question as on others we were not aided by the opposition as a party. I concede, sir, that there were some patriotic men who joined hands with us in this legislation as they did in reference to other. But the fullest debate on this as on all questions was exacted, and in the end a law was passed by this House providing for the extension of bank charters, averting the financial panic and catastrophe impending.

I must beg the pardon of the House for having taken up so much of its time, not so much in the discussion of the details of the bill as of the details of all the appropriation bills which have come before the House, and in the discussion of those great questions which have been the occasion of delay in the presentation and consideration of appropriation bills, which in my judgment afforded ample justification for whatever delay may have taken place.

Mr. LYNCH. I desire to ask the gentleman from New York one question.

Mr. COX, of New York. Will the gentleman from New York tell

me how much the appropriations for this year are in excess of those of last year?

Mr. HISCOCK. That has been already stated.

Mr. COX, of New York. I do not understand precisely what the gentleman stated as to that.

Mr. LYNCH. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. LYNCH. The gentleman from New York spoke of \$6,000,000 appropriated in the river and harbor bill in excess of the appropriations of last year. Is it not true that nearly the whole of that excess is for the improvement of the Mississippi River below Cairo, and for the benefit of the Southern States generally?

Mr. HISCOCK. I think about \$5,000,000.

Mr. LYNCH. You mean that that amount goes to the Southern States?

Mr. ROBESON. It is \$4,000,000 more than last year.

Mr. LYNCH. For the Southern States?

Mr. ROBESON. For the Mississippi.

Mr. COX, of New York. I understand the appropriations for the current year are \$78,000,000 more than those for last year.

Mr. HISCOCK. Without looking over my table I could not give the exact figures.

Mr. COX, of New York. I want to know, and I would like the gentleman to state it, because I take his judgment absolutely.

Mr. HISCOCK. I yield now to the gentleman from Michigan [Mr. HERR] for three minutes.

Mr. HERR. It occurs to me that this whole question of whether an appropriation is ten cents more than it was last year or not is all bosh, and that we lower ourselves as Representatives to be higgling about any such question. The question is whether the appropriations that we have made are proper and just and such as are needed to meet the wants of the Government and do the business of the country. And if the amount be \$5,000,000 more than last year, and if that sum is actually necessary, what is the use of talking about it?

Mr. COX, of New York. The excess is \$78,000,000.

Mr. HERR. Suppose it is \$78,000,000. Suppose it was \$300,000,000, if that was necessary. Why, sir, in 1861 we had to jump up \$300,000,000 in excess of the former year in order to run the Government. It was necessary; we had to do it. And the question the business men now ask is whether we have appropriated what ought to be appropriated; whether we have appropriated the amount needed to run the Government.

What I rose to ask this House was, why this anxiety about a few dollars more or less being appropriated as compared with last year? It may be the navy bill is too small. It may be you ought to be ashamed of your reduction in that bill. For myself I am not afraid of appropriating money when it is needed for the service of the Government.

Suppose the Democratic party should have run this Government in a niggardly way, are we to imitate them in that respect? No, sir; we ought to provide for it like business men. What we want to do is to go before the people—and I think we can—and show them we have simply used the money which is necessary for the needs of the Government. On that I am ready to take the responsibility. It makes no difference to me how the amount stands as compared with this year or that year. Some people seem to think if there is a variation at all there must be something wrong. Why, sir, this Government has increased, and will continue to increase in its expenses as it does in its population and in its business. It always will continue to have greater needs. What is the use then of comparing one year with another? Why higgling about this like a lot of boys? Let us rather act in these matters like full-grown men.

Mr. HISCOCK. I ask unanimous consent to publish my speech of the 6th of July as of to-day, with the necessary corrections.

There was no objection. [See page 6973.]

Mr. HISCOCK. I now yield to questions with reference to items of the bill or the matters in the conference report. I yield first to the gentleman from Illinois, [Mr. DAVIS.]

Mr. DAVIS, of Illinois. I wish to ask a question with reference to the Senate amendment numbered 129, appropriating for the erection of a building at Saint Paul for a quartermaster and commissary depot. I wish to ask the chairman of the committee if the conference committee had before it any recommendation from the War Department for that appropriation?

Mr. HISCOCK. They did have.

Mr. DAVIS, of Illinois. Did they approve of it?

Mr. HISCOCK. They did. I will say this, that the House conferees were opposed to it. It is one of the concessions we made to the Senate. They seemed to have a scheme in reference to our military posts, one at that place and one at Leavenworth. They struck out the appropriation which we had made for Fort Selden, and we made that concession to them.

Mr. DAVIS, of Illinois. I wish to make this statement with regard to that appropriation. I am credibly informed that the commanding general of the military division of the West disapproved of that, and that the Secretary of War disapproved of it.

Mr. HISCOCK. I think not the Secretary of War.

Mr. DAVIS, of Illinois. And that the appropriation of \$42,000 for the erection of buildings at that place, with a subsequent appro-

priation of from \$7,000 to \$12,000 to continue them, is something, as I understand, that the War Department and the Army do not want, and that it is not necessary.

Mr. HISCOCK. I can only say in reply to that I fully concur, and the House committee in preparing this bill fully concurred with the gentleman from Illinois. But in agreeing upon a bill with the Senate we have got to yield at least to them somewhat and admit that they are entitled to exercise similar judgment in matters of this kind. And this is one of the items that we yielded. I now yield to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. I wish to inquire of the gentleman in regard to the action of the committee of conference upon the provision touching the decisions of the Supreme Court. Does the committee agree that full sets of those reports shall be furnished to the district attorneys as well as to the judges?

Mr. HISCOCK. In reply to the gentleman from Indiana [Mr. HOLMAN] I will say that we have struck out that portion of the bill entirely and repealed the provision in the sundry civil bill of two years ago.

Mr. HOLMAN. One other question—

Mr. HISCOCK. I beg the gentleman's pardon. We provide by this bill for the delivery to those officers of the Revised Statutes and the statutes passed since the revision.

Mr. HOLMAN. But not the reports of the Supreme Court.

Mr. HISCOCK. We repeal that law.

Mr. HOLMAN. I notice that there is a provision in the report of the committee of conference touching the binding of documents for members of Congress, which I do not recollect in the original bill. If I understood it correctly as it was read that provision authorizes members of the House and Senate to have bound at the Government bindery the documents published for each successive Congress.

Mr. HISCOCK. Each member is entitled to have bound volumes for the Congress of which he is a member.

Mr. ROBESON. One copy of each document.

Mr. HISCOCK. One copy.

Mr. HOLMAN. Is that in addition to the bound copy to which each member is now entitled?

Mr. HISCOCK. No.

Mr. HOLMAN. Is it expressly in lieu of the bound copy he is now entitled to by law?

Mr. HISCOCK. Under the provisions of this bill each member is entitled to have one copy bound.

Mr. HOLMAN. Of any publication during this Congress?

Mr. HISCOCK. Of the current Congress.

Mr. HOLMAN. Now, does my friend from New York think that is a wise provision, in view of the fact that under existing law each member receives a bound copy of all documents published by order of Congress?

Mr. HISCOCK. I do not think it is a wise provision of law; but the Senate is accustomed to have bound what volumes its members please to direct to be bound, to be paid for from the contingent fund of the Senate. The effect of this bill is to put Senators upon a par with members of the House, and to limit them to one copy. The provision of the House bill was entirely acceptable to me, but we could not continue the contest over that question.

Mr. ATKINS. I wish to ask the gentleman just this question: does the provision in this bill embrace one copy of every public document?

Mr. BLACKBURN. No.

Mr. HISCOCK. One bound volume.

Mr. ATKINS. Is not the gentleman mistaken? Is it not one copy of each publication?

Mr. BLACKBURN. One set.

Mr. ATKINS. One entire set of the publication.

Mr. HISCOCK. I ask that that portion of the report may be read. And while the Clerk is looking it up I will yield to the gentleman from Tennessee, [Mr. HOUSE.]

Mr. HOUSE. I merely desire to inquire of the gentleman what has been the reduction in the amount of appropriations made by the Senate amendments for the National Board of Health?

Mr. HISCOCK. In reference to the National Board of Health, the conferees on the part of the Senate receded from all the amendments of the Senate, with an amendment increasing the amount which may be used in aid of State and local boards of health from \$25,000 to \$50,000. I now ask the Clerk to read that portion of the report about the binding of documents.

The Clerk read as follows:

The House recedes from its disagreement to the amendment of the Senate numbered 208 and agrees to the same with an amendment as follows: In lieu of the matter stricken out insert the following:

"Provided, That no binding shall be done at the Government Printing Office for Senators, Representatives, or Delegates in Congress, except that there may be bound for each Senator, Representative, or Delegate one copy of each book or document issued by order of Congress; but this provision shall not allow any binding so aforesaid to be done of books or documents issued by authority of and during any former Congress."

Mr. HOLMAN. The gentleman from New York [Mr. HISCOCK] will see that this is in addition to the bound copy now authorized.

Mr. HISCOCK. That is so.

Mr. HOLMAN. And to be bound in any style that the member may think proper.

Mr. HISCOCK. And I will say in reply to the gentleman that notwithstanding that is the case it will result in a reduction of expenditures.

Mr. HOLMAN. How?

Mr. ROBESON. I can tell the gentleman.

Mr. HISCOCK. For the reason that the Senate is now accustomed to pay from its contingent fund for binding volumes of documents from the beginning of the Government to the present time, if Senators desire, and this stops that practice.

Mr. HOLMAN. Will not that continue to be done still?

Mr. HISCOCK. We believe that in this amendment we had a concession from the Senate, and a very large one.

Mr. HOLMAN. You do not prevent any payment from the contingent fund of the Senate.

Mr. HISCOCK. In that respect the bill as it went to the Senate certainly had my approval, as I doubt not it had the approval of the gentleman from Indiana, [Mr. HOLMAN.] But when we could not get all we asked, but could remedy an existing evil and thereby reduce expenditures, we accepted that reduction of expenditures rather than to have a disagreement.

Mr. VALENTINE. Economy and reform.

Mr. BLACKBURN. Mr. Speaker, it certainly does not devolve upon me to play the rôle of advocate or even apologist for the other side of the House in the matter of appropriations generally. I do not wish to take issue with a single statement that my friend from Tennessee [Mr. ATKINS] has made by way of arraignment of the other side; but as a member of the committee of conference upon the bill now under consideration, I would be dealing unfairly toward the other side of the House, I would fail to do justice to my associates upon the conference committee, and what is more I would be dealing unjustly by myself, if I did not say that I believe this is in the main a decent, a clean, and an honest sundry civil appropriation bill. I do not believe that there is a job in it. I do not believe that it carries a solitary paragraph which opens the vaults of the Treasury to either lobbyist or jobber. I have never seen a bill prepared with more care and deliberation. I have never seen a conference conducted upon stricter rules or a sharper basis. I have never seen conferees come nearer to forgetting the advantages that party might get in the adjustment of differences than has been illustrated in the treatment of this measure. This much I feel impelled to say.

Of course conference means compromise. There were two hundred and forty-seven amendments put upon this bill by the Senate; and upon most of these the House challenged the judgment of the Senate. We have within one day's time come here with a conference report which proposes to bridge over and adjust all differences. To that report I give my acquiescence heartily. The differences have been equitably and fairly adjusted. I do honestly believe that this report which the gentleman from New York, the chairman of the committee, has submitted ought to be approved. I doubt not that the Senate will accept it; and I do believe that the House should take it.

Mr. CONVERSE. Will the gentleman allow me a question?

Mr. BLACKBURN. Certainly.

Mr. CONVERSE. I would like to inquire whether when the gentleman speaks of the fairness of this bill he includes in the remark that amendment made in the Senate which hands the treasury of the Territory of Utah over to the governor of the Territory?

Mr. BLACKBURN. Mr. Speaker, the gentleman who happens today to be the governor of Utah is a Kentuckian, personally and intimately well known to me for many years, one whom I esteem very highly. In answer to the gentleman from Ohio, I will say the provision of the bill in that regard as reported by the committee of conference does not meet my view, nor come up to what I demanded of the conference committee. I think that the committee erred on that point as they may have done on other matters. I was simply speaking of the bill as a whole.

Mr. ROBESON. But the provision of the bill is to carry out existing law; is it not?

Mr. BLACKBURN. I will answer the gentleman from New Jersey, and say no, I think not. I was perfectly willing as a member of the committee of conference that existing law should be enforced in that Territory under the recent act passed by Congress, but I did not see any necessity for ousting men from office when under the law of the Territory of Utah they would remain in all cases where the statute declared that the incumbent should hold until his successor was elected and qualified. I tried to get a modification to that extent and failed. I trust that in this statement I do not violate the secrets of the committee-room.

Mr. BUTTERWORTH. Allow me to call the attention of my colleague on the conference committee to the fact that it was agreed in the conference committee that what the gentleman proposes was effected by the law as it stood.

Mr. BLACKBURN. I mean to deal fairly in this matter, and I was going to say that while the amendment which I offered was voted down, every member of the conference committee insisted that the law itself provided for the case. I only sought to make it more specific, and to give it a construction which would prevent any such practices as the gentleman from Ohio [Mr. CONVERSE] has suggested as possible.

But, Mr. Speaker—and this is all I desire to say—in the main this sundry civil bill has been carefully prepared and fairly handled. I

am willing to accept my share of the responsibility when I declare that I do not believe the Treasury of this country will suffer, that jobbers will profit by reason of the passage of the measure now submitted for consideration. It is an honest bill, which has been fully investigated and deliberately submitted for acceptance. Without regard to party, seeking no advantage from the stand-point of politics, I join my voice with that of the other conferees on the part of the House and ask that this report be accepted and crystallized into law.

Mr. HISCOCK. I now call the previous question.

Mr. CONVERSE. I would like to inquire whether we can have a separate vote on these several propositions after the ordering of the previous question?

Mr. HISCOCK. That cannot be had at any time.

The SPEAKER. Neither before nor after.

Mr. CONVERSE. Mr. Speaker, I desire at the proper period to move that the House concur in the Senate amendment relating to the Territory of Utah, with an amendment.

The SPEAKER. It is not in order to move to amend a conference report.

Mr. CONVERSE. I desire to offer and have read at the Clerk's desk an amendment, and I propose to ask the House to adopt it for the purpose of putting it on the record.

The SPEAKER. It will not be in order.

Mr. HISCOCK. It may be printed in the RECORD, if that will satisfy the gentleman.

Mr. CONVERSE. I desire to offer it now.

Mr. HISCOCK. I have demanded the previous question.

The SPEAKER. Whether the previous question is called or not the conference report is not open to amendment, but must be agreed to or rejected as a whole.

Mr. CONVERSE. Will the gentleman give me three or five minutes to be heard on this proposition?

Mr. HISCOCK. I dislike to refuse the gentleman, but the message comes to me from the Senate they are waiting for this report, and I must therefore insist on my demand for the previous question.

The previous question was ordered.

The SPEAKER. If there be no objection the conference report will be adopted.

Mr. HOLMAN. I demand the yeas and nays.

The House divided; and there were—ayes 19, noes 81.

So the yeas and nays were not ordered.

The SPEAKER. The yeas and nays are not ordered, and the conference report is adopted.

Mr. HISCOCK moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

Mr. CONVERSE. I ask for a division on agreeing to the conference report.

The SPEAKER. The conference report is not divisible.

Mr. CONVERSE. I ask that a vote shall be taken, so I may know whether a quorum is present or not. I ask for a rising vote.

The SPEAKER. The yeas and nays were demanded after the vote had been taken, and the yeas and nays were refused. It is now too late for the gentleman to make the point that there is no quorum. The gentleman from New York moves to reconsider the vote by which the conference report was adopted, and also moves that the motion to reconsider be laid on the table. If there be no objection it will be agreed to.

Mr. SPRINGER. I object.

Mr. HISCOCK. The question then is on the motion to lay the motion to reconsider on the table.

The House divided; and there were—ayes 88, noes 19.

Mr. CONVERSE. No quorum has voted.

Mr. HISCOCK. I understand the question of no quorum will be withdrawn if the gentleman from Ohio [Mr. CONVERSE] is allowed three minutes, and I will yield to him for that time.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] makes the point there is no quorum, and the gentleman from Indiana also makes the same point.

Mr. SPRINGER. I made the point because the Chair said if there be no objection the motion to reconsider would be laid upon the table, and I objected.

Mr. HISCOCK. I understand the point of no quorum is withdrawn. I will yield, therefore, three minutes to the gentleman from Ohio, [Mr. CONVERSE.]

The SPEAKER. The gentleman has not the floor to yield, but the Chair will ask for unanimous consent.

Mr. HOLMAN. I ask for a division, for the purpose of obtaining a yeas-and-nay vote on this measure. I am opposed to concurrence in the report.

The SPEAKER. Does the gentleman object?

Mr. HOLMAN. I made the point for the purpose of procuring a yeas-and-nay vote on this question.

The SPEAKER. The House refuses the yeas and nays.

Mr. HOLMAN. I am aware of that.

Mr. PEELLE. I demand the regular order.

The SPEAKER. The gentleman from Ohio will be recognized for three minutes if there be no objection.

Mr. HISCOCK. Does the gentleman from Indiana insist on the point of order that no quorum has voted?

The SPEAKER. The Chair so understands him to insist.

Mr. HISCOCK. I hope the gentleman will answer. Do I understand he insists on the point of order, no quorum has voted?

Mr. ATKINS. Why, there is no quorum in the city.

Mr. HOLMAN. If we have a yeas-and-nay vote there will be no point made of the want of a quorum.

Mr. ATKINS. Certainly the gentleman does not desire to defeat this bill, and if he asks for a yeas-and-nay vote no quorum appearing in the RECORD, it will so go to the country.

Mr. HOLMAN. The point of no quorum will not be made.

Mr. ATKINS. It will make itself.

Mr. HISCOCK. I hope the gentleman from Indiana will consent to the arrangement by which the gentleman from Ohio [Mr. CONVERSE] will be allowed three minutes, and then you can get the bill over to the Senate.

The SPEAKER. The question is on laying the motion to reconsider on the table, and on a division of the House the point was made that no quorum had voted.

Mr. HOLMAN. Mr. Speaker, I believe, under the circumstances, I will not insist upon the question of a quorum.

Mr. CONVERSE. Mr. Speaker, I desire, then, to call the attention of the House briefly to this amendment of the Senate to the pending bill.

Mr. HISCOCK. Will the gentleman from Ohio allow me to interrupt him a moment? I hope now that the House will consent that the motion to reconsider the vote just taken be laid upon the table so that the bill may go to the Senate, and the gentleman from Ohio be permitted to continue his remarks thereafter.

The SPEAKER. Is there objection to the suggestion of the gentleman from New York?

There was no objection; so the motion to reconsider was laid upon the table.

Mr. CONVERSE. Mr. Speaker, when the subject of appointing a board of commissioners for the Territory of Utah was before the House for consideration I made a statement that one of the purposes in contemplation was to place the treasury of that Territory in the hands of a returning-board. I did not then see the means by which that was to be accomplished, but under this Senate amendment to the sundry civil appropriation bill it is evident that you put out of office the officers elected by the people of that Territory. The officers of that Territory, elected by the people there, have ever since the organization of the Territory proved themselves to be honest in the administration of all monetary affairs connected with it.

There have been no defalcations, frauds, or extravagance, and no charges of the misapplication of the people's money.

By this amendment you take the entire control out of their hands and place it in the hands of a governor appointed by the President of the United States. There is no requirement of law as to the qualifications of the treasurer whom he shall appoint. There is no requirement as to the bonds which shall be taken for the protection of the treasury. There is no requirement of law as to the appointment of the accounting officer called the auditor of public accounts, so that practically under this amendment you place, as I have said, in the hands of Governor Murray not only the treasury of the Territory and the collection of all taxes but you authorize him as well to appoint an auditor of accounts, the only auditing officer known under the laws of Utah Territory.

By this provision it seems to me that you have bound that Territory hand and foot, and given it over to carpet-bag governors and returning-boards to rob, as the Southern States have been robbed, by the same class of officers within the last few years.

The amendment which I desired to offer to the Senate amendment and which the House gave leave to have printed in the RECORD is as follows:

Provided further. That the foregoing provisions of law shall not apply to any officers who have not been guilty of polygamy, where under the laws of the Territory of Utah they can hold their respective offices until their successors are elected and qualified.

The letter of certain Federal officers in Utah, published in the Senate proceedings the other day, shows that the object of asking this appointing power to be conferred upon Governor Murray is to reach the offices of Territorial treasurer and auditor of public accounts. Those offices are named in the letter.

I only desire, sir, to put this statement on record and leave to the future to determine whether the statement be warranted by the facts which shall transpire or not. There could have been no objection to passing an amendment to the Senate amendment extending the term of office of the present treasurer and auditor of public accounts, who were elected by the people and are citizens and residents of the Territory, provided they were not and are not bigamists or polygamists. That amendment has been refused, but without debate, without opportunity for amendment; without apology a law has been enacted by an amendment on an appropriation bill depriving the people of the Territory of the officers elected by themselves and providing for the appointment in their stead men selected by a governor not elected by themselves, by a non-resident governor who has no interest in them, and has no interest in the Territory.

The law as it now stands is intended to place in his hands entire charge of the great and growing interests of that people. The men whom he selects to hold these important offices, to collect the taxes, keep and disburse the moneys, audit the accounts, may be non-residents like himself. But whether he selects residents or not, they may be his mere tools, without character and without the confidence of the people mostly interested. There is no appeal or review of his decision. An appointed governor's word becomes law to the people, from which there is no appeal.

I do not desire to say anything against the governor of Utah himself; but if the gentleman from Kentucky, [Mr. BLACKBURN,] who passed a high encomium upon his character, will examine the files and papers in the office of the Bureau of Justice in this city he will find an examination made by the last Administration of Mr. Murray's proceedings as marshal of Kentucky which I think would induce him to modify his opinion. The governor's recent performance certifying that a man was elected Delegate to Congress who received only 1,300 votes while his opponent received 18,000 votes is not calculated to inspire confidence in either his judgment or his probity. But without regard to him, such power ought never to be taken from the people and placed in the hands of any one man. Neither ought he to be subjected to such temptation.

Mr. HISCOCK. I desire to say one word in reply to the gentleman from Ohio in reference to this most "pernicious" legislation which has been recommended by the Judiciary Committee of the Senate and was unanimously recommended—unanimously, understand me—recommended to the conferees of the House by the conferees on the part of the Senate. And this recommendation came to us, Mr. Speaker, not from a divided body of conferees on the part of the Senate, but with the united accord of all of them commending to us that this amendment should go upon the bill of the House.

Mr. HOUSE. Does the gentleman from Ohio state the amendment correctly?

Mr. HISCOCK. It is to the effect that so far as vacancies are concerned the governor shall appoint officers to fill them.

Mr. BUTTERWORTH. I have the amendment here in my hand, if the gentleman from New York will permit me to read it. It is on amendment No. 62, as follows:

The governor of the Territory of Utah is hereby authorized to appoint officers in said Territory to fill vacancies which may be caused by a failure to elect on the first Monday in August, 1882, in consequence of the provisions of an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, to hold their offices until their successors are elected and qualified under the provisions of said act: *Provided*, That the term of office of any of said officers shall not exceed eight months.

Mr. HISCOCK. Now, it is said that this provision gives the treasury of Utah over to Governor Murray and his appointees without any safeguards placed around it, or any demand that there shall be fidelity on the part of the officers intrusted with its custody. If that is true, then in the laws of Utah there are no guards against the dishonesty of the present officers of that Territory; for whenever an officer is appointed to fill a vacancy he takes that office under the statute, and whatever obligations are imposed upon his predecessor—who was originally elected or appointed as the case might be—apply to him as well. Is there any doubt about this fact? I appeal to the gentleman from Ohio to answer.

Mr. CONVERSE. There is doubt about it. There is no provision for giving a bond at all.

Mr. HISCOCK. If the treasurer of Utah was compelled under the Territorial law of Utah to execute a bond for the faithful discharge of his duties, that statute applies to the appointed officer. This is simply providing a new way to fill the office, and does not remove any of the guards upon the treasury, and does not lessen any of the obligations of the officer, does not remove any of the restrictions upon his power. This is all the reply I wish to make to the man's nest which the gentleman from Ohio has discovered in this amendment.

Mr. CONVERSE. I have only one thing to say in reply. I appeal to and am willing to wait for the future. I am willing my judgment should be tested by what shall take place in that Territory in the next ten or twelve months.

Mr. HISCOCK. Just one word in reply. The majority of Congress, at the other end of the Capitol and here, have adopted a policy with reference to Utah. I do not understand that that policy was established strictly upon party lines; it may have been pretty nearly, but not strictly and absolutely. And with that majority rests the responsibility. It accepted it. I say that majority that enacted and that is responsible for this legislation accepted the responsibility when it initiated and consummated the legislation, and it is entirely willing to trust to the future to vindicate it in respect to that legislation.

Mr. CONVERSE. There could have been no objection to leaving the officers in the Territory to hold the offices for the next eight months.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. This bill having passed the House about fifteen minutes ago, and being now considered in the Senate, would it be in order to move the previous question on it in this House?

The SPEAKER. The Chair thinks not.

AMENDMENT TO RIVER AND HARBOR ACT.

Mr. HERR. I desire to ask unanimous consent to pass an amendment to the river and harbor act, which I will explain.

Mr. SPRINGER. I object.

Mr. HERR. Let me read from a letter our chairman has received from the Chief of Engineers, and I think the gentleman from Illinois will not then object.

Mr. THOMPSON, of Kentucky. I hope the gentleman will not object. It only affects three small rivers.

Mr. ROBESON. The Mississippi, Missouri, and Ohio, I suppose?

Mr. HERR. This is from the Chief of Engineers:

I have just discovered that the provision of the river and harbor act of March 3, 1881, relating to the acquirement of lands required for locks and dams is omitted in the act just passed, or at any rate I have not been able to find it. Can a joint resolution be passed giving authority to purchase such lands? If not, it may be that the work, especially on the river in Kentucky, where new locks and dams are required, may become impracticable. Please see and report.

I wish to say, by an oversight the clause which is usually put at the end of the river and harbor bill was omitted with reference to such purchases. It only affects perhaps three streams in the entire bill, and it would be great injustice not to have this clause added.

Mr. SPRINGER. I think if there is a river in the country which has been omitted it ought to be put in.

Mr. WILSON. If it gives no aid or relief to the Little Kanawha I object.

Mr. HERR. The gentleman from West Virginia does not object seriously, I suppose?

Mr. WILSON. I do.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion.

The message also informed the House that the Senate had agreed to the amendments of the House of Representatives to the bill (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia, and for the relief of the Little Sisters of the Poor.

PRINTING OF AGRICULTURAL REPORT.

Mr. VALENTINE. I desire to submit a conference report, with the accompanying statement.

The Clerk read the statement, as follows:

The effect of the report is to agree to the amendment of the Senate, converting the resolution to a joint resolution, and agreeing to the appropriation proposed by the Senate for printing the Agricultural Report for the year 1881.

A. S. McCURE,
E. K. VALENTINE,
WM. M. SPRINGER.

Mr. HOLMAN. I desire to hear the report read.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution of the House of Representatives to print 300,000 copies of the annual report of the Commissioner of Agriculture for the year 1881, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same, namely: "And \$219,161.54, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to carry out this resolution." And also the amendment to the title of the said resolution, changing the same from a concurrent to a joint resolution; and the Senate agree to the same.

A. S. McCURE,
E. K. VALENTINE,
WM. M. SPRINGER,
Managers on the part of the House.
H. B. ANTHONY,
BENJ. HARRISON,
G. G. VEST,
Managers on the part of the Senate.

Mr. HOLMAN. As I understand that report, the House conferees have yielded the disagreement and the resolution appropriates the whole \$219,000 in addition to the sums heretofore appropriated for printing.

Mr. VALENTINE. That is absolutely correct.

The report of the committee of conference was agreed to.

Mr. VALENTINE moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD BRIDGES IN GEORGIA.

Mr. TURNER, of Georgia. At the request of my colleague, Mr. COOK, who is absent, I ask unanimous consent to take from the House Calendar and consider at this time the bill (H. R. No. 6683) to authorize the construction of bridges over the Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia, as reported with amendments.

The SPEAKER. The bill as amended will be read.

The bill was read, as follows:

Be it enacted, etc., That the Savannah and Pacific Short Line Railway Company be, and it is hereby, authorized to construct bridges over the Ogeechee River, in the county of Chatham; over the Oconee, in the county of Montgomery; over the

Ocmulgee, in the county of Pulaski; over the Flint River, in the county of Dooly, and over the Chattahoochee River, in Stewart or Muscogee Counties, or such other county as said railroad company may desire or find most practicable in the final location of said road.

SEC. 2. That said bridges shall be so constructed, either by draw, span, or otherwise, so that a free and unobstructed passage may be secured to all vessels and other water-craft navigating said rivers.

SEC. 3. That any bridge built under this act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post-route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States, or passengers or freight passing over said bridges, than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridges; and it shall enjoy the rights and privileges of other post-roads in the United States.

SEC. 4. That if any of the said bridges authorized to be constructed by this act shall be constructed as a draw-bridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and said company or corporation shall maintain, at its own expense, from sunset till sunrise, such lights or other signals on said bridge or bridges as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and all such obstructions shall be removed and alterations made at the expense of the owner or owners of said bridge: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge, erected under this act, from the operation of the same.

SEC. 5. That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any one of them, desiring such use, shall fail to agree upon the sum or sums to be paid, and upon rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proofs of the parties.

SEC. 6. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said rivers as the Secretary of War shall prescribe; and to secure that object said company or corporation shall submit to the Secretary of War a design and drawings of said bridges to be erected, for his examination and approval, and a map of its location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject, and in all things shall be subject to such rules and regulations as may be prescribed by the Secretary of War; and until said plan and location of said bridge or bridges are approved by the Secretary of War, said bridge or bridges shall not be built; and should any change be made in the plan of any bridge authorized to be constructed by this act, during the progress of the work of construction, such change shall be subject to the approval of the Secretary of War.

SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved; and the right to require any changes in said structures, or their entire removal, at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

The SPEAKER. Is there objection to the consideration at this time of the bill just read?

Mr. TOWNSEND, of Ohio. I would like to inquire if that bill has been reported from any committee of this House?

Mr. TURNER, of Georgia. It has been before the Committee of Commerce of this House, and reported favorably by that committee.

Mr. WILLIS, (to Mr. TOWNSEND, of Ohio.) Reported from your own committee.

Mr. COX, of New York. It is a good bill, I am told.

There being no objection, the bill was taken from the House Calendar and ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. TURNER, of Georgia, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD BELLOWES.

Mr. RAY. I desire to ask unanimous consent to have considered at this time the bill a copy of which I send to the Clerk's desk. It is the only bill which I have asked unanimous consent to have considered. I most respectfully ask that it may be considered now. It is a bill (H. R. No. 5674) for the relief of Edward Bellows.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Whereas Edward Bellows, upon the 18th day of July, in the year of our Lord 1866, was, by the President of the United States, by and with the advice and consent of Senate, duly appointed and commissioned a paymaster in the Navy of the United States from the 20th day of February, A. D. 1866; and

Whereas, on the 28th day of January, A. D. 1869, the Secretary of the Navy issued an order declaring that said Bellows was dismissed the naval service, declared in such order of dismissal to be "in consequence of the facts appearing upon the record of the naval court-martial before which he was tried, in November, 1868;" and

Whereas, on the 23d day of January, A. D. 1880, the President of the United States, through the Secretary of the Navy, after investigation of the facts in the case, determined and issued an order declaring that said order of dismissal was illegal and void, and annulled and revoked, because issued contrary to the provisions of section 1624, article 36, page 282, of the Revised Statutes of the United States, and the name of said Edward Bellows was thereupon, by order of the President, restored to the list of paymasters on the Naval Register, next after that of Paymaster George A. Lyon, being the original relative position held by him on that list, and to which he is entitled by virtue of his commission, which position on said list the said Bellows has ever since held and now holds; and

Whereas, on the 16th day of March, A. D. 1869, while the said order of dismissal remained upon the records unrevoked, the President of the United States, under the mistaken belief that said order of dismissal was valid and according to law, and that the same caused a vacancy, by reason of said dismissal, in the list of paymasters, by and with the advice and consent of the Senate appointed Leonard A. Frailey paymaster in the Navy, declaring such appointment to be "vice Bellows, dismissed;" and

Whereas by a recent decision and judgment of the Supreme Court of the United States in the case of Charles M. Blake vs. The United States, (13 Otto, page 227,) said decision makes questionable the right of said Bellows to hold said office; and Whereas, including the said Bellows, the present number of paymasters does not exceed the number now allowed by law: Therefore,

Be it enacted, &c. That the President of the United States be, and he hereby is, authorized to nominate and, with the advice and consent of the Senate, appoint the said Edward Bellows paymaster in the Navy of the United States, to take rank and position on the list of such paymasters in the position where his name now stands on the Register as above stated: *Provided*, That such appointment shall not entitle the said Edward Bellows to compensation during the time his name was not borne on said list, and during which he was not recognized as a paymaster in the service: *Provided further*, That after such appointment the said Edward Bellows shall be entitled to longevity pay upon his said commission of date February 20, 1866.

The SPEAKER. Is there objection to the present consideration of the bill just read?

Mr. HOLMAN. There is so much noise and confusion in the Hall, and it is now so late, that it is almost impossible to legislate intelligently. I think, therefore, this bill should go over, and I will call for the regular order.

Some time subsequently,

Mr. RAY said: I understand that my friend from Indiana [Mr. HOLMAN] simply desires to have explained, so that he may understand its purport, the bill which I called up a moment ago. I respectfully ask the chairman of the Committee on Naval Affairs, [Mr. HARRIS, of Massachusetts,] from which committee it is unanimously reported, to make a brief statement in relation to it, because I think if it is understood by gentlemen of this House there will be no objection to it. It will take not a dollar out of the Treasury, and it will not add a single officer to the number now in service. By reason of a decision of the Supreme Court recently made, it is necessary to pass this bill in order to enable this man to get his pay in the office to which he has been appointed and confirmed.

Mr. MCCOOK. Does it not give him longevity pay from 1866?

Mr. RAY. It gives him no pay for the time he was out of office in consequence of the illegal finding of a court-martial. It simply leaves him where he stood before; that is all.

Mr. ARMFIELD. I object.

The SPEAKER. Objection being made, the bill is not before the House.

COMMITTEE ON APPROPRIATIONS.

Mr. HISCOCK. I ask for the consideration at this time of the two resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations, or such sub-committees as they may designate, are hereby authorized to sit during vacation for the purpose of considering and facilitating the proper business of the committee, in advance of the next regular session, to be convened at such time as the chairman of said committee may order.

Mr. HOLMAN. I did not distinctly hear the resolution as it was read.

Mr. HISCOCK. It is simply a resolution authorizing the Committee on Appropriations or its sub-committee to sit during the vacation, before the convening of the next regular session, for the purpose of facilitating public business, such as preparing the regular appropriation bills.

Mr. HOLMAN. That and nothing more.

Mr. HISCOCK. That is all in this resolution. I ask that the other resolution be now read.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to have printed or bound all documents for the use of said committee that they may deem necessary in connection with subjects in relation to appropriations being considered or to be considered by the said committee during the present Congress.

Mr. HISCOCK. That is the usual resolution.

The resolutions were adopted.

Mr. HISCOCK moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILSON. I desire to say that at the request of many gentlemen, and after explanation by the gentleman from Michigan [Mr. HORK] of the proposition submitted by him in relation to the river and harbor bill, I will withdraw my objection to its consideration at this time.

The SPEAKER. The Chair understood the gentleman from New York [Mr. Cox] to object.

Mr. HOLMAN. I move that the House now adjourn, unless the chairman of the Committee on Appropriations [Mr. HISCOCK] desires to have it remain in session for some particular purpose.

Mr. BUTTERWORTH. The gentleman from New York [Mr. HISCOCK] has gone to ascertain the condition of the sundry civil appropriation bill.

PENSIONS FOR MEXICAN AND FLORIDA WARS.

Mr. McMILLIN, by unanimous consent, submitted the following; which was referred to the Committee on Pensions:

Whereas there have been introduced and referred to the Committee on Pensions several general bills granting pensions to the volunteers of the Mexican war and the widows of such as have died; and

Whereas this House has been in session about eight months, and the said committee has failed to act on or report back any of said bills: Therefore,
Be it resolved, That the Committee on Pensions be, and hereby is, instructed to report back within ten days a bill to pension the volunteers of the Mexican and Florida wars, and the widows of such as have died.

FEES OF OFFICERS IN NEW MEXICO AND ARIZONA.

Mr. BURROWS, of Michigan. I am requested to ask unanimous consent to take from the Speaker's table for consideration at this time the bill, (S. No. 2002,) passed by the Senate this evening, to extend the act regulating the fees of certain officers over the Territories of New Mexico and Arizona. I will ask that the bill be read, and will then make a brief statement by way of explanation.

The SPEAKER. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the act of the Congress of the United States entitled "An act to regulate the fees and costs to be allowed clerks, marshals, and attorneys of the circuit and district courts of the United States, and for other purposes," approved February 26, 1853, and section 837 of the Revised Statutes of the United States, is extended to the Territories of New Mexico and Arizona, and shall apply to the fees of all officers in such Territories; but the district attorney shall not, by fees and salary together, receive more than \$3,500 per year; and all fees or moneys received by him above said amount shall be paid into the Treasury of the United States.

Mr. HOLMAN. Before this bill is taken up I wish to ask my friend from Michigan two questions: first, what is the effect of this increase of fees upon the amount drawn from the Treasury; and, secondly, whether \$3,500 is the sum now fixed by law as the maximum compensation of the district attorney, or whether this is an increase?

Mr. BURROWS, of Michigan. Chapter 16 of the Revised Statutes fixes the fees of United States marshals and district attorneys. Section 837 of that chapter provides as follows:

That the district attorneys and marshals for the districts of Oregon and Nevada shall be entitled to receive for the like services double the fees herein provided for.

That provision was inserted because of the expense of living in those States.

Mr. HOLMAN. There was a limitation upon the salaries, I believe.

Mr. BURROWS, of Michigan. There is a limitation in the existing law, and also in the bill now proposed. The object of the bill is simply to apply the provisions of this section to the Territories of New Mexico and Arizona. For instance, the fee bill fixes five cents per mile as the general allowance for service of process, but in these exceptional localities ten cents per mile is allowed. I hold in my hand a letter of the Attorney-General, which I ask may be read.

Mr. TOWNSHEND, of Illinois. We now have before the Committee on the Judiciary a question akin to this. As at present advised, I could not consent to the allowance of double fees for officers in those Territories. The fact is there is before our committee a general measure regulating the fees of all these officers throughout the country.

Mr. BURROWS, of Michigan. I hope the gentleman will allow the letter of the Attorney-General to be read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
 Washington, June 20, 1882.

SIR: I have the honor to transmit herewith a copy of a letter from A. L. Morrison, United States marshal for the Territory of New Mexico. From his statement you will see that the fees now allowed by law for the service of process is not sufficient to assure a proper administration of the law.

I have issued very stringent orders to prohibit constructive fees of all kinds, as you will see by the circular-letter herewith inclosed, a copy of which has been transmitted to every marshal and attorney in the United States.

Without charging constructive mileage as heretofore, I have reason to believe that the laws cannot be executed and order maintained in the Territories of New Mexico and Arizona. I believe it would be more economical, besides insuring better service, to have the fees increased, as requested in my letter of the 17th of April last, than to permit the marshals in these Territories to cover actual expenses by the presentation of fictitious accounts.

In the interest, therefore, of public economy and of a just administration of the law, which it appears cannot be executed under the present fee-bill, I respectfully invite your attention to this inclosure, together with my letter to Hon. THOMAS B. REED, chairman of the Judiciary Committee of the House of Representatives, above referred to.

I have been advised that you have this bill in charge, for which reason I have addressed this communication to you.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
 Attorney-General.

Hon. JOHN A. LOGAN, *United States Senate*.

DEPARTMENT OF JUSTICE,
 Washington, May 12, 1882.

SIR: I have received your letter of 22d April, together with the report of Special Agents Tidball and Bowman, of this Department, relative to the conduct of Stillwell H. Russell, esq., late United States marshal, in rendering false actual-expense accounts.

By charging fare over railroads where the marshal has used passes, and by other dishonest practices of a similar character in the preparation of actual-expense accounts by those connected with the marshal's office, the United States has been defrauded out of thousands of dollars. In view of the enormity of these frauds, and my determination not only to purge the service of the men who committed them, but to make their example a warning to others, you are instructed to prosecute with all the rigor of the law not only the marshal but his several deputies who are shown by the special agents' reports to be implicated with him in these unlawful transactions.

There are several positive violations of law on the part of deputy marshals charging for mileage never traveled and for guards never employed, and on the part of private bankers in receiving on deposit warrants for public moneys, in violation of the Revised Statutes. It is my desire and purpose that every man who has vio-

lated the law and defrauded this Department shall be vigorously prosecuted and severely punished.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
 Attorney-General.

ANDREW J. EVANS, Esq.,
 United States Attorney, Austin, Texas.

The SPEAKER. Is there objection?

Mr. CONVERSE. This bill simply places the officers of New Mexico and Arizona upon the same footing as those in Washington and the other Territories of the United States. I do not see any objection to the passage of the bill. It is right in itself; it ought to be passed, and passed now.

Mr. HOLMAN. I wish to inquire of the gentleman from Ohio the effect of this proposition as to the increase of these salaries.

Mr. CONVERSE. The bill simply puts these salaries upon an equal footing with those of similar officers in the other Territories.

Mr. HOLMAN. How much higher are these salaries than those of similar officers in the States?

Mr. CONVERSE. I am not able to state accurately. I think they are not higher in the aggregate, but the fees per mile are somewhat higher. I think that in the aggregate these officers do not get as much as similar officers in the States receive for corresponding services.

Mr. TOWNSHEND, of Illinois. I will ask my colleague on the Judiciary Committee [Mr. CONVERSE] whether a bill covering this subject is not now pending before our committee?

Mr. CONVERSE. That bill embraces the whole subject, but this bill is right and should be passed now.

Mr. COX, of New York. I object. Now I move that the House adjourn.

Mr. PEELE. I hope the gentleman from New York will withdraw the motion to adjourn till I can call up a Senate bill.

Mr. COX, of New York. I withdraw the motion to adjourn, and also my objection to this bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX, of New York. Now I renew the motion to adjourn.

BRANNIN, SUMMERS & CO.

Mr. WILLIS. I ask unanimous consent for the present consideration of the bill (H. R. No. 522) for the relief of Brannin, Summers & Co. The gentleman who objected to this bill heretofore has withdrawn his objection. It has been favorably reported in five successive Congresses.

Mr. HOLMAN. I think that gentlemen should not insist upon legislation of this character under the present circumstances. I must call for the regular order.

PAY OF COMMITTEE CLERKS.

The SPEAKER. The gentleman from New Jersey [Mr. BREWER] desires to submit some privileged reports.

Mr. BREWER, from the Committee on Accounts, reported the following resolution; which was read, considered, and adopted:

Resolved, That the resolution of this House, passed on the 26th of January, 1882, authorizing the appointment of clerks of committees, be amended so as to authorize their payment for the period which has elapsed since the close of the last fiscal year, by striking from it the words "within the present fiscal year."

ORDER OF BUSINESS.

Mr. WILLIS. How did my bill get out of the way?

The SPEAKER. The regular order was demanded.

Mr. HOLMAN. Yes; I demanded the regular order of business.

We are not in a condition to do business. I move the House adjourn.

Mr. BREWER. I hope not until I can submit a report from the Committee on Accounts.

Mr. HOLMAN. I demand the regular order of business.

The SPEAKER. This is the regular order of business.

Mr. HOLMAN. But I made the motion to adjourn.

Mr. ROBESON. Let us take a recess for five minutes until the chairman of the Committee on Appropriations returns from the Senate.

Mr. BREWER. I ask the Clerk to read the resolution which I submit from the Committee on Accounts.

The Clerk read as follows:

Resolved, That the resolution of the House of March 3, 1882, providing for the appointment of twelve additional laborers in the House folding-room for the purpose of folding speeches be so amended as to further extend the services of their employment for sixty days; and the six men employed in the House post-office during the session only, be continued for the same period.

Mr. HOLMAN. I demand the regular order.

The SPEAKER. This is the regular order, unless the motion to adjourn is insisted on.

Mr. COX, of New York. I have insisted on the motion to adjourn all the time.

Mr. ROBESON. I trust the gentleman from New York will not insist on his motion to adjourn; and if he will withdraw it I will move the House take a recess for five minutes.

Mr. COX, of New York. I insist on the motion to adjourn. The House refused to adjourn.

Mr. HOLMAN. I now move to take a recess for ten minutes.

The SPEAKER. Does the gentleman desire to cut off the consideration of the resolution of the Committee on Accounts?

Mr. HOLMAN. Yes; I do. I think the last clause may be correct; but taking it together I cannot consent to it.

The SPEAKER. The pending question is on the motion that the House take a recess.

The House divided; and there were—ayes 20, noes 30.

Mr. PEELLE. I ask to take up a bill for consideration.

The SPEAKER. It is not in order, as the House is dividing on the motion that the House take a recess.

Mr. BERRY. No quorum has voted.

The SPEAKER. The Chair appoints as tellers Mr. BERRY and Mr. HOLMAN.

The House proceeded to a further division.

Mr. BERRY. I withdraw the point that no quorum voted.

The SPEAKER. Then the noes have it and the House refuses to take a recess.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of a bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe, in which concurrence was requested.

PUBLIC BUILDINGS, FORT WAYNE, INDIANA.

Mr. PEELLE. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table Senate bill No. 670, to provide for the construction of a public building at Fort Wayne, Indiana. Before the bill is read I ask to make a statement.

Mr. BERRY. Of course subject to objection.

Mr. PEELLE. Subject to objection, as a matter of course.

Now, Mr. Speaker, this is a matter in which my colleague [Mr. COLERICK] is more interested than myself, but in consequence of sickness in his family he has been called home three or four times this session, and has not had the opportunity of getting the bill up on suspension day, as like bills have been called up and passed. I promised to do what I could in his absence to get the bill up, but could not succeed, and now to make good my promise I ask the present consideration of the Senate bill No. 670.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase or otherwise procure a suitable site for a public building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space not less than fifty feet, including streets and alleys, and cause to be erected thereon, at the city of Fort Wayne, in the State of Indiana, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, internal-revenue service, post-office, and other Government offices; the plans, specifications, and estimates for said building having first been prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, upon calculations and specifications that will insure the completion of the building at a cost not to exceed the sum of \$100,000: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site shall be vested in the United States, nor until the State of Indiana shall have ceded to the United States jurisdiction over the same for all purposes, during the time the Government shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

SEC. 2. That for the purposes above mentioned the sum of \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, accordingly read the third time, and passed.

Mr. PEELLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I now call for the regular order of business, whatever it may be.

Mr. EVINS. I now ask to take a bill from the Speaker's table.

Mr. HOLMAN. Mr. Speaker, inasmuch as a bill has just been passed for the erection of a public building in my own State, I shall not object to the next bill on that subject. Then I shall insist on an adjournment.

Mr. WILLIS. I appeal to the gentleman to allow this bill to come up.

Mr. RICE, of Missouri. Mr. Speaker, I insist upon recognition right here—

The SPEAKER. The gentleman from South Carolina is recognized.

Mr. EVINS. I ask unanimous consent of the House, Mr. Speaker, to take up for present consideration from the Speaker's table the bill (S. No. 1014) providing for the erection of a public building at Greenville, South Carolina, and put it upon its passage. I ask also to have the report read to the House. This bill has been reported twice to the House unanimously by the Committee on Public Buildings and Grounds, and I am satisfied if gentlemen will wait to hear

the report read they will withhold any objection they might otherwise feel inclined to make.

Mr. RAY. I desire to reserve all objections to the bill until it is read.

The SPEAKER. The bill will be read.

The bill was read at length.

Mr. HISCOCK, and Mr. HARRIS of Massachusetts, objected.

Mr. SMALLS. I hope gentlemen will not object to that bill, but will allow the report to be read at least.

Mr. TOWNSHEND, of Illinois. I move that the House adjourn.

Mr. ROBESON. We tried to-day to get through a bill for a public building at Augusta, Maine, in behalf of a gentleman who has necessarily been absent from the House on account of sickness, and it was objected to.

Mr. EVINS. I did not object. I ask that the report may be read, and I believe there will be consent to the request I make.

The SPEAKER. The gentleman from Illinois has moved that the House do now adjourn.

Mr. HISCOCK. I hope the gentleman will not insist upon that motion, but will allow me to make a motion for a recess for thirty minutes.

Mr. EVINS. I hope the House will treat me fairly in this matter. Every gentleman introducing a bill of this kind has had the privilege at all events of having the report read.

The SPEAKER. Objection has been made by several gentlemen.

LEAVE TO PRINT.

By unanimous consent leave to print was granted as follows:

To Mr. SMALLS, upon the Senate amendment to the sundry civil appropriation bill in reference to coaling stations at Port Royal, South Carolina;

To Mr. SHALLENBERGER, in reference to public buildings; and

To Mr. STRAIT, to print the report accompanying House bill No. 835. [See Appendix.]

ORDER OF BUSINESS.

Mr. WILLIS. The gentleman from Indiana having withdrawn his objection now, and as I was the only one caught in that uprise, I hope I will have an opportunity of securing the consideration of this bill.

The SPEAKER. The gentleman from New York moves that the House take a recess for thirty minutes.

Mr. TOWNSHEND, of Illinois. I have already made a motion that the House adjourn.

Mr. HISCOCK. I hope the gentleman will not insist upon that, as we ought to know the action of the Senate upon the conference report.

Mr. TOWNSHEND, of Illinois. When will that information be obtained?

Mr. HISCOCK. It may not be in an hour.

Mr. TOWNSHEND, of Illinois. Very well, I will withdraw the motion to adjourn.

Mr. ROBESON. Then I move that the House take a recess for thirty minutes.

Mr. SPRINGER. I move to amend the motion by making the recess extend until ten o'clock on Monday morning.

Mr. HISCOCK. Mr. Speaker, let me make a suggestion in connection with my motion, and I think it will meet the approval of the House. I ask unanimous consent that we take a recess for thirty minutes, and that upon convening no business shall be transacted except to receive messages from the Senate or from the President, and, if there shall be necessity, the appointment of conferees upon disagreeing votes of the two Houses.

Several MEMBERS. There is no objection to that.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. CONVERSE. I desire to add, with power to take a recess until some hour on Monday morning if desired.

Mr. HISCOCK. I will couple that suggestion with my request.

The SPEAKER. The Chair would suggest to the gentleman from New York that he further include the reception of reports from the Committee on Enrolled Bills.

Mr. HISCOCK. Certainly.

Mr. SPRINGER. I desire to know what business will be in order after the subsequent recess on Monday morning?

Mr. HISCOCK. Anything.

Mr. SPRINGER. That is all right, then; I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection; and accordingly (at ten o'clock and thirty minutes p. m.) the House took a recess for thirty minutes.

The recess having expired, the House (at eleven o'clock p. m.) resumed its session.

Mr. HISCOCK. Would it be in order to move another recess?

The SPEAKER. It would.

Mr. HISCOCK. I move that the House take a recess for thirty minutes.

The motion was agreed to, and accordingly (at eleven o'clock and one minute p. m.) the House took a further recess for thirty minutes.

The recess having expired, the House (at eleven o'clock and thirty-one minutes p. m.) resumed its session.

Mr. VAN VOORHIS. I ask unanimous consent that the House take a further recess for fifteen minutes.

Mr. WILSON. I object.

Mr. BUTTERWORTH. I would like to inquire, Mr. Speaker, if the last few minutes have developed any probability that there will be an agreement upon the pending appropriation bill?

The SPEAKER. The Chair is unable to answer the question.

Mr. BUTTERWORTH. I understand there is little progress being made; and as the object is to get the sundry civil bill enrolled, I do not see any necessity for remaining in session longer to-night unless there is some assurance that a report will be made.

Mr. HOLMAN. If there was any assurance that within a reasonable time, even two or three hours, that purpose could be accomplished, I should certainly not object to continuing in session. But there is no indication, as far as I am aware, of any report coming to the House to-night.

Mr. RYAN. I think there will be a report soon, probably within half an hour.

Mr. BUTTERWORTH. There is a limit to human endurance.

Mr. HOLMAN. We had better take a recess for half an hour if there is a probability of the bill coming over from the Senate.

Mr. VAN VOORHIS. I accept the amendment.

The SPEAKER. The Chair will again submit the question to the House. Is there objection to a further recess for thirty minutes?

There was no objection; and accordingly (at eleven o'clock and forty minutes p. m.) the House took a further recess for thirty minutes.

The recess having expired, the House reassembled at twelve o'clock and ten minutes a. m., (Sunday, August 6.)

Mr. HISCOCK. I move that the House take a recess for fifteen minutes.

The motion was agreed to; and the House took a recess accordingly.

The recess having expired, the House reassembled at 12.25 a. m.

Mr. HISCOCK. I move that the House take a recess until ten o'clock on Monday morning.

Mr. HOLMAN. Will there be anything gained by that over an adjournment to eleven o'clock?

Mr. HISCOCK. There would be this gained, that we would be in session to receive the sundry civil bill, have it enrolled and sent to the President.

Mr. HOLMAN. Only an hour would be gained by that.

Mr. HISCOCK. There would be this further gain, that if by any chance there should be a disagreement of the Senate to the conference report we would have an hour's more time.

Mr. ANDERSON. I would ask the gentleman from New York whether it would not be better to take a recess until half past nine o'clock?

Mr. HISCOCK. I think not.

The motion was agreed to; and accordingly (at twelve o'clock and twenty-seven minutes a. m., Sunday, August 6) the House took a recess till ten o'clock a. m. on Monday.

MORNING SESSION.

The recess having expired, the House reassembled at ten a. m., (Monday, August 7.)

PUBLIC BUILDING AT SPRINGFIELD, ILLINOIS.

Mr. SPRINGER. On Saturday I asked unanimous consent to have passed the bill (H. R. No. 6841) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Illinois. The gentleman from Michigan [Mr. BURROWS] then objected. He now withdraws his objection, and I ask that the bill be put upon its passage.

Mr. HISCOCK. I object.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House do now adjourn.

The SPEAKER. The Chair will suggest to the gentleman that some bills are ready to be presented for enrollment in a few moments.

Mr. HOLMAN. Then I do not insist upon the motion.

THOMAS G. CORBIN.

Mr. CURTIN. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 14) for the relief of Thomas G. Corbin.

Mr. HISCOCK. I must object.

The SPEAKER. Will the gentleman allow the bill to be read?

Mr. HISCOCK. Let the bill be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c. That the President of the United States be, and he is hereby, authorized to restore Thomas G. Corbin, now a captain on the retired list of the Navy, provided that he successfully pass the required examination, to the active list of the Navy, to take rank next after Rear-Admiral J. W. A. Nicholson, with restitution from December 12, 1873, to November 15, 1881, of the difference of pay between that of a captain retired on half pay and that of a commodore on the active list on waiting-orders pay, and with restitution from November 15, 1881, of the difference of pay between that of a captain retired on half pay and that of a rear admiral on the active list on waiting-orders pay, to be paid out of any money in the Treasury not otherwise appropriated.

Mr. PRESCOTT. Let the report be read.

Mr. CURTIN. I send to the desk the report of the House Committee on Naval Affairs, recommending the passage of a similar bill, and ask that it be read.

Mr. KNOTT. Does this bill authorize the restoration of this officer to the active list of the Navy as a rear-admiral?

Mr. CURTIN. No, sir; it does not. The report is very full; let it be read.

The report was read in part.

Mr. PRESCOTT. I desire to ask the gentleman from Pennsylvania one question. The object of this bill is, as I understand, to override the decision of the examining board, and by an act of Congress to give a construction to the act of 1864.

Mr. CURTIN. It is really as I understand to restore the construction heretofore given to that act.

Mr. PRESCOTT. Under those circumstances I must object.

Mr. CURTIN. I may state that I am calling this up on behalf of the gentleman from Massachusetts [Mr. MORSE] who is a member of the Committee on Naval Affairs, and who requested me before he went away to call it up. If the gentleman would listen to the report of Secretary Hunt, I think he would not insist on his objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 5812) to establish post-routes.

ENROLLED BILLS SIGNED.

Mr. SHALLENBERGER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

TELEGRAPHIC COMMUNICATION WITH EUROPE.

Mr. WILLITS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe.

Mr. MILLS. I move to take up the post-route bill just received from the Senate. It will only take a moment.

Mr. COX, of New York. I hope the bill called up by the gentleman from Michigan [Mr. WILLITS] will be put upon its passage.

Mr. HOLMAN. That is a measure of public concern, and if it be agreed that after passing that bill the House will adjourn till eleven o'clock, I will not interpose an objection.

Mr. COX, of New York. I wish to say that that bill reduces the rates of ocean telegraphy to twenty cents a word. It is against the combination.

The SPEAKER. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c. That Samuel L. M. Barlow and Orazio Lugo, of New York, and Albert G. Buzby, W. Mitchell McAllister, and John H. Colton, of Pennsylvania, their associates, successors, and assigns, shall have the right to construct, lay, land, and maintain a line or lines of telegraph or submarine cables on the Atlantic coast of the United States of America, to connect the American and European coasts by telegraphic lines, wires, or submarine cables: *Provided*, That said company shall begin to lay said cable or cables within two years from the passage of this act: *And provided further*, That no amalgamation, combination to establish rates, union, or sale of cable interests established under this act, shall be made to any European or other cable companies, nor shall there be any fictitious increase or watering of stock; and any violation of the provision of this section shall work a forfeiture of all rights thereunder.

SEC. 2. That any telegraphic line or cable laid shall be subject to the following conditions, stipulations, and reservation, to wit:

First. The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines, or cable or cables, as there may, by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever; and, in addition, the United States Government shall have the right to the exclusive use of a wire at such time or times as they may require, not to exceed four hours out of every twenty-four, and at such rates as may be prescribed by the Secretary of State, but not to exceed twenty cents per word nor less than ten cents per word; and the rates charged upon said line for messages for individuals shall not exceed twenty cents for each word.

Secondly. Citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of any other nation.

Thirdly. The transmission of dispatches shall be made in the following order: First, dispatches of state, under such regulations as may be agreed upon by the governments interested, the rates not to exceed those charged to individuals; secondly, dispatches on telegraphic service; and, thirdly, private dispatches.

Fourthly. The lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided.

Fifthly. Before extending and establishing any such line or lines, or cable or cables, in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the parties above named, or a majority of them, their associates, successors, or assigns, or by the company or corporation which may be organized to construct and operate cables under this act.

SEC. 3. That nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges to those herein contained.

SEC. 4. That the right to alter, amend, or repeal this act at any time is hereby reserved to Congress, including the right to fix rates by a general law.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read?

Mr. O'NEILL. I want to ask a question. I notice that by this bill the reduction of the rates per word is a very great reduction from the present rates. I believe the rates now are fifty-eight cents per word?

Mr. COX, of New York. Fifty cents per word.

Mr. O'NEILL. And sixty-two cents per word to Italy, for instance. Now it strikes me as very singular that a body of men can desire to be incorporated into a cable company and guarantee that they will not charge more than twenty cents per word. It does not look to me that these men design to build this cable line, but intend merely to give notice to these other companies in some way. I will not oppose the bill, and I shall rejoice in the reduction of rates, if it is to be genuine.

There being no objection, the bill was taken from the Speaker's table, read three several times, and passed.

Mr. WILLITS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now adjourn.

Mr. HISCOCK. I hope the gentleman from Indiana will permit the gentleman from Kansas [Mr. ANDERSON] to be recognized for the purpose of moving concurrence in the amendments of the Senate to the post-route bill.

Mr. HOLMAN. I will withdraw the motion for that purpose.

POST-ROUTE BILL.

Mr. ANDERSON. I desire to call up from the Speaker's table the bill (H. R. No. 5812) to establish post-routes, returned from the Senate with amendments. The bill has been examined, and there is no legislation in it. I move that the amendments of the Senate be concurred in.

There was no objection, and the amendments of the Senate were concurred in.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

Mr. LATHAM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. No. 28) for the relief of John G. Abercrombie;

A bill (H. R. No. 2299) relinquishing the title which still remains in the United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington;

A bill (H. R. No. 3414) granting a pension to Sarah J. Cameron;

A bill (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam-vessels;

A bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic;

A bill (H. R. No. 4888) increasing the pension of John F. Ellis;

A bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson;

A bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, and for other purposes;

A bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad;

A bill (H. R. No. 6593) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

Joint resolution (H. R. No. 205) granting the use of tents at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882;

Joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Tip" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon (and cannon-balls) for monumental purposes; and

Joint resolution (H. R. No. 263) granting the use of tents at soldiers' reunions to be held in the State of Iowa in the year 1882.

BRIDGE ACROSS SAINT CROIX RIVER, MAINE.

Mr. HISCOCK. I move that the House now adjourn.

Mr. DINGLEY. I wish the gentleman from New York [Mr. HISCOCK] would withhold that motion for a moment. There is a very important bill on the Speaker's table from the Senate relating to the building of a bridge over the Saint Croix River between Calais, Maine, and Saint Stephen's, New Brunswick. I ask the gentleman to permit my colleague [Mr. MURCH] to call up that bill.

Mr. HISCOCK. I will yield for a bridge bill.

Mr. MURCH. I ask unanimous consent to take from the Speaker's table for consideration at this time the bill (S. No. 1787) to authorize

the construction of a bridge over the Saint Croix River between the city of Calais, Maine, and Saint Stephen's, New Brunswick.

The SPEAKER. The bill will be read.

The bill was read at length.

Mr. MURCH. The provisions of this bill are so plain and guarded that I do not think any explanation is necessary.

Mr. DINGLEY. The bill is all right.

The SPEAKER. Is there objection to the consideration at this time of the bill which has just been read?

Mr. SIMONTON. I object.

Mr. DINGLEY. This bill has all the ordinary provisions and guards contained in similar bills passed this session. It simply authorizes the construction of a bridge across the Saint Croix River between the State of Maine and the province of New Brunswick. I hope the gentleman will withdraw his objection.

Mr. SIMONTON. I do not withdraw it, and call for the regular order.

The SPEAKER. Objection being made, the bill is not before the House.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

The SPEAKER. The Chair announces the appointment, as members on the part of the House of the joint select committee authorized by law to make examinations of the State, War, and Navy Department building and to set apart such portions thereof for the use and occupancy of the State, War, and Navy Departments, respectively, as authorized by law, of Mr. CANNON of Illinois, Mr. HISCOCK of New York, and Mr. ATKINS of Tennessee.

LEAVE TO PRINT.

Mr. DAWES asked and obtained consent to have printed in the RECORD as a portion of the debates of this House some remarks prepared by him on the bill to establish diplomatic relations with Persia. [See Appendix.]

ORDER OF BUSINESS.

Mr. HISCOCK. I now insist on the motion to adjourn.

Mr. O'NEILL. It would be a great waste of time to adjourn now.

Mr. HISCOCK. I think it would be a great saving of time and money.

Mr. O'NEILL. We might as well use the half hour in passing bills.

Mr. SPRINGER. Nothing can be done except by unanimous consent.

The question was taken on the motion to adjourn; and upon a division there were—ayes 32, noes 21.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered, there being 32 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 67, nays 42, not voting 180; as follows:

YEAS—67.

| | | | |
|------------------|------------------|----------------|--------------------|
| Aldrich, | Haskell, | McLane, | Singleton, Otho R. |
| Anderson, | Hatch, | Mills, | Smith, A. Herr |
| Arnfield, | Hazelton, | Morey, | Stockslager, |
| Bayne, | Hiscock, | Morrison, | Strait, |
| Belmont, | Holman, | O'Neill, | Thompson, P. B. |
| Berry, | Jones, George W. | Page, | Townsend, Amos |
| Bingham, | Kasson, | Parker, | Townsend, R. W. |
| Bisbee, | Knott, | Payson, | Tyler, |
| Blackburn, | Latham, | Peelle, | Upson, |
| Buchanan, | Leedom, | Pound, | Utner, |
| Buck, | Le Fevre, | Randall, | Van Voorhis, |
| Carlisle, | Lord, | Reagan, | Walker, |
| Cullen, | Lynch, | Robeson, | Warner, |
| Dawes, | McClure, | Ross, | White, |
| Dowd, | McCook, | Ryan, | Whitthorne, |
| Godshalk, | McKenzie, | Scales, | Willits. |
| Harris, Benj. W. | McKinley, | Shallenberger, | |

NAYS—42.

| | | | |
|--------------------|------------------|-----------------|------------------|
| Atkins, | Dingley, | Hill, | Stephens, |
| Bliss, | Ellis, | Lewis, | Tucker, |
| Burrows, Julius C. | Ermentrout, | McMillin, | Turner, Henry G. |
| Carpenter, | Errett, | Murch, | Turner, Oscar |
| Cassidy, | Evins, | Oates, | Updgraft, J. T. |
| Clements, | Ford, | Prescott, | Vance, |
| Converse, | Forney, | Rice, Theron M. | Webber, |
| Cox, Samuel S. | George, | Ritchie, | Willis, |
| Cravens, | Gunter, | Simonton, | Wise, George D. |
| Culberson, | Harmer, | Speer, | |
| De Motte, | Harris, Henry S. | Springer, | |

NOT VOTING—180.

| | | | |
|--------------|------------------|-------------------|--------------------|
| Aiken, | Buckner, | Cook, | Dunn, |
| Atherton, | Burrows, Jos. H. | Cornell, | Dunnell, |
| Barbour, | Butterworth, | Covington, | Dwight, |
| Barr, | Cabell, | Cox, William R. | Farwell, Chas. B. |
| Beach, | Caldwell, | Crapo, | Farwell, Sewell S. |
| Belford, | Calkins, | Crowley, | Fisher, |
| Beltzhoover, | Camp, | Curtin, | Flower, |
| Black, | Campbell, | Cutts, | Frost, |
| Blanchard, | Candler, | Darrall, | Fulkerson, |
| Bland, | Cannon, | Davidson, | Garrison, |
| Blount, | Caswell, | Davis, George R. | Geddes, |
| Bowman, | Chace, | Davis, Lowndes H. | Gibson, |
| Bragg, | Chapman, | Deering, | Grout, |
| Brewer, | Clardy, | Deuster, | Guenther, |
| Briggs, | Clark, | Dezendorf, | Hall, |
| Brown, | Cobb, | Dibrell, | Hammond, John |
| Brumm, | Colerick, | Dugro, | Hammond, N. J. |

| | | | |
|------------------|-----------|---------------------|--------------------|
| Hardenbergh, | Ketcham, | Paul, | Smith, J. Hyatt |
| Hardy, | King, | Peirce, | Sparks, |
| Haseltine, | Klotz, | Pettibone, | Spaulding, |
| Heilman, | Lacey, | Phelps, | Spooner, |
| Henderson, | Ladd, | Phister, | Steele, |
| Hepburn, | Lindsey, | Ranney, | Stone, |
| Herbert, | Lowe, | Ray, | Talbot, |
| Herdon, | Mackey, | Reed, | Taylor, |
| Hewitt, Abram S. | Manning, | Rice, John B. | Thomas, |
| Hewitt, G. W. | Marsh, | Rice, William W. | Thompson, Wm. G. |
| Hoblitzell, | Martin, | Rich, | Updegraff, Thomas |
| Hoge, | Mason, | Richardson, D. P. | Valentine, |
| Hooker, | Matson, | Richardson, Jno. S. | Van Aernam, |
| Horr, | McCoid, | Robertson, | Van Horn, |
| Houk, | Miles, | Robinson, Geo. D. | Wadsworth, |
| House, | Miller, | Robinson, Jas. S. | Wait, |
| Hubbell, | Money, | Robinson, Wm. E. | Ward, |
| Hubbs, | Moore, | Rosecrans, | Washburn, |
| Humphrey, | Morse, | Russell, | Watson, |
| Hutchins, | Mosgrove, | Scoville, | Wellborn, |
| Jacobs, | Moulton, | Scranton, | West, |
| Jadwin, | Muldrow, | Shackelford, | Williams, Chas. G. |
| Jones, James K. | Mutchler, | Sherwin, | Williams, Thomas |
| Jones, Phineas | Neal, | Shultz, | Wilson, |
| Jorgensen, | Nolan, | Singleton, Jas. W. | Wise, Morgan R. |
| Joyce, | Norcross, | Skinner, | Wood, Benjamin |
| Kelley, | Orth, | Smalls, | Wood, Walter A. |
| Kenna, | Pacheco, | Smith, Dietrich C. | Young. |

So the motion to adjourn was agreed to.

The following pairs were announced from the Clerk's desk:

Mr. JONES, of New Jersey, with Mr. HERBERT.
 Mr. HEILMAN with Mr. BLAND.
 Mr. LINDSEY with Mr. LADD.
 Mr. HUMPHREY with Mr. BRAGG.
 Mr. HALL with Mr. WISE of Pennsylvania.
 Mr. HUBBS with Mr. SHACKELFORD.
 Mr. BARR with Mr. DAVIDSON.
 Mr. FARWELL, of Illinois, with Mr. MULDRON.
 Mr. ORTH with Mr. SPARKS.
 Mr. THOMPSON, of Iowa, with Mr. COOK.
 Mr. CORNELL with Mr. DOWD.
 Mr. SCRANTON with Mr. BEACH.
 Mr. LACEY with Mr. BENJAMIN WOOD.
 Mr. STEELE with Mr. COBB.
 Mr. CASWELL with Mr. MOULTON.
 Mr. CHACE with Mr. SCOVILLE.
 Mr. MOORE with Mr. MATSON.
 Mr. SMITH, of Illinois, with Mr. MORSE.
 Mr. PETTIBONE with Mr. ATHERTON.
 Mr. HOUK with Mr. DUGROW.
 Mr. NEAL with Mr. GEDDES.
 Mr. MORRISON with Mr. KELLEY.
 Mr. CUTTS with Mr. KENNA.
 Mr. DWIGHT with Mr. NOLAN.
 Mr. THOMAS with Mr. CURTIN.
 Mr. DAREALL with Mr. BLOUNT.
 Mr. STONE with Mr. HEWITT of Alabama.
 Mr. MASON with Mr. MOREY.
 Mr. RICHARDSON, of New York, with Mr. RICHARDSON, of South Carolina.
 Mr. RUSSELL with Mr. SPEER.
 Mr. NORCROSS with Mr. WILLIAMS of Alabama.
 Mr. PHISTER with Mr. HAMMOND of New York.
 Mr. SKINNER with Mr. FLOWER.
 Mr. RANNEY with Mr. KING.
 Mr. HARRIS, of Massachusetts, with Mr. WHITTHORNE.
 Mr. RICE, of Massachusetts, with Mr. HEWITT, of New York.
 Mr. DUNN with Mr. LORD.
 Mr. ROBINSON, of Massachusetts, with Mr. MANNING.
 Mr. JACOBS with Mr. HARDENBERGH.
 Mr. CANDLER with Mr. BUCKNER.
 Mr. SPAULDING with Mr. JONES of Arkansas.
 Mr. WARD with Mr. AIKEN.
 Mr. CROWLEY with Mr. HAMMOND of Georgia.
 Mr. MILES with Mr. SINGLETON of Illinois.
 Mr. ROBINSON, of Ohio, with Mr. LE FEVRE.

ENROLLED BILLS SIGNED.

Pending the announcement of the result,
 Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
 A bill (S. No. 249) for the relief of Helen M. Scholefield;
 A bill (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia;
 A bill (S. No. 2002) to extend the act regulating the fees of certain officers over the Territories of New Mexico and Arizona;
 A bill (S. No. 2172) to amend section 4702, title 57, Revised Statutes of the United States, and for other purposes;
 A bill (H. R. No. 3489) for the relief of certain laborers employed upon the Government works; and
 A bill (H. R. No. 5812) to establish post-routes.

LEAVE TO PRINT.

Mr. RANDALL. I desire leave to print in the RECORD some remarks (which I have not yet been able to prepare, because I have

been awaiting the receipt of certain data) on the finances of the Government and internal taxation.

There being no objection, leave was granted. [See Appendix.]

The result of the vote on the motion to adjourn was then announced; and accordingly (at ten o'clock and fifty-seven minutes a. m., Monday, August 7) the House adjourned.

PETITIONS.

The following petitions were laid on the Clerk's desk, under the rule, and referred as follows:

By the SPEAKER: The petition of Seth Driggs, relating to the Venezuela award claims—to the Committee on Foreign Affairs.

Also, the petition of E. C. Cheek, relative to the official conduct of the Commissioner of Internal Revenue—to the Committee on Ways and Means.

By Mr. AINSLIE: The petition of John T. Morgan and others, of Idaho Territory, for the repeal of the law imposing taxes on banks, bankers, and banking institutions and the two-cent stamp on bank checks—to the same committee.

By Mr. BROWNE: The petition of 20 citizens of the seventh Congressional district of Indiana, for the confirmation of the call for a peace congress to be held in Washington, District of Columbia, in November, 1882—to the Committee on Foreign Affairs.

By Mr. S. S. FARWELL: The petition of over 1,500 citizens of Davenport, Iowa, protesting against the passage of any bill requiring tolls to be levied for the use of the Government bridges and roadways between Davenport, Iowa, and Rock Island, Illinois—to the Committee on Commerce.

By Mr. HOUK: The petition of Thomas Anderson, of Knox County, Tennessee, for compensation for property taken by the United States Army during the late rebellion—to the Committee on War Claims.

By Mr. G. W. JONES: The petition of M. J. Maltby, for a pension—to the Committee on Pensions.

By Mr. WHITE: The petition of George Rader, relative to Swift's Silver Mine, in the State of Kentucky—to the Committee on Mines and Mining.

SENATE.

MONDAY, August 7, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

On motion of Mr. HALE, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

ELIZA H. RAMSAY.

Mr. HALE. I ask unanimous consent to take up the bill (S. No. 2132) granting a pension to Eliza H. Ramsay.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It places on the pension-roll the name of Eliza H. Ramsay, widow of Brigadier-General George D. Ramsay, United States Army, at the rate of \$50 a month.

Mr. BECK. Is that a unanimous report?

Mr. HALE. There is a divided report simply on the technical ground that General Ramsay did not die in the service, but the matter has been considered fully, and there is no objection to the bill now, as I understand.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXPORT TAX ON TOBACCO.

Mr. BUTLER. I ask for the consideration of the resolution which I introduced on Saturday.

Mr. MORRILL. Will the Senator give way until I can pass the bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco?

Mr. BUTLER. With the understanding that I shall have the floor immediately on the passage of the bill indicated by the Senator from Vermont, I yield.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from South Carolina when this matter is disposed of.

Mr. MORRILL. I move to take up House bill No. 3854.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. MORRILL. There was an amendment reported to the title of the bill. I do not desire to have that amendment agreed to, but let it be non-concurred in.

The PRESIDENT *pro tempore*. The title will stand as the bill came from the House, and the amendment to the title will be non-concurred in.

EXTRA PAY TO EMPLOYÉES.

Mr. BUTLER. I ask the consideration of the joint resolution which I introduced on Saturday.

Mr. ANTHONY. Will the Senator from South Carolina allow me to make a formal motion?

Mr. BUTLER. I have yielded once already. This will take but a moment, and it is important to pass it now if it is to be passed at all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. No. 107) providing one month's extra pay for certain employes of the Senate.

Mr. RANSOM. I hope that the Senator from South Carolina will consent to a substitute for that, allowing this compensation to be paid out of the contingent fund of the Senate.

Mr. BUTLER. Let the substitute be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

Mr. RANSOM. I will withdraw it. My friend from Kentucky [Mr. BECK] tells me it cannot be paid in that way.

Mr. PLUMB. When this resolution was offered on Sunday morning—

Mr. BAYARD. Were you here then?

Mr. PLUMB. The Senator from Delaware asks me if I was here then. I was, to my discredit I have no doubt. I objected then to its consideration; but I propose now to withdraw any objection to its passage, for the reasons I shall state. I am opposed to it on principle. I do not believe it ought to pass. I believe that we are the subjects of solicitation in regard to salaries here, which is contrary to the proprieties of the situation, and which induces us to forget the obligations of the places we hold.

We would not give this extra pay to men who are a thousand miles away. We give it to men who pursue us, who urge us, who beg us, who threaten us in point of fact; because after I made that objection the other night I was substantially threatened here; at least I was spoken to in a very ungentlemanly way in regard to it by persons who were affected by the resolution.

I want to say now that I think myself any one who accepts employment here, which is well paid for, ought to be satisfied with the pay he gets and contracts to receive; and I will never under any circumstances vote to extend the pay of any employé in this body hereafter. I believe that the annual employes are more entitled to it than the per diem employes, because the per diem employes receive simply pay as they are employed, while the annual employes are to some extent of course governed in their anticipations by the ordinary length of the session, and might well say, as we have staid here inexcusably for two or three months beyond the usual time, that they ought to have more pay than was originally stipulated for.

But it is vicious from the beginning. We pay more salary, we pay more per diem than is paid anywhere else for similar employment under the Government; more than is paid anywhere else for similar employment in private callings. It is inexcusable and a shameful waste of the public money. We do it not because we think we ought to do it; but we do it because we are beset by the importunities of the men who surround us and because we have not the courage to look these men in the face and say we will not give it to them.

So far as I am concerned, premitting now my objection to this proceeding, I want to say that regarding it as wasteful, regarding it as practically criminal, I shall never consent to it hereafter, and I shall never vote that any employé of either House shall have any salary that is not named by law rather than be subject to the contingency of the whim or the immediate feeling of either House in regard to what the salary shall be. There is no reason in the world why the salaries of the Senate employes and of the House employes should not be fixed by law the same as those of the employes in all the Executive Departments are fixed.

It is simply dodging the responsibility we are under here to say that because the House has done this thing we will do it too. That is no justification whatever. If the House say that under the particular circumstances and particular reasons, leaving the point to them, their employes shall have a month's pay, that does not relieve us from the responsibility of saying whether or not under the particular circumstances attached to our employes they ought to have it. I say here and now that I am opposed to it and shall oppose it hereafter for all time.

I want to say one other thing. We have adopted the principle of increasing the compensation of all of our employes in every department of the Government upon every possible occasion and excuse. We have never cut down, so far as I know, the compensation of one single employé. No matter whether wages outside were high or whether wages were low, whether the Treasury was full or whether the Treasury was empty, we have used every occasion to increase the compensation of the men who serve the Government. The compensation of men in the service of the Government is from 25 to 50 per cent. higher than the compensation paid for similar employment elsewhere. To that extent, it is a robbery of the Treasury. I never will vote for the increase of the pay of any Government employé beyond the scale of compensation paid employes outside, and I shall vote always and on all occasions for a reduction to the proper compensation of all employes in every branch of the Government.

It is time that we made an issue upon this thing. We are establishing an official class who regard themselves as privileged; who resent every proposition to reduce their salaries; who hang around these corridors and pursue us in every way with importunity, with

impure and corrupt suggestions in regard to the increase of their compensation; and who bring to bear everything in regard to influence, everything in regard to favors in the different departments for the purpose of increasing their compensation. It is vicious in legislation; it is vicious in practice; it is corrupting to the last degree; and so far as I am concerned now and once for all, I have done with it.

Mr. BUTLER. I am very much obliged to the Senator from Kansas for withdrawing his objection to the resolution, and I ask that there may be a vote on it.

Mr. ALLISON. I wish to ascertain what this specific resolution is. I want to say with reference to the suggestion of the Senator from North Carolina—

Mr. RANSOM. I beg to inform the chairman of the Committee on Appropriations that I have withdrawn my amendment.

Mr. ALLISON. I beg pardon. Then it is a joint resolution of the two Houses.

Mr. BUTLER. It is in the form of a joint resolution. I ask a vote on the resolution.

Mr. GEORGE. I desire to say that I concur entirely and fully with the remarks made by the Senator from Kansas. If the salaries of the employes are not high enough, let us raise them. I believe the practice of giving extra compensation is vicious, as stated by him. It is a pure gift out of the Treasury. I do not believe that we have the power to give the people's money away for nothing, and I shall vote against the resolution.

Mr. BUTLER. All I ask is that we may have a vote upon it.

Mr. BECK. I only desire to say that after what occurred on Saturday night, and the information given us of the House having paid their employes, common decency requires that we should pay ours the same as they have paid theirs. Therefore I think the resolution ought to pass.

Mr. GEORGE. I do not think because the House of Representatives have done a wrong that we ought to follow their evil example.

Mr. VOORHEES. I desire to restate what I said Saturday night. In 1881 there were two extra sessions of the Senate called, one in March and one in October, and these employes were brought here at their own expense, for which they received no extra compensation at all. Notwithstanding the severe arraignment of the Senator from Kansas and its weighty indorsement by my friend from Mississippi, I shall vote for this resolution.

Mr. BUTLER. I think I shall too, Mr. President.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. PLUMB. I call for a division on the passage of the joint resolution.

Mr. SHERMAN. Before the vote is taken I wish to notify the Senate that after it is through I shall call for the regular order of business, which is reports of committees. I hope we shall have the regular call.

The joint resolution was passed; there being on a division—ayes 25, noes 15.

ORDER OF BUSINESS.

Mr. BAYARD. Mr. President—

Mr. SHERMAN. I call for the regular order.

Mr. BAYARD. I ask the Senate to take up and pass the bill (H. R. No. 676) to refer the claim of the captors of the ram Albemarle to the Court of Claims. It is a House bill that the Senator from Arkansas [Mr. GARLAND] was authorized by the Committee on the Judiciary to report favorably and recommend the passage of. I ask that it be now considered. I hope the Senator from Ohio will let it go through.

Mr. SHERMAN. I should like to have the regular call of committees, and then I shall have no objection to having the bill taken up, but the regular call of committees ought to be made first.

Mr. BAYARD. I beg the Senator's pardon, but really we could have passed this bill while the objection was being made. We all know that it is near the close of the session, I do not know how near, and it is very important that the bill should be passed.

Mr. SHERMAN. I have called for the regular order; I cannot waive it. I understand the proposition of the Senator from Delaware stands as soon as we get through morning business.

Mr. PLATT. If I can have the attention of the Senate and of the Senator from Ohio for a moment, I wish to make a statement. It is very necessary that we should pass a bill which has been passed by the House relating to some matters of administration in the Pension Office. I wish the Senator from Ohio would withhold his call for the regular order, so that that bill might be passed.

Mr. SHERMAN. The Senator can report it under the call.

Mr. PLATT. I have reported it, and it is on the Calendar. We ought to pass the bill.

Mr. SHERMAN. But I have a bill in my hand that I am directed to report.

The PRESIDENT *pro tempore*. The Senator from Delaware [Mr. BAYARD] will be recognized after the call for morning business is through.

Mr. ROLLINS. I wish to make a report.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. MCPHERSON,

its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 5812) to establish post-roads.

The message also announced that the House had passed the bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 249) for the relief of Helen M. Scholefield;
A bill (S. No. 2002) to extend the fees of certain officers over the Territories of New Mexico and Arizona;

A bill (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia, and for the relief of the Little Sisters of the Poor;

A bill (S. No. 2172) to amend section 4702, title 57, Revised Statutes of the United States, and for other purposes;

A bill (H. R. No. 28) for the relief of John G. Abercrombie;

A bill (H. R. No. 2299) relinquishing the title which still remains in the United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington;

A bill (H. R. No. 3489) for the relief of certain laborers employed upon Government works;

A bill (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic;

A bill (H. R. No. 3414) granting a pension to Sarah J. Cameron;

A bill (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States, concerning the regulation of steam-vessels;

A bill (H. R. No. 4888) increasing the pension of John F. Ellis;

A bill (H. R. No. 5812) to establish post-roads;

A bill (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson;

A bill (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana;

A bill (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad;

A bill (H. R. [No. 6593]) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes;

A joint resolution (H. R. No. 205) granting the use of articles, tents, and so forth, at a soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois in the year 1882;

A joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Tip" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls for monumental purposes; and

A joint resolution (H. R. No. 263) granting the use of cannon, tents, and muskets at soldiers' reunions to be held in the State of Iowa in the year 1882.

GEORGE F. ELLIOTT.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 1023) for the relief of the sureties of George F. Elliott, to report it with amendments. The Senator from Indiana [Mr. Voorhees] is anxious to have the bill passed, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. The amendments of the Committee on Finance were, in line 5, to change the name "Sohngru" to "Sohngrm"; in line 6, after the word "dollars," to insert "of date of November 1, 1871;" and at the end of the bill to add:

Upon condition that the expenses incurred by the Government in prosecuting said claims shall first be paid by the defendants or their legal representatives.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to allow to the legal representatives of William A. Elliott, deceased, and to Louis Sohngrm, a credit of \$6,000 of date of November 1, 1871, on a judgment taken and now pending against them as sureties for George F. Elliott in the United States circuit court for the southern district of Ohio, upon condition that the expenses incurred by the Government in prosecuting said claim shall first be paid by the defendants or their legal representatives.

Mr. SAULSBURY. There ought to be some explanation of that bill. It is a bill to relieve sureties. It may be all right and proper, but some of us do not know anything about it. I ask the Senator having it in charge to explain it.

Mr. VOORHEES. Let the report be read.

Mr. SHERMAN. The report is too long to be read at this time, and I can state the case in a moment. There was a judgment recovered against Sohngrm and his sureties for about \$15,000 or \$16,000. There was \$6,000 of it for a meter which was never put in the distillery. It was suspended by the Treasury Department from 1872, I think, until recently. In the mean time the principal died and the sureties paid all that was demanded, some nine thousand and odd hundred dollars. He died leaving a small estate, a widow, and some

small children. The Committee on Finance after careful examination of the question thought it was inequitable, after the lapse of ten years, to revive the claim of \$6,000 against the sureties, who are in poor condition. The Senator from Indiana [Mr. Voorhees] knows more about the details, but those are the general facts.

Mr. SAULSBURY. I did not object to the bill. I only wanted an explanation before I voted.

Mr. SHERMAN. Those are the general facts.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments of the Committee on Finance.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT ATTORNEYS' FEES.

Mr. ALLISON. I report back from the Committee on Appropriations the joint resolution (H. R. No. 282) making an appropriation to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882, without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882, appropriating the sum of \$60,000.

Mr. BECK. Is there not a communication on the subject from the Attorney-General?

Mr. ALLISON. I present two communications, one from the Attorney-General and one from the Comptroller of the Treasury:

DEPARTMENT OF JUSTICE,
Washington, July 31, 1882.

SIR: I have the honor of inclosing a copy of a letter from the First Comptroller of the Treasury, dated the 29th instant, respecting the funds needed to pay the district attorneys of the United States and their assistants for the fiscal year ended June 30, 1882. You will notice that the Comptroller estimates the sum of \$60,000 as necessary, in addition to the \$25,000 now provided in the deficiency bill for this purpose, and states that some of these officers have not been paid for their services for six months last past.

The larger part of this deficiency was inadvertently overlooked when the original estimate was made, and is the cause of the present request. There is hardly a judicial district of the United States in which some portion of this money is not due, and for the most part the claimants are needy men, who can ill bear the necessity of a delay till the action of another session of Congress.

I earnestly appeal to your sense of justice to remedy this state of things for the relief of men who have given their labor and should have their just payment without any undue delay, and though the application comes to you late in your session it is highly desirable that you should listen to its urgency and respond to its merits by the needed appropriation.

Very respectfully,

BREWSTER,
Attorney-General.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations,
United States Senate.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
July 29, 1882.

SIR: I have the honor to direct your attention to the fact that the sum of \$325,000 appropriated last March for fees of United States attorneys in the year ending June 30, 1882, is all expended, and that the sum of \$25,000 which is provided by the general deficiency bill now before Congress will be far short of the amount required to pay the fees now due. Some of the district attorneys have received no fees for six months, and to most of them three months' pay is due.

Accounts to the amount of \$42,000 are awaiting payment, others are coming in daily, and it is estimated that in addition to the appropriations above mentioned \$60,000 will be required to pay the usual ordinary accounts for services to the 30th ultimo. To this must be added the special fees due for the services of counsel in the star-route cases.

Very respectfully,

J. TARBELL,
Acting Comptroller.

Hon. BENJAMIN HARRIS BREWSTER,
Attorney-General.

The joint resolution was reported to the Senate, ordered to a third reading, and read the third time.

Mr. BECK. I consented to the reporting of that resolution very reluctantly. I do not believe the Attorney-General had any right to hold back until this time the sending in of a deficiency for his district-attorneys, his star-route attorneys, and other things, I do not know what. I shall not object to its passage, although it is bad legislation in my judgment to take up a resolution of this sort at the heel of the session, when the Attorney-General has had the year to make an estimate of the deficiency, and we were willing to provide for anything that came before us regularly. Let it go. I do not know enough about it to vote against it.

The joint resolution was read the third time, and passed.

COMMITTEE ON PRINTING.

Mr. ANTHONY. I am instructed by the Committee on Printing to ask leave for that committee to sit during the recess.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and leave is granted.

HEAVY ORDNANCE INVESTIGATION.

Mr. ANTHONY, on his own motion, was excused from further service upon the select committee on heavy ordnance.

By unanimous consent the President *pro tempore* was authorized to fill the vacancy, and Mr. ROLLINS was appointed.

INQUIRY AS TO LOSS OF THE JEANNETTE.

Mr. DAWES. I ask the Senate to pass a little House bill.
The PRESIDENT *pro tempore*. Morning business is in order. Reports of committees are being received.

Mr. DAWES. I ask unanimous consent.
The PRESIDENT *pro tempore*. The Chair must give preference to reports of committees.

Mr. ROLLINS. I have a report to make. The Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette, have instructed me to report it back without amendment. I ask for its immediate consideration.

Mr. BECK. I cannot by any possibility hear a word. I am doing the best I can to hear.

The PRESIDENT *pro tempore*. If Senators will take their seats we shall get along better and get more business transacted. The Senator from New Hampshire asks for the immediate consideration of the joint resolution reported by him.

Mr. PLATT. I want to say something on that resolution.
Mr. ROLLINS. Is there objection made to this resolution?

The PRESIDENT *pro tempore*. There has been no objection.
Mr. SAULSBURY. I should like to hear the gentleman having charge of the resolution explain the necessity for the inquiry.

The PRESIDENT *pro tempore*. The Senator from New Hampshire reported the resolution.

Mr. BLAIR. Let it be read.
Mr. ROLLINS. It comes from the Committee on Naval Affairs.

Mr. SAULSBURY. Will it cost any money?
Mr. ROLLINS. Not at all.

Mr. BLAIR. I shall object to the resolution if it leads to debate. I do not wish it to consume the whole morning hour, as there is much other business to be attended to.

Mr. BECK. I object to everything till we are enabled to hear what is going on.

The PRESIDENT *pro tempore*. Objection is made.

Mr. BECK. I do not object to the joint resolution. I object to the noise.

Mr. FERRY. I ask for order.

The PRESIDENT *pro tempore*. The Chair will do no business until Senators are seated and conversation is suspended. [A pause.] The Senator from New Hampshire [Mr. ROLLINS] has reported a joint resolution, which has been read. Is there objection to its present consideration?

Mr. PLATT. Now, Mr. President, I do not want to object to this resolution, but I do object to one thing, and that is that when important bills are on the Calendar already reported which the Senate should take up and pass, they should be postponed here by reports coming from committees this morning and having present consideration. For instance, I have asked the Senate to consider a pension bill which has been passed by the House and is on the Calendar. I have given notice that I would call it up. It is essential to the administration of the Pension Office. It would be a burning shame not to pass it to-day. But when I ask to take it up, morning business comes in; and when morning business comes it turns out to be reports from committees made this morning that are asking for consideration in preference to me and to this bill. I do not think that is right, and unless I can have the assurance that this bill can be taken up I propose to object to the consideration of any report made this morning.

Mr. FERRY. How can the Senator object in the morning hour?

Mr. PLATT. I can object to the consideration of any bill reported.

Mr. FERRY. Certainly the Senator can object to the consideration of a bill just reported, but not to the report being made.

Mr. PLATT. I do not object to reports being made, but I object to considering bills just reported. I do not wish to object to this particular thing.

Mr. SAULSBURY. I object to this resolution, because there is no possible necessity and can be no possible good resulting from it.

The PRESIDENT *pro tempore*. The Senator from Delaware objects.

Mr. SAULSBURY subsequently withdrew his objection, and the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOINT COMMITTEE ON SHIPPING.

Mr. MILLER, of New York. I am instructed by the Committee on Commerce to report back House joint resolution No. 266, and to ask for its passage now.

Mr. ROLLINS. I shall feel compelled to object to the consideration of all resolutions unless the one I have reported is considered and we have a fair understanding about these matters.

Mr. HALE. I hope the Senator will not object.

Mr. MILLER, of New York. This is not a unanimous report, but a majority report.

Mr. ROLLINS. I am disposed to insist on my rights on this floor.

Mr. HALE. I hope the Senator will hear the resolution read. It is very important, and I hope no one will object to it.

The PRINCIPAL LEGISLATIVE CLERK. A joint resolution (H. R. No. 266) providing for a joint select committee to inquire into—

Mr. ROLLINS. I object.

The PRESIDENT *pro tempore*. The title must be read.

Mr. MILLER, of New York. I demand the reading of the resolution.

Mr. HALE. Let us have it read.

The PRESIDENT *pro tempore*. The Senator from New York has a right to have the resolution reported by him read. Then the question will be submitted to the Senate whether the Senate will consider it now, and any one can object.

Mr. HALE. Let us have it read.

The PRINCIPAL LEGISLATIVE CLERK. A joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests.

Mr. HALE. I hope nobody will object to that.

Mr. ROLLINS. I withdraw objection to that, knowing what it is.

Mr. McMILLAN. I do not desire to interpose an objection to the consideration of this resolution, but I wish to state that as a member of the Committee on Commerce I do not assent to its report. It provides for a committee to sit during vacation, to travel about, and have their expenses paid and a clerk employed. I do not know any necessity for it.

Mr. HALE. Does not the Senator think the subject is of importance enough to justify a committee sitting and having its expenses paid?

Mr. McMILLAN. Mr. President—

The PRESIDENT *pro tempore*. The resolution will be read in full.

The resolution was read at length; and the Senate, as in Committee of the Whole, proceeded to its consideration. It provides for the appointment of a joint select committee of three Senators and six Representatives to inquire into the condition and wants of American ship-building and ship-owning interests, and to investigate the causes of the decline of the American foreign carrying trade, and to suggest any remedies which may be applied by legislation. The committee shall have authority to sit during the recess, and shall submit their report at the opening of the second session of the Forty-seventh Congress. The actual expenses of the committee, including compensation of a clerk at the rate of \$6 per diem while actually employed and traveling expenses, shall be paid out of the contingent funds of the Senate and House of Representatives.

Mr. BECK. Does that come from any committee?

The PRESIDENT *pro tempore*. From the Committee on Commerce.

Mr. MILLER, of New York. It passed the House on Saturday, and is reported from our Committee on Commerce.

Mr. BECK. Is it a unanimous report of the Committee on Commerce?

Mr. JONAS. Mr. President—

Mr. McMILLAN. The question was asked whether this was a unanimous report. I have already stated that as a member of the Committee on Commerce I did not consent to report this joint resolution favorably.

Mr. BECK. We have had two or three committees of that sort, and they have all meant subsidy and nothing more.

Mr. McMILLAN. The subject of the resolution is perhaps an important one—

Mr. JONAS. I thought I had the floor.

Mr. McMILLAN. But the Committee on Commerce have not had any time to give it any consideration, and therefore I withhold my assent at this time. If the matter were fully considered perhaps I might assent to it.

Mr. JONAS. Mr. President, I desire, in connection with the resolution which has just been reported, to submit a petition signed by a large number of citizens of New Orleans interested in shipping in favor of the passage of this joint resolution. I ask that it may be printed in the RECORD.

The petition is as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, who are interested in the shipping of the United States, believe such shipping to be of itself an important factor in the welfare of the nation, and entertain the full conviction that the foreign trade of the country is closely related to the industries of agriculture and manufacture, and that the present decline of United States tonnage has a depressing influence upon all interests of the country, beside the depriving of employment a large class of citizens who would seek the sea for a livelihood. They also believe that a revival of this interest can be facilitated by wise changes in the existing laws. They therefore respectfully ask that a committee of Congress may be appointed to consider the subject, with authority to sit during the recess and report at the next session.

ED. A. PALFREY, *Presdt. Factors' and Traders' Ins. Co.*

LLOYD R. COLEMAN, *Presdt. Mechanics' and Traders' Ins. Co.*

P. M. SCHNEIDAN, *Secy. People's Ins. Co.*

C. KOHN, *Presdt. Union Nat. Bank.*

T. MASFERO, *V. Pt. First Nat. Bank.*

JAS. J. TARLETON, *Cashr. Citizens' Bank of La.*

T. FUYOS, *Presdt. New Orleans Insurance Compy.*

JNO. G. DEVEREUX, *V. Presdt. Hibernia N. Bk.*

H. J. PYCHAUD, *Presdt. Hope Insurance Co. of N. O.*

SAML. H. KENNEDY, *Presdt. State Natl. Bank of N. O.*

J. N. MARKS, *Presdt. Firemen's Ins. Co.*

JOHN HENDERSON, *Presdt. Hibernia Insurance Co.*

J. B. MONTREUIL, *Ca. New Orleans Canal and Bkg Co.*

C. MINER, *V. Presdt. Germania Ins. Co.*

H. CARPENTER, *Secy. Sun Mut. Ins. Co.*

A. BALDWIN, *Pt. New Orleans Na. Bk.*

CHAS. E. RICE, *Secy. Crescent Ins. Co.*

THOS. SEFTON, *V. Presdt. Home Ins. Co.*

R. C. HOWARD, *Presdt. Chamber of Commerce.*

A. J. GOMILA, *Pres. N. O. Produce Exchange.*

Mr. HALE. This is the first time that the Senate has had any opportunity of fairly giving a chance to consider this great subject. Everybody admits that something ought to be done to help our merchant marine, and here is a provision for a joint committee that may sit and may formulate conclusions and report them to the next session of Congress, and it is of so great importance that I trust no Senator will block its passage by objecting, but that it may have free way.

Mr. BECK. I have only a word to say. We had a long and exhaustive report from a committee headed by one of the Senator's colleagues, in the House at that time, Mr. Lynch, some years ago, covering a large volume. It came to naught, except a few men hunting subsidies insisted that nothing but subsidies would do any good. I presume there is the same purpose now. The Committee on Finance have had the subject-matter before them, and the Committee on Ways and Means; resolution after resolution has been offered looking to it, and it seems as if nothing can be done. I am not going to object to this, though I can see precisely what it will come to. I think it had better be referred to the tariff commission, and let them take it in.

Mr. FARLEY. Mr. President, this resolution was not considered in the Committee on Commerce by the whole committee. Gentlemen went around and saw several members of the committee and asked leave to report it. I said that while I would not object to the reporting of the resolution I doubted the policy of it. I think this is an unnecessary committee. As a member of the Committee on Commerce I consented to the report, not binding myself to sustain the resolution when it came into the Senate. The Commerce Committee did not consider it in committee; it has not been submitted to the Commerce Committee, except by going around to members on the floor.

Mr. MILLER, of New York. Of course not. The committee had no meeting on Saturday, and it could not be submitted in a formal meeting of committee, but it has been submitted to individual members of the committee and a majority of them have agreed to report it.

Mr. HALE. I understand that nobody objects.

Mr. MILLER, of New York. Let us have a vote.

The PRESIDENT *pro tempore*. The joint resolution is before the Senate as in Committee of the Whole.

Mr. CALL. I wish to say in regard to this resolution that I have introduced and had upon the Calendar of the Senate for some time a resolution asking for the appointment of a Senate committee to consider the question of the best means for the revival of American shipping. I have applied to Senators on both sides of the House time and again to give consideration to that resolution as an important subject for inquiry on the part of the Senate. The resolution was brought here at the request of prominent ship-owners in New York and in the Southern cities; but I have found a profound lethargy here on the subject.

Notwithstanding all the appeals I could make personally to Senators, I could find none who were willing to come forward and advocate the adoption of that resolution, so that a committee of the Senate competent to deal with the subject in every respect as much as a joint committee might be appointed; and no member of the Senate could be found to take interest enough in this great question, more important perhaps than any other except the tariff question, until now this joint resolution is brought in at the last hours of the session.

Mr. HALE. Is it not in the same direction that the Senator has been seeking to go, and will he not sustain it because it is in that direction?

Mr. CALL. Undoubtedly. I am simply calling attention to the fact that in the legitimate discharge of our duties as a Senate we could take no interest in this subject until a joint resolution comes from the House.

Now, I shall vote for this joint resolution, but I think it would have been more becoming to the dignity of the Senate and the proper discharge of our duty that we should have adopted the resolution which was brought here for the special action of the Senate as an organic body. I do not care for the criticisms of my honorable friend from Kentucky. A special committee of the Senate is the proper source through which the discharge of these important duties should be performed, and if the Senators upon that committee failed to discharge the duties it would be because of personal defects or want of attention in the members of that committee.

It is due to this great question of the revival of American shipping that any and every thing should be brought to bear upon its present state of decadence. I shall support the resolution, while regretting that we are to have a joint committee.

Mr. CONGER. I do not like to have the Senate adjourn with this charge against the Senators upon the Committee on Commerce, that the Senator from Florida alone of all the Senators on this floor has been urging the consideration of propositions to revive American commerce and the carrying trade. Sir, the Committee on Commerce have had a great many propositions before them looking in that direction. They have recommended measures here and they have been passed here which, in the judgment of the committee, will very largely benefit American shipping, the navigation interest, the carrying trade, the commerce of the United States. Several of those bills have been passed, notably one which has removed an obstacle

in the way of the improvement of the American carrying trade in regard to the tonnage regulations, which passed here within a few days, recommended by the Committee on Commerce.

I do not know, sir, that the Senator from Florida has stood up, like Saul, a head and shoulders above every other man in favor of improving American commerce and American shipping and navigation and the carrying trade; and I have no apologies to make for the Committee on Commerce. All measures that have been presented to them have received very careful and attentive consideration.

I have no objection to this resolution; I have no objection to the appointment of six members of the House and three members of the Senate to spend in whatever way they see fit a few months or a few weeks between now and the next session of Congress; but as to whether that will result in any particular benefit to the carrying trade a good many have doubts. I am perfectly willing that it shall be tried. It will improve the carrying trade of the committee from point to point unquestionably.

Mr. HALE. If the friends of this measure will let it alone it will go through, and I hope we may have a vote upon it.

Mr. BECK. I rise to say that there are a great many of us on both sides of this Chamber who are very anxious to have a report made that will do some good toward reviving American commerce, and I claim to be one of them, and quite as earnest as is the Senator from Florida, notwithstanding he seems to think he is the only gentleman in the Senate interested in the subject. I may as well speak plainly as to the objection I have to this procedure. If this had been a regular report carefully considered by the Committee on Commerce, and brought in by the chairman of that committee after consideration, that committee concluding that this was the best mode of doing it, I should have been glad to vote for it, though I believe the regular committees of this body and of the House are able to attend to the subject. But when I see that gentlemen merely go around this floor and ask members to assent to it, and when the Senator from New York brings it in, the chairman of the protective tariff convention that met in New York last November and declared that protection was the policy and revenue the incident, and that we had to look only to building up what were called American industries by killing off everything, then I think it means subsidy and the chairmanship of the joint committee is to go to the president of that convention to carry out its will.

That is my objection to it. I want a fair committee that will look at the subject carefully; and while the Senator from New York has as much right to his views as I have to mine, yet when I remember that he was the chairman of that great protective tariff convention that met in New York and declared against what I think is the true interest of the American people in liberalizing commerce, for shutting out everything and building, as it were, a sea of fire around the United States which throws an embargo on all our commerce, and when he is to take charge of this inquiry, I do not feel so kindly to it as I would if it had come regularly from the committee and the chairman of that committee had been the man on the part of the Senate to take charge of it.

Mr. VAN WYCK. When it was suggested many months ago that Congress should appoint a joint commission to consider the question of the tariff, it was then objected that it would be utterly impossible to find a committee of either branch that could devote any time to the consideration of the tariff question, and I ask any Senator now if he believes that now in midsummer, with only two, three, or four months before the next session of Congress, it is possible to gather a committee of both branches of these two bodies who can possibly devote any time during the summer months and before the next meeting of Congress to consider this or any other question?

Mr. HALE. I do. I consider it amply feasible. I do not want to take up any time in answering questions. This subject-matter did not go to the tariff commission. The resolution creating it does not embrace this. We shall get a committee and they will report something here and we shall act upon it, and I hope it will be the dawn of a brighter day for American commerce. We have got to take some steps.

Mr. VAN WYCK. I do not want to object; but I desire to know what the result is to be. This proposed commission may go to Long Branch, and another cottage may be obtained for it there in addition to that occupied by the tariff commission, and so on through the watering places by the seaside and on the mountain-tops through the summer season. That is all it will amount to, I fear.

Mr. HALE. Why not let it go through, and see what it will amount to?

Mr. VAN WYCK. It will involve some expense to the Government.

Mr. HALE. Very well. Consider the magnitude of the great question involved.

Mr. VAN WYCK. Will the Senator dare to make a prophecy in advance as to how much it will cost?

Mr. HALE. I will agree not to say another word if you will only allow us to have a vote.

Mr. VAN WYCK. Many of these commissions sit on the Treasury; that is about all.

Mr. HALE. The Senator has not objected. He has a right to object.

Mr. VAN WYCK. I do not want to stand here and antagonize

the proposition by my solitary objection; but I want to call attention to it so that if the committee is appointed and makes a report of the information gathered together at the next session we may know just how much we have obtained.

Mr. HALE. We shall try to inform the gentleman.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. McMILLAN. I ask for the yeas and nays on the passage of the resolution.

The yeas and nays were ordered, and the Principal Legislative Clerk proceeded to call the roll.

Mr. LAPHAM, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

The roll-call was concluded.

Mr. HALE. My colleague [Mr. FRYE] is absent. He is paired with the Senator from Virginia, [Mr. JOHNSTON.] If here, my colleague would vote "yea."

The result was announced—yeas 39, nays 13; as follows:

YEAS—39.

| | | | |
|------------------|--------------------|------------------|-----------|
| Aldrich, | Chilcott, | Jonas, | Plumb, |
| Allison, | Conger, | Logan, | Pugh, |
| Anthony, | Davis of Illinois, | McDill, | Ransom, |
| Bayard, | Dawes, | Maxey, | Rollins, |
| Beck, | Gorman, | Miller of Cal., | Sawyer, |
| Blair, | Hale, | Miller of N. Y., | Sewell, |
| Butler, | Hampton, | Morgan, | Voorhees, |
| Call, | Harrison, | Morrill, | Williams, |
| Cameron of Pa., | Hawley, | Pendleton, | Windom. |
| Cameron of Wis., | Hoar, | Platt, | |

NAYS—13.

| | | | |
|-----------|------------|-----------|---------|
| Cockrell, | Grover, | Sanders, | Walker. |
| Coke, | Harris, | Sherman, | |
| Farley, | McMillan, | Van Wyck, | |
| Ferry, | Saulsbury, | Vest, | |

ABSENT—24.

| | | | |
|------------------|-------------------|-------------------|------------|
| Brown, | Garland, | Jackson, | Lapham, |
| Camden, | George, | Johnston, | McPherson, |
| Davis of W. Va., | Groome, | Jones of Florida, | Mahone, |
| Edmunds, | Hill of Colorado, | Jones of Nevada, | Mitchell, |
| Fair, | Hill of Georgia, | Kellogg, | Slater, |
| Frye, | Ingalls, | Lamar, | Vance. |

So the joint resolution was passed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States;

A bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion;

A bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, collection of duties on imports; and

A joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws.

HOUSE BILL REFERRED.

The bill (H. R. No. 6683) to authorize the construction of bridges over Ogeechee, Oconee, Ocmulgee, Flint, and Chattahoochee Rivers, in the State of Georgia, was read twice by its title, and referred to the Committee on Commerce.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. It is now twelve o'clock. Is it the pleasure of the Senate that the morning hour be extended for the reception of morning business?

Mr. BLAIR. I object.

Mr. MORRILL. I desire to bring up the tax bill.

The PRESIDENT *pro tempore*. The Senator from Delaware, [Mr. BAYARD,] whenever morning business is through, is entitled to the floor.

Mr. CONGER. I have a report from a committee which I wish to present before the morning business closes.

The PRESIDENT *pro tempore*. The Chair asked the Senate if there was objection to the morning hour being extended until the morning business is through. The Chair hearing no objection—

Mr. BLAIR. I object.

Mr. PLATT. Let me appeal to the Senator from New Hampshire. I do not object to what is strictly morning business, and I do not think the Senator from New Hampshire does, but I do object to the presentation of reports, and then having the bills reported considered.

Mr. PLUMB. That the Senator can prevent by objecting to the consideration.

Mr. PLATT. Yes. I ask the Senator from New Hampshire not to object to receiving the ordinary routine morning business.

Mr. MILLER, of New York. I wish to make a report from a committee.

Mr. BAYARD. What is before the Senate?

The PRESIDENT *pro tempore*. The Senator from Minnesota [Mr. McMILLAN] wishes to submit a report.

Mr. McMILLAN. From the Committee on Commerce—

Mr. BLAIR. Mr. President, I object.

Mr. McMILLAN. What do you object to?

Mr. BLAIR. I object to the extension of the morning hour.

Mr. McMILLAN. Then I move to extend the morning hour.

The PRESIDENT *pro tempore*. The question will be put, will the Senate extend the morning hour until the morning business is through?

Mr. PLATT. Strictly morning business.

Mr. McMILLAN. What is meant by "strictly morning business?"

Mr. PLATT. Reporting of bills and resolutions.

The PRESIDENT *pro tempore*. The question is on the motion to extend the morning hour.

The motion was agreed to.

DEPUTY COLLECTOR AT SAN JUAN.

Mr. McMILLAN. The Committee on Commerce, to whom was referred the bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties, have instructed me to report it favorably and without amendment. I ask for its present consideration, as it will lead to no discussion and will avoid, as the committee are informed, the creation of another district.

Mr. BLAIR. I object to its present consideration.

Mr. McMILLAN. Then I withdraw the report if the objection is insisted upon. I am instructed so by the committee. I withdraw the report.

Mr. BLAIR. Mr. President, it is utterly impossible to get any of these cases considered.

Mr. McMILLAN. I ask for the regular order.

Mr. BLAIR. It is impossible to get the Calendar considered unless somebody undertakes to see that the rules are enforced. Now I propose to withdraw all objection to the reception of morning business; but I shall offer objection to the consideration of morning business.

The PRESIDENT *pro tempore*. That the Senator has a right to do.

Mr. BLAIR. So I presume.

BRIDGE ON MISSISSIPPI RIVER.

Mr. CONGER. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa, to report it without amendment, and I request its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. ALLISON. It will take but a moment. I trust my friend from New Hampshire will restrain himself for a moment.

Mr. BLAIR. I withdraw all objection I have made or can make to anything that anybody wants to do.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONGER. I desire to say to the Senate that this bill has all the restrictions and guards that any of our bridge bills have and brings it under the provision of the Revised Statutes on the subject.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEPUTY COLLECTOR AT SAN JUAN.

Mr. McMILLAN. Now I present the report which I withdrew, and ask that it be considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FINAL ADJOURNMENT.

Mr. PLUMB. I offer the following resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the President of the Senate and Speaker of the House of Representatives declare their respective Houses adjourned sine die at five o'clock p. m., Monday, August 7, 1882.

Before any objection is made on that I desire to call the attention of the Senate and of the country to some facts that I think are pertinent to be considered now in connection with the question of adjournment.

This is the first Monday of August, the 7th day of the month. This Congress has been in session since the first Monday in December, now over eight months. It is an unusual extension of a session of Congress in a time of profound peace. There is responsibility somewhere unless the legislation which has been completed can be said to have made that extension necessary and be of sufficient importance to have warranted it. We have been here for over eight months exercising our privileges of speech upon various measures, but practically waiting for the appropriation bills to be sent down from the House of Representatives, which has on various occasions distinctly refused to recognize the right of the Senate to originate bills of that kind. Every single item necessary to going to those bills was before the House on the day on which it assembled. Every estimate which could enter

in any reasonable or proper way into their construction was embraced in the communications of the executive department which were laid before the House on the first day of this session.

There was no reason physically or mentally why every appropriation bill should not have been properly constructed and laid before the House during the first thirty days of its session. There was every reason consistent with the proper discharge of public business why that should have been done. Take the deficiency bill for example. Every deficiency was created before the first day of this calendar year that entered into the bill as passed. Every deficiency practically was created before the first day of the fiscal year which ended on the 30th day of June, 1882. And yet that deficiency bill did not get to the Senate until the 8th day of June last. No important appropriation bill was received by the Senate until near the close of the fiscal year. The Navy bill passed the House on the 12th day of July, twelve days after by its terms it was to take effect and become operative. The legislative, executive, and judicial bill passed the House on the 19th day of June, leaving the Senate only ten days in point of fact to consider and report and pass that bill in order to make its provisions effective when they should have taken effect. The Senate has had no practical opportunity in regard to the larger appropriation bills to consider them with a due regard for its own responsibility as a branch of the legislative power of this Government.

The sundry civil bill, which touches every department of the Government, not only in Washington but out of Washington, on every mile of our sea-coast, in every harbor of this country, in every custom-house, everywhere, embracing more legislation than any other bill that has passed this Congress, came to the Senate on the 12th day of July; that is, it passed the House on that day and probably came here the next day. In other words, thirteen days after it should have taken effect it came to the Senate for consideration. I appeal to the older members of the Senate Committee on Appropriations, and to all the members of this body who have been here for a long time and know the processes that ought to be observed in regard to legislation, when I say that that bill ought to have been considered in the Appropriations Committee for one solid month at least in order that the Senate committee and the Senate itself in its turn might have been properly informed in regard to its provisions, and have offered and considered the proper amendments thereto as well as its original provisions.

The river and harbor bill came here on the 17th day of June. It was passed by the Senate on the 5th day of July, five days after its provisions should have taken effect. The deficiency bill, as I said, came here on the 8th day of June, and it was passed by the Senate on the 30th day of June. The Army appropriation bill came here on the 29th day of March, and on account of the necessary absence of one of the members of the Appropriations Committee who had it in charge was not passed by the Senate until the 31st day of May. The Indian appropriation bill came here the 1st day of March, and was passed on the 23d of March by the Senate. The naval appropriation bill passed the House on the 6th day of July and came to the Senate on the 7th, and was reported by the Senate committee on the 12th, or after only five days' consideration, a bill embracing a reorganization of the Navy, one of the most important branches of the public service, and it was passed by the Senate on the 31st day of July.

Every single step in the legislation of this Congress which has been retarded has been due to the dilatory action of the House in regard to the great appropriation bills. Whether that action is due to the tardiness of the committee of the House or to the House itself is a matter that I do not care to enter into, but I want to say here and now on my responsibility as a member of the Senate and as a member of the Appropriations Committee that this long, this unwise, injurious extension of the session of Congress has not been due to the action or non-action of the Senate, but it has been wholly due to the gross and unusual tardiness of the other branch of Congress in sending us the important bills on which we are required to act before we could adjourn; and yet in the face of all this for weeks the Senate has been held up as tardy in its action, as retarding the public business, as obstructing its consideration, as in every way responsible for this extension which has become so long and so chronic that, as a gentleman said to me this morning, who had recently returned from the West, everywhere it was a subject of unfavorable comment, and people were becoming apprehensive that in some way Congress proposed to continue in session indefinitely, and by continuing in session threaten the various interests of the country that were to be affected by legislation.

Take, for instance, the bill to correct the error in the duty on knit goods. That came to the Senate on the 3d day of July. The bill in regard to internal-revenue taxation came here on the 28th of June, and along with it, to hide the tardiness of the House, came a resolution to adjourn on the 10th of July, giving the Senate no time whatever under the terms of that resolution to consider either of these very important measures.

The House has trifled deliberately and intentionally, as I believe, with every interest of this country for purposes which, not being apparent, I will not speak of, but which are not to be laid at the door of the Senate in any way whatever. We have taken up not only all the public measures but all the private measures that have

come to us from the House of Representatives, and with all the swiftness consistent with due consideration, and with more in point of fact, and have considered them, and reported them, and acted upon them. If the Senate has discussed any measure of proposed legislation at any great length it has been because the regular and most important business of legislation has been meanwhile withheld from our consideration by the House. The Appropriations Committee of the House, and through that committee the House, has deliberately withheld from the Senate at the proper time the important business of the session. The purpose seems to have been to compel the Senate to accept whatever was sent to it without consideration and without any regard for its own responsibility.

I want the responsibility for this long session going into the dog-days, the extension of which has stopped manufacturing to a large extent, and has stopped purchases in a very great degree, and has prevented business enterprises, to rest exactly where it belongs. Let each member of the other branch of Congress apportion to himself that which belongs to him according to his judgment, and not put any portion of it upon the Senate collectively or individually.

Mr. CAMERON, of Pennsylvania. Mr. President—

Mr. MORRILL. Mr. President, I desire to object to the present consideration of the resolution. Of course it must lie over one day. Now—

Mr. ALLISON. I ask the Senator to wait a moment. I want to pass a joint resolution to correct an error.

Mr. MORRILL. I want to say a word.

Mr. ALLISON. Very well.

The PRESIDENT *pro tempore*. The Chair has recognized the Senator from Pennsylvania as entitled to the floor.

Mr. MORRILL. Mr. President, I think we have ample time now, the main business of the session having been gone through with, to consider the tax bill, and I therefore appeal to the other side again whether they will not consent to have the tax bill come up and vote upon it without further debate. Of course we expect to consider amendments; but I ask that the bill be taken up and be considered without further debate, and I should like to know whether there is assent to the proposition made to pass the bill as it came from the House or with the addition of the tobacco clause reducing the duty and the rebate, and if there is assent to considering the bill without further debate or to naming the time when we may have a vote on it without further debate.

Mr. BECK. Mr. President, I indorse all that was said by the Senator from Kansas [Mr. PLUMB] as to the holding back of appropriation bills. I am glad that he had the courage to say what he did, and I hope it will induce the Senate of the United States under its clear constitutional right to originate appropriation bills to take charge of at least a portion of these bills hereafter; originate them, pass them, and send them to the House of Representatives, and let the conference committees act on their amendments, instead of ours. Until that is done there will be the same condition of things existing year by year that exists now. The Judiciary Committee of the House, as I understand, almost unanimously, on the question being submitted to them, decided that the Senate had the right to originate these bills. The question has been up in various States, notably in the State of Massachusetts, where in a very elaborate opinion delivered by Judge Gray, now on the United States Supreme Bench, he made it so clear that there can be no doubt about it. It has been exercised here more than once, notably after a long struggle which resulted in the election of Mr. Pennington as Speaker, and at other times. That something has to be done is beyond question, or we will have the troubles of this session annually repeated.

Look at the sundry civil bill the facts as to which were stated by the Senator from Kansas. The Senator from Iowa, [Mr. ALLISON,] the Senator from Maine, [Mr. HALE,] and myself sat I do not know how many nights till after midnight endeavoring to hurry it through so as to give the Senate a chance to consider it carefully. We did hurry it beyond what was due to a proper understanding of it, we had to surrender many things that we ought not perhaps to have surrendered, in order to obtain action upon it while a quorum of both Houses were still here, because the House of Representatives after holding back this and other bills until the last minute abandoned their places and were without a quorum on Saturday as shown by the roll-call of the yeas and nays; and within the last half hour they have developed the fact that only 109 members of that House are there now. There are not 120 in the city of Washington as I am advised; and to ask us to sit here and deliberate upon bills when there is no quorum of the House in Washington, after they have held appropriation and tax bills back for seven or eight months, is unreasonable.

Mr. BLAIR. I rise to a question of order. What is the question before the Senate?

Mr. BECK. I desire to say a word or two more in answer to the Senator from Vermont.

Mr. BLAIR. What is the question before the Senate?

The PRESIDENT *pro tempore*. The Senator from Vermont got up to object to the resolution.

Mr. BLAIR. And did object. That carried it over.

The PRESIDENT *pro tempore*. Then he asked a question of the other side as to the tax bill, and the Chair is hearing the Senator from Kentucky answer the question.

Mr. BLAIR. Is there any question before the Senate?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania had the floor and yielded it.

Mr. CAMERON, of Pennsylvania. No, sir, I did not yield; it was simply taken from me.

Mr. BLAIR. I do not think there ought to be an effort of Senators to make a cheap reputation by abusing the House of Representatives. If there is any question before the Senate, all right.

Mr. BECK. If the Senator from New Hampshire is so sensitive about the House of Representatives I will now say a word about the Senate, and I will say that the fact that there was no quorum of the House on Saturday was admitted by the Senate of the United States when they passed the knit-goods bill, and a necessary amendment to make it a law, indeed to make it decent legislation, was withdrawn by the Senator from Vermont because he did not want it to go back to the House, there being no quorum there to act upon it. That was known to every Senator then, because while we were sitting here on Saturday and passing that bill it was a well-known fact that only one hundred and twenty-eight members of the House were in the city of Washington. I state that, because I learn that a careful count had been made. Now, we are to sit here and pass upon amendments to an important tax bill and to act upon all other bills that we know cannot be considered in the House, while the House have been holding back the appropriation bills and holding back the tax bill until July, and have deliberately left their places and left the city of Washington, and left us here with virtually only one House in session. I will stay here and vote on amendments to the tax bill until we perfect it; but I protest against being compelled to remain unless there be a House in session to act upon those amendments.

I will not agree to send the bill there and part with the power of the Senate over a great bill to a House that does not exist, simply to deprive ourselves of the right to consider it in December. As the report of the tariff commission must come to us in December I will not send this bill now back to the House, because it will never give us any tax or tariff bill even to look at after the report of the tariff commission comes. If the Senator from Vermont will hold the House of Representatives here to act on the amendments we may place upon his tax bill, that will be legitimate legislation; but when he does not it does not mean to do anything in that direction; it simply means an effort to take from the Senate the power during this and the next session to consider any tax or tariff legislation whatever, no matter what the tariff commission may report, and to place the whole subject in the hands of the House that sent it to us on the 25th day of June, and now abandon their duties at the other end of the Capitol, as they have done, with the chairman of Ways and Means now in Denver—

Mr. SHERMAN. I desire to reply to these remarks if they are allowed to be made.

Mr. BECK. I protest against being called to order from that side of the House.

Mr. SHERMAN. I desire to reply. I do not object to anything, but I hope the Senate will extend to me the same courtesy extended to the Senator from Kentucky.

The PRESIDENT *pro tempore*. All this debate is out of order. It commenced with the Senator from Vermont.

Mr. BECK. When the tax bill comes up, I will continue my remarks.

Mr. SHERMAN. I ask the same courtesy which was extended to the Senator from Kentucky, only that I will talk about five minutes instead of ten.

Mr. BECK. I shall have an opportunity to be heard. There will be plenty of time.

Mr. SHERMAN. I will not proceed unless by unanimous consent.

Mr. CAMERON, of Pennsylvania. With the understanding that my motion comes in order—

The PRESIDENT *pro tempore*. The Senator can make his motion now.

Mr. ALLISON. I ask the Senator from Pennsylvania to yield.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Ohio being heard? The Chair hears no objection.

Mr. SHERMAN. The Senate of the United States—

Mr. BECK. I should like to know by what authority the Senator from Ohio takes me from the floor and takes it himself.

The PRESIDENT *pro tempore*. He has no authority to do so.

Mr. BECK. Then I object to his scolding me down.

Mr. SHERMAN. I said simply as the Senator went on that I desired to reply to him, but I will not speak against a single objection.

The PRESIDENT *pro tempore*. The Chair thought the Senator from Kentucky had concluded.

Mr. SHERMAN. The Senator from Kentucky has spent a great deal of time in talking about this matter, and I wanted about the one-hundredth part of his time.

Mr. BECK. The Senator from Kentucky has kept within the rules, and has never been told by the Chair that he was out of order that he knows of.

Mr. SHERMAN. He was called to order three or four times, and refused to yield.

Mr. BECK. When?

Mr. SHERMAN. I was called to order by him and I yielded once.

Mr. BECK. Objection was made to a resolution for adjournment.

Mr. SHERMAN. The Senator has spent one hundred times as much time on the tax bill as I have. I was called to order because

I endeavored to correct one or two of his manifest errors. I call him to order now.

The PRESIDENT *pro tempore*. The whole debate is out of order, but it commenced with the Senator from Vermont.

Mr. ALLISON. Pending the motion—

Mr. MORRILL. I merely asked a question.

The PRESIDENT *pro tempore*. The Senator, after he objected to the resolution, then asked what these gentlemen would do about the tax bill, which was not before the Senate.

Mr. MORGAN. Am I in order in rising to present morning business.

The PRESIDENT *pro tempore*. Yes, sir.

Mr. CAMERON, of Pennsylvania. I will give way for that.

HEAVY ORDNANCE INVESTIGATION.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee on Heavy Ordnance provided for by the resolution of August 2, instant, be authorized to employ a clerk and a stenographer if necessary; and that the necessary expenses of the investigation be paid out of the item of the contingent fund appropriated for expenses of special and select committees.

ERROR IN ENROLLMENT.

Mr. ALLISON. Now I ask the Senator from Pennsylvania to yield to me in order that I may present a joint resolution to correct an error in the enrollment of the legislative appropriation bill with reference to the salary of the chief clerk of the War Department.

By unanimous consent, leave was granted to introduce a joint resolution (S. R. No. 108) to correct an error in the enrollment of the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes." It proposes to correct an error in the enrollment of the legislative, executive, and judicial appropriation act for the year ending June 30, 1883, so as to change the amount appropriated for the salary of the chief clerk of the War Department from \$2,000 to \$2,500.

The joint resolution was read three times, and passed.

ALABAMA MINERAL LANDS.

Mr. CAMERON, of Pennsylvania. I now renew my motion that the Senate proceed to the consideration of executive business.

Mr. MILLER, of New York. Let us get through with morning business first.

Mr. MORGAN. I ask the Senator from Pennsylvania to yield to me to make a motion to recommit the bill (H. R. No. 4757) to exclude the public lands in Alabama from the operation of the laws relating to mineral lands. A man who pretends to be an officer of the United States Government makes complaint against the Interior Department that they are trying to defraud the country in some recommendation they have made in reference to this bill. I move that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

THOMAS SAMPSON.

Mr. MILLER, of New York, from the Committee on Commerce, to whom was referred the bill (S. No. 1363) for the relief of Thomas Sampson, reported it without amendment.

BILL INTRODUCED.

Mr. BROWN asked and, by unanimous consent, obtained leave to introduce a joint resolution (S. R. No. 109) presenting the thanks of Congress to John F. Slater; which was read twice by its title, and referred to the Committee on Education and Labor.

CANNON FOR MONUMENTAL PURPOSES.

Mr. COCKRELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. No. 6525) donating condemned cast-iron cannon, mortars, and cannon-balls for monumental purposes, to report it without amendment.

Mr. McDILL. I ask for the present consideration of that bill. It will take only a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPTORS OF THE ALBEMARLE.

Mr. BAYARD. House bill No. 676 I think will require less time to pass it than it will to object to it. I ask that it be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 676) to refer the claim of the captors of the ram Albemarle to the Court of Claims.

The bill was reported to the Senate without amendment, ordered to a third reading, read a third time, and passed.

THE PENSION LAWS.

Mr. PLATT. The Senator from Pennsylvania gives way for a bill which there was an understanding early this morning should be considered. I ask for its consideration now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States. It proposes to amend the section named so as to read as follows:

SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this title;

and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim agent, broker, or other person shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon; but the payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed, and pensions payable to persons in foreign countries may be made according to the provisions of existing laws: *Provided*, That in case of an insane invalid pensioner having no guardian, but having a wife or children dependent upon him, (the wife being a woman of good character,) the Commissioner of Pensions is hereby authorized, in his discretion, to cause the pension to be paid to the wife, upon her properly-executed voucher, or, in case there is no wife, to the guardian of the children, upon the properly-executed voucher of such guardian, and in like manner to cause the pension of invalid pensioners who are or may hereafter be imprisoned as punishment for offenses against the laws to be paid while so imprisoned to their wives or the guardians of their children. And pensions to Indian pensioners residing in the Indian Territory may be paid in person by the pension agent, upon a suitable voucher, at some convenient point in said Territory, which, together with the form and manner of identification of the pensioners, may be prescribed by the Secretary of the Interior, such payments to be made in standard silver, at least once in each current year. And payments in person shall be made to the pensioner, in cash, by the pension agent whenever in the discretion of the Commissioner of Pensions such personal payment shall be by him deemed necessary or proper to secure to the pensioner his rights; and the necessary and actual expenses of such pension agent in making such payments shall be paid by the Secretary of the Interior upon properly-executed vouchers, out of the contingent fund appropriated for the use of the Pension Office. The Commissioner of Pensions may, when in his judgment it shall be deemed necessary or proper, visit in person, for the purpose of examination and inspection, or may send any one or more of the officers of his bureau for that purpose, any of the pension agencies or medical examining boards or surgeons; and the necessary and actual expenses of such visits shall be paid by the Secretary of the Interior, upon properly-executed vouchers, out of the contingent fund of said bureau.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAINT AUGUSTINE MILITARY RESERVATION.

Mr. CALL. Mr. President—

Mr. CAMERON, of Pennsylvania. I give way to the Senator from Florida to consider a bill if it does not lead to debate.

Mr. CALL. I ask for the consideration of the bill (S. No. 1174) to grant the right of way over the public lands and a military reservation to the Jacksonville, Saint Augustine and Halifax River Railway Company.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was, in section 1, line 6, after the word "river," to strike out "with all the rights and privileges granted in the act entitled 'An act ———,' approved ———," and insert:

And the said company is hereby authorized to survey and mark through the said public lands a strip to be held by it for the said right of way two hundred feet in width.

So so as to make the section read:

That the Jacksonville, Saint Augustine and Halifax River Railway Company shall have the right of way over the public lands of the United States from Jacksonville to Halifax River, and the said company is hereby authorized to survey and mark through the said public lands a strip to be held by it for the said right of way two hundred feet in width.

The amendment was agreed to.

The next amendment was, in section 2, line 4, after the word "points," to strike out:

As shall not interfere with the military uses of the same, and shall be allowed the use of so much thereof as shall be necessary for this purpose and for a depot and station, the same to be designated by the Secretary of War.

And insert:

And on such line as the Secretary of War may direct and approve as not impairing the uses of said reservation for military and other governmental purposes, and shall be allowed the use of so much thereof as shall be necessary for this purpose, not exceeding one hundred feet in width, and for a depot and station, the same to be designated by the Secretary of War, under the limitations aforesaid.

So as to make the section read:

SEC. 2. That the said railroad company shall have the right to lay their track across Old Reserve or the military reservation at Saint Augustine, in entering and leaving the town, at such points and on such line as the Secretary of War may direct and approve as not impairing the uses of said reservation for military and other governmental purposes, and shall be allowed the use of so much thereof as shall be necessary for this purpose, not exceeding one hundred feet in width, and for a depot and station, the same to be designated by the Secretary of War, under the limitations aforesaid: *Provided*, That no vested right shall inure to said company under this section of this act, and the same shall be held subject to the right of the Government at any time to terminate the occupancy of the said military reserve, or any part thereof, by the said company.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCRETIA V. WEBSTER.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, to report it without amendment, and I ask for its present consideration:

Resolved, That the Acting Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Lucretia G. Webster, widow of William E. Webster, deceased, late an assistant engineer of the Senate, the sum of \$720, being an amount equal to six months' salary as assistant engineer aforesaid; the above sum to be considered as including the funeral expenses and all other allowances.

By unanimous consent, the resolution was read three times, and passed.

ELASTIC SETTEES IN THE HOUSE.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives, (the Senate concurring.) That the Sergeant-at-Arms of the House and of the Senate purchase for use in the Rotunda of the Capitol the thirty-two elastic settees now in said Rotunda, at a sum not exceeding \$7 each, one-half of the amount to be paid out of the contingent fund of the House of Representatives and one-half out of the contingent fund of the Senate.

COMMITTEE ON CONTINGENT EXPENSES.

Mr. JONES, of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of "miscellaneous items" of the contingent fund of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed a joint resolution (H. R. No. 290) providing for printing the Report of the Commissioner of Agriculture for 1881.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (S. No. 670) to provide for the construction of a public building at the city of Fort Wayne, in the State of Indiana;

A bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe; and

A joint resolution (H. R. No. 282) making an appropriation to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882.

LABOR STRIKES.

Mr. BLAIR. I appeal to the Senator from Pennsylvania to yield to me, that I may have considered a resolution reported from the Committee on Education and Labor.

Mr. CAMERON, of Pennsylvania. I yield, provided it does not lead to debate.

Mr. BLAIR. I should like the attention of the Senate for a moment, that I may be understood. I desire to call up the resolution to inquire into the cause of the labor strikes, reported June 28, and I ask that it be put on its passage.

Mr. HARRIS. Let the resolution be read for information.

Mr. BLAIR. The report of the committee is a substitute for the resolution submitted by the Senator from Alabama [Mr. MORGAN] and referred to them.

The PRESIDENT *pro tempore*. The substitute will be read.

The Acting Secretary read as follows:

Resolved, That the Committee on Education and Labor is hereby authorized and directed to take into consideration the subject of the relations between labor and capital, the wages and hours of labor, the condition of the laboring classes in the United States, and their relative condition and wages as compared with similar classes abroad; also the subject of labor strikes and to inquire into the causes thereof and the agencies producing the same, and to report what legislation should be adopted to modify or remove such causes and to provide against their continuance or recurrence, as well as any other legislation calculated to promote harmonious relations between capitalists and laborers and the interests of both by the improvement of the condition of the industrial classes of the United States.

Second. Said committee shall have leave to sit in vacation, and by sub-committees to visit such places in the United States as they may deem proper to obtain necessary information under these resolutions; and said committee or sub-committees shall have power to send for persons and papers, to administer oaths, and examine persons under oath or otherwise, and to cause depositions to be taken and certified under such regulations as they may adopt.

Third. Said committee shall have power to appoint a clerk at a salary of \$6 a day, and to employ such stenographic aid as may be necessary, and to appoint a sergeant-at-arms from the officers or employés of the Senate; and the actual and necessary expenses of said committee properly incurred in the execution of these resolutions shall be paid out of the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. GEORGE. After the word "abroad," in line 5, I move to insert:

And to inquire into the division between labor and capital of their joint productions in the United States.

Mr. BLAIR. I have no objection to the amendment.

Mr. BECK. What committee is to make the inquiry?

The PRESIDENT *pro tempore*. The Committee on Education and Labor.

Mr. FARLEY. It is to make a roving commission.

Mr. BECK. As I understand, the amendment is not germane to the resolution. Let the amendment be read.

The amendment of Mr. GEORGE was read.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

MARY E. THOMSON.

Mr. GORMAN. I move that the Senate proceed to the consideration of the bill (H. R. No. 2810) for the relief of Mary E. Thomson.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes Mary E. Thomson, mother of Passed Assistant Paymaster Curtis H. Thomson, United States Navy, deceased, to accept, first, a portrait, in frame, of her royal highness the Princess of Siam; second, a silver enameled cigar-case; third, a match-box and a tray of Siamese work, the same having been presented to Curtis H. Thomson, in his lifetime, by the King of Siam, and now on deposit in the Smithsonian Institution.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 108) to correct an error in the enrollment of the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette; and it was thereupon signed by the President *pro tempore*.

ELIZA H. RAMSAY.

Mr. ALLISON. A little while ago a pension bill was passed for the relief of Mrs. Eliza H. Ramsay, a Senate bill. The House some time ago passed identically the same bill. I ask that the House bill be substituted for the Senate bill and passed. It will take but a moment.

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania yield for that purpose?

Mr. CAMERON, of Pennsylvania. Yes; that is all right.

Mr. ALLISON. I ask that the Committee on Pensions may be discharged from the further consideration of the bill.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the committee is discharged.

Mr. MAXEY. This is a very meritorious bill, and I hope nobody will object to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It places on the pension-roll the name of Eliza H. Ramsay, widow of Brigadier-General George D. Ramsay, brevet major-general United States Army, at the rate of \$50 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. I move to reconsider the vote by which the Senate passed the bill (S. No. 2132) granting a pension to Eliza H. Ramsay.

The PRESIDENT *pro tempore*. That is not necessary.

Mr. ALLISON. It will go to the House, unless we reconsider it.

The PRESIDENT *pro tempore*. It has gone there.

Mr. ALLISON. Very well; let it go.

THOMAS C. MANNING.

Mr. KELLOGG. I ask to take up the resolution reported from the Committee on Privileges and Elections providing for paying the expenses of Hon. Thomas C. Manning.

The resolution was read, as follows:

Resolved, That there be paid from the contingent fund of the Senate to Hon. Thomas C. Manning, who was appointed United States Senator from Louisiana by the governor thereof to fill the vacancy caused by the death of H. M. Spoford, the sum of \$1,000 in full compensation of all expenses incurred in endeavoring to obtain the seat to which his credentials accredited him.

Mr. COCKRELL. Where did the resolution come from?

Mr. KELLOGG. From the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. It was reported by the Senator from North Carolina, [Mr. VANCE.]

Mr. COCKRELL. When?

The PRESIDENT *pro tempore*. July 19.

Mr. COCKRELL. I object to it.

The PRESIDENT *pro tempore*. Objection is made.

Mr. KELLOGG subsequently said: I understand that the Senator from Missouri withdraws his objection to the Manning resolution, and I ask that it be agreed to.

The PRESIDENT *pro tempore*. If there is no objection the resolution is before the Senate as in Committee of the Whole. It has been read the second time.

The resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA BODDY.

Mr. GROVER. I move that the Senate proceed to the consideration of the bill (S. No. 1923) for the relief of Louisa Boddy.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania has the floor to make a motion to go into executive session, and these bills are taken up with his consent.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Louisa Boddy, of Lake County, Oregon, \$5,400, in full settlement of her claim against the Government for depredations

committed and property taken and destroyed by the Modoc Indians on or about November 29, 1872.

Mr. COCKRELL. Let the report be read in that case.

The Principal Legislative Clerk proceeded to read the report submitted by Mr. SLATER May 24, and read as follows:

The Committee on Indian Affairs, to whom was referred the petition of Mrs. Louisa Boddy, of Oregon, praying compensation for losses and injuries inflicted by the Modoc Indians in the year 1872, have had the same under consideration, and submit the following report:

It appears by the petition of Mrs. Louisa Boddy that her husband, together with a son-in-law and one grown son, became settlers upon the public lands of the United States, in the valley of Lost River, in Lake County, Oregon, some four months prior to the commencement of the late Modoc Indian war, which said war began November 29, 1872, and terminated in June, 1873. Long prior to said settlement the Indian title to said lands had been extinguished by a treaty with the Klamath, Modoc, and other Indians, which said treaty was signed October 14, 1864, and ratified by the United States Senate July 2, 1866. Said lands were afterward surveyed by the United States and opened to settlement in 1869.

On the 6th of August, 1872, the Boddy family, consisting of the husband of the petitioner, her son-in-law, Nicholas Schira, and wife, who was the daughter of the petitioner, and her two sons, one a minor, made settlement on said lands.

On the 29th of November, 1872, the Government undertook, with an inadequate military force, consisting of James Jackson, First United States Cavalry, and thirty-five men, to remove by force the Modoc Indians from said public lands, where they had been roaming contrary to the injunctions of the Indian agent having charge of them, to the Klamath reservation. Such an insignificant force could not and did not have any effect to intimidate the Indians. The result was that Indian hostilities were at once precipitated, and a most cruel slaughter was immediately commenced by those Indians upon the unoffending and unsuspecting settlers of Lost River Valley, which slaughter began immediately after the attack upon Captain Jack's camp by Lieutenant Jackson on the morning of November 29, 1872, at early light. Among those who were massacred were the husband of the petitioner, her two sons, and her son-in-law, who were peaceably pursuing their usual vocations.

The petitioner further states in a graphic manner her discovery of the lifeless forms of her husband and sons, stripped and mutilated, and how, struck with fear, she and her daughter fled at once to the neighboring mountains, where, without food or shelter, and thinly clad, with snow on the ground, they remained for two days before daring to make their way to any friendly shelter.

After the massacre the Indians destroyed and carried off all the personal property of the families, embracing horses, sheep, hogs, cattle, poultry, clothing, provisions, &c., and also including \$829 in gold and silver coin, and burned the houses. The mutilated bodies of those who were killed were afterward recovered and buried at Linkville by the Oregon volunteers.

By this disaster the petitioner was reduced at once from a condition of comparative affluence to one of poverty and wretchedness.

The petitioner duly presented her claim for property thus stolen and destroyed, amounting to \$6,180, in due form to the Indian Bureau, and placed a duplicate copy thereof in the hands of the local Indian agent. No relief, however, of any kind has ever been received by her. She therefore appeals to Congress.

Mr. HOAR. Cannot the result of that be stated in a few words? It is a report of several pages.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. SLATER] reported the bill.

Mr. HOAR. I think the Senate would prefer a statement in six words by the Senator who reported the bill; but it is a long report to which nobody is listening.

Mr. COKE. The bill was reported by the Senator from Oregon, [Mr. SLATER.] I will state to the Senator from Massachusetts, however, that it has been carefully examined by the Committee on Indian Affairs of the Senate. It is for the relief of a woman who traveled all the way from Roseburgh, Oregon, to Lost River, where her husband and two sons were butchered before her eyes and her property was destroyed by the Indians under circumstances which really appealed to the humanity as well as the justice of the case.

Mr. SHERMAN. Would a single objection carry the bill over?

The PRESIDENT *pro tempore*. No; it has been regularly taken up.

Mr. HOAR. I am entirely satisfied with the report of that careful committee, and after this statement I do not want the report read any further.

Mr. COCKRELL. Mr. President—

The PRESIDENT *pro tempore*. Does the Senator from Missouri object?

Mr. COCKRELL. I am satisfied to dispense with the further reading of the report, but I desire to enter my objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the bill (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River, between the city of Calais, Maine, and St. Stephen's, New Brunswick.

PETITION.

Mr. VAN WYCK presented the petition of E. L. Barker, praying to be restored to his former position in the Army, from which he claims that he was illegally dismissed; which was referred to the Committee on Military Affairs.

ALEXANDER J. TWINING.

On motion of Mr. PLATT, it was

Ordered, That the Committee on Patents be, and they hereby are, discharged from the further consideration of the application of Alexander J. Twining for an extension of his letters patent, and that he be permitted to withdraw all papers in said case in the keeping of the Senate.

ORDER OF BUSINESS.

Mr. LAPHAM. I ask to take up a resolution similar to the one called up by the Senator from Louisiana, [Mr. KELLOGG.]

The PRESIDENT *pro tempore*. Does the Senator from Pennsylvania object?

Mr. LAPHAM. It is a question of privilege. The resolution was reported by me from the Committee on Privileges and Elections.

Mr. CAMERON, of Pennsylvania. What is the resolution?

Mr. LAPHAM. It is a resolution to provide for payment to the administratrix of John C. Underwood.

Mr. MORRILL. I object.

Mr. CAMERON, of Pennsylvania. I now insist on my motion.

Mr. LAPHAM. Does an objection carry the resolution over?

The PRESIDENT *pro tempore*. Half a dozen objections have been made to it.

Mr. LAPHAM. Does that prevent the consideration of the resolution?

The PRESIDENT *pro tempore*. It does.

Mr. MORRILL. Is it in order to move to take up the tax bill?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania has the floor.

Mr. CAMERON, of Pennsylvania. I insist on my motion that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I ask for the yeas and nays on the motion to proceed to the consideration of executive business.

The yeas and nays were ordered.

Mr. MORRILL. We shall have time for executive business next week.

The question being taken by yeas and nays, resulted—yeas 31, nays 18; as follows:

YEAS—31.

| | | | |
|------------------|----------|------------|------------|
| Allison, | Coke, | Hawley, | Plumb, |
| Bayard, | Farley, | Ingalls, | Pugh, |
| Beck, | George, | Jonas, | Saulsbury, |
| Brown, | Gorman, | Kellogg, | Sawyer, |
| Call, | Grover, | Lapham, | Vest, |
| Cameron of Pa., | Hale, | Maxey, | Voorhees, |
| Cameron of Wis., | Hampton, | Morgan, | Williams, |
| Cockrell, | Harris, | Pendleton, | |

NAYS—18.

| | | | |
|-----------|-----------------|------------------|-----------|
| Aldrich, | Harrison, | Miller of N. Y., | Sherman, |
| Anthony, | Hoar, | Morrill, | Van Wyck, |
| Chilcott, | Logan, | Platt, | Windom, |
| Conger, | Mahone, | Rollins, | |
| Dawes, | Miller of Cal., | Sewell, | |

ABSENT—27.

| | | | |
|--------------------|-------------------|-------------------|-----------|
| Blair, | Ferry, | Johnston, | Mitchell, |
| Butler, | Frye, | Jones of Florida, | Ransom, |
| Camden, | Garland, | Jones of Nevada, | Saunders, |
| Davis of Illinois, | Groome, | Lamar, | Slater, |
| Davis of W. Va., | Hill of Colorado, | McDill, | Vance, |
| Edmunds, | Hill of Georgia, | McMillan, | Walker, |
| Fair, | Jackson, | McPherson, | |

So the motion was agreed to.

AGRICULTURAL REPORT.

The PRESIDENT *pro tempore*. While the doors are being closed the Chair will lay before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. R. No. 290) providing for printing the Report of the Commissioner of Agriculture was read twice by its title.

Mr. ANTHONY. I ask the concurrence of the Senate in that joint resolution. It is to correct an error which some clerks of the House or the Department found, a mare's nest, about the joint resolution for printing the Agricultural Report. That it has not been numbered, I believe is the trouble.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ANTHONY. It is the identical joint resolution which passed the Senate and was concurred in by the House in this form.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICARAGUA MARITIME CANAL.

Mr. MILLER, of California. I move that the bill (S. No. 550) to incorporate the Maritime Canal Company of Nicaragua be made the special order for the second Monday in December.

The motion was agreed to, two-thirds of the Senators present voting therefor.

BEN HOLLADAY.

Mr. CAMERON, of Wisconsin. I ask that the bill (S. No. 1683) for the relief of Ben Holladay be made the special order for the second Tuesday in December next, at two o'clock in the afternoon.

Mr. MORRILL. I object.

The PRESIDENT *pro tempore*. If there be no objection—

Mr. MORRILL. I object to making the bill a special order.

Mr. HARRIS. I have no inclination to object, but it is a waste of time to make special orders. If there happens to be unfinished business that comes over, the special order loses its place, and it amounts to nothing.

Mr. CAMERON, of Wisconsin. If it does not amount to anything it does not hurt anything.

Mr. HARRIS. I do not object.

Mr. CAMERON, of Wisconsin. Then let it be made the special order.

The PRESIDENT *pro tempore*. But the Senator from Vermont objects.

Mr. CAMERON, of Wisconsin. Then I move that the bill be made a special order for the second Tuesday in December, at two o'clock.

Mr. SHERMAN. How can we in executive session transact such business?

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Wisconsin.

Mr. SHERMAN. How can that be done in executive session? This is all very irregular.

Mr. VOORHEES. Has the bill been made a special order?

The PRESIDENT *pro tempore*. No; the Senator from Ohio makes the objection that we are in executive session. It will have to be done in legislative session.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 4th instant approved and signed the following bills:

An act (S. No. 346) to provide for the disposition of the Fort Larned military reservation; and

An act (S. No. 354) for the relief of Mrs. Caroline Mott, administratrix of the estate of Danford Mott.

The message also announced that the President had on the 5th instant approved and signed the following bills:

An act (S. No. 1120) for the relief of Eugene B. Allen;

An act (S. No. 50) authorizing the Secretary of the Interior to dispose of certain lands adjacent to the town of Pendleton, in the State of Oregon, belonging to the Umatilla Indian reservation, and for other purposes;

An act (S. No. 1959) granting the right of way to the Arizona Southern Railroad Company through the Papago Indian reservation in Arizona;

An act (S. No. 412) for the relief of Joab Spencer and James R. Mead;

An act (S. No. 547) granting a pension to E. G. Hoffman late a captain in the One hundred and sixty-fifth Regiment New York Volunteers;

An act (S. No. 1264) to increase the pension of Joseph N. Abbey;

An act (S. No. 340) granting a pension to Erastus Crippen;

An act (S. No. 703) granting a pension to Sarah Shea;

An act (S. No. 1170) granting a pension to Jane S. Taplin;

An act (S. No. 1437) granting a pension to Amos Chapman;

An act (S. No. 1680) granting a pension to Ann Leddy;

An act (S. No. 1925) granting a pension to Ann Elizabeth Rodgers;

An act (S. No. 2026) granting a pension to Mary E. Matthews;

An act (S. No. 2089) granting a pension to Caroline French;

An act (S. No. 70) granting a pension to Sarah Hayne;

An act (S. No. 1796) for the relief of Elizabeth A. Spotts;

An act (S. No. 101) for the relief of G. W. Thompson and others;

An act (S. No. 356) for the relief of the widow of George W. Flood;

An act (S. No. 138) for the relief of James Burke;

An act (S. No. 2171) to remove the political disabilities of Frank C. Armstrong, of Maryland; and

An act (S. No. 1440) relating to the registration of trade-marks.

The message further announced that the President had this day approved and signed the following bills:

An act (S. No. 790) for the relief of Joseph Hertford;

An act (S. No. 2151) to provide for the publication of the Tenth Census;

An act (S. No. 1472) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased;

An act (S. No. 96) for the relief of Joseph Conrad, of Missouri;

An act (S. No. 126) to reimburse the Creek orphan fund;

An act (S. No. 1255) to provide for the sale of a part of the reservation of the Omaha tribe of Indians, in the State of Nebraska, and for other purposes;

An act (S. No. 97) to authorize the settlement of the accounts of Acting Assistant Paymaster Edward K. Winship, United States Navy;

An act (S. No. 2039) for the relief of the executors of John W. Foreney;

An act (S. No. 1612) to provide for the closing of an alley in square 751 in the city of Washington, District of Columbia, and for the relief of the Little Sisters of the Poor;

An act (S. No. 249) for the relief of Helen M. Scholefield;

An act (S. No. 2092) for the relief of Major W. R. King;

An act (S. No. 2172) to amend section 4702, title 57, Revised Statutes of the United States, and for other purposes; and

An act (S. No. 2002) to extend the fees of certain officers over the Territories of New Mexico and Arizona.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had passed the joint resolution (S. R. No. 107) providing one month's extra pay for certain employees of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 676) to refer the claims of the captors of the ram Albatraz to the Court of Claims;

A bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa;

A bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco;

A bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States;

A bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties;

A bill (H. R. No. 6525) donating condemned cast-iron cannon, mortars, and cannon-balls for monumental purposes;

A bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay;

A joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests;

A joint resolution (H. R. No. 290) providing for printing the Report of the Commissioner of Agriculture for 1881; and

A joint resolution (S. R. No. 107) providing one month's extra pay for certain employés of the Senate.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After five hours and ten minutes spent in executive session the doors were reopened.

FINAL ADJOURNMENT.

Mr. CAMERON, of Wisconsin. I ask the Chair to lay before the Senate the resolution from the House of Representatives relating to final adjournment.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve m. Saturday, August 5, 1882.

Mr. CAMERON, of Wisconsin. I move to amend the resolution by striking out "twelve m. Saturday, August 5," and inserting in lieu thereof "ten p. m. Monday, August 7."

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment of the Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. It is suggested that I make it eleven o'clock instead of ten. I so modify my amendment.

Mr. SHERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Before I vote upon this question I should like to know from the Senator from Vermont [Mr. MORRILL] whether he proposes to bring up the tax bill again, for if that is his intention I propose to help him get it up.

Mr. MORRILL. I do.

Mr. SHERMAN. I wish to say that I shall never vote for any resolution for final adjournment until a vote is had on the tax bill. I shall vote against this resolution until the tax bill is voted upon. A large majority of the Senate is in favor of the tax bill, in my judgment, as the vote will show if we ever reach it. I never shall vote for a resolution for adjournment until that vote is reached, whether it shall be next December or next March.

Mr. BECK. When the House of Representatives have not had a quorum for two days, it is merely a mean effort to take the bill from us, so that we shall have nothing before us in December to enable us to touch the tariff.

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment of the Senator from Wisconsin to the resolution of the House of Representatives.

The Principal Legislative Clerk proceeded to call the roll.

Mr. HARRISON, (when his name was called.) I am paired with the Senator from Texas, [Mr. MAXEY.] If he were present, I should vote "nay."

Mr. PLATT, (when his name was called.) I am paired with the Senator from Oregon, [Mr. SLATER.] Not knowing how he would vote, I shall not vote.

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. DAWES.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia [Mr. DAVIS] on political questions. As this seems to have assumed that form, I cannot vote. I should vote "nay" otherwise.

Mr. HOAR. My colleague [Mr. DAWES] is paired, but at this moment I do not remember the name of the Senator.

Mr. VEST. I announced the pair.

Mr. HOAR. I beg pardon. My colleague is paired on all political questions.

Mr. PLUMB. I am paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. SAUNDERS, (after having voted in the negative.) I understand that the Senator from Georgia [Mr. HILL] is paired with me. I withdraw my vote.

Mr. SAWYER. I am paired with the Senator from West Virginia, [Mr. CAMDEN.] If he were here, I should vote "nay."

Mr. BECK, (after having voted in the affirmative.) If this is a political question, though it is a motion to adjourn, I am paired with

the Senator from Maine [Mr. HALE] on any question of that sort, and I withdraw my vote.

Mr. MILLER, of New York. I am paired with the Senator from Maryland, [Mr. GROOME.] I do not see him here. I do not know how he would vote.

Mr. FARLEY. He would vote "yea."

Mr. MILLER, of New York. Then I shall vote. I vote "yea."

Mr. PENDLETON. I am paired with the Senator from South Carolina, [Mr. BUTLER.] I should vote "nay" if he were here.

The result was announced—yeas 19, nays 19; as follows:

YEAS—19.

| | | | |
|------------------|--------------------|------------------|-----------|
| Brown, | Coke, | Hampton, | Pugh, |
| Call, | Davis of Illinois, | Harris, | Ransom, |
| Cameron of Wis., | Farley, | Jonas, | Voorhees, |
| Chilcott, | George, | Miller of N. Y., | Walker, |
| Cockrell, | Gorman, | Morgan, | |

NAYS—19.

| | | | |
|-----------------|------------------|-----------------|----------|
| Aldrich, | Conger, | Lapham, | Morrill, |
| Allison, | Ferry, | Logan, | Rollins, |
| Anthony, | Hawley, | McMillan, | Sewell, |
| Blair, | Hoar, | Mahone, | Sherman, |
| Cameron of Pa., | Jones of Nevada, | Miller of Cal., | |

ABSENT—38.

| | | | |
|------------------|-------------------|------------|-----------|
| Bayard, | Groome, | Kellogg, | Saunders, |
| Beck, | Grover, | Lamar, | Sawyer, |
| Butler, | Hale, | McDill, | Slater, |
| Camden, | Harrison, | McPherson, | Vance, |
| Davis of W. Va., | Hill of Colorado, | Maxey, | Van Wyck, |
| Dawes, | Hill of Georgia, | Mitchell, | Vest, |
| Edmunds, | Ingalls, | Pendleton, | Williams, |
| Fair, | Jackson, | Platt, | Windom, |
| Frye, | Johnston, | Plumb, | |
| Garland, | Jones of Florida, | Saulsbury, | |

The PRESIDENT *pro tempore*. No quorum has voted, but the motion of the Senator from Wisconsin to amend the resolution is lost by a tie vote.

Mr. COCKRELL. I move that we adjourn. ["No!" "No!"] No quorum has voted, and a motion to adjourn is in order.

Mr. SHERMAN. To what time?

Mr. COCKRELL. To meet at eleven o'clock to-morrow, our usual time.

Mr. SHERMAN. I shall vote with the Senator on that motion with pleasure.

Mr. CAMERON, of Wisconsin. There is no occasion to have a night session.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Missouri, that the Senate adjourn.

Mr. ROLLINS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. HARRISON, (when his name was called.) I am paired with the Senator from Texas, [Mr. MAXEY.] However, I reserve the right to vote if necessary to make a quorum.

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER.]

Mr. VEST, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. DAWES.] I should vote "nay" if he were here.

Mr. HOAR. My colleague [Mr. DAWES] would vote "nay" if present.

Mr. VEST. Then I vote "nay."

The roll-call was concluded.

Mr. PLUMB, (after having voted in the affirmative.) I withdraw my vote, being paired with the Senator from Tennessee, [Mr. JACKSON.]

Mr. HARRIS. My colleague [Mr. JACKSON] would have voted the same way the Senator has voted.

Mr. PLATT. I am paired with the Senator from Oregon, [Mr. SLATER.]

The result was announced—yeas 24, nays 21; as follows:

YEAS—24.

| | | | |
|------------------|--------------------|------------------|-----------|
| Bayard, | Coke, | Hampton, | Morrill, |
| Beck, | Davis of Illinois, | Harris, | Pugh, |
| Blair, | Farley, | Jones of Nevada, | Sherman, |
| Brown, | George, | Lapham, | Voorhees, |
| Cameron of Wis., | Gorman, | Miller of Cal., | Walker, |
| Cockrell, | Groome, | Morgan, | Windom, |

NAYS—21.

| | | | |
|-----------------|--------------------|------------------|------------|
| Aldrich, | Davis of Illinois, | McMillan, | Saulsbury, |
| Allison, | Ferry, | Mahone, | Sewell, |
| Anthony, | Hawley, | Miller of N. Y., | Vest, |
| Call, | Hoar, | Pendleton, | |
| Cameron of Pa., | Jonas, | Ransom, | |
| Chilcott, | Logan, | Rollins, | |

ABSENT—31.

| | | | |
|------------------|-------------------|-------------------|-----------|
| Butler, | Grover, | Jones of Florida, | Plumb, |
| Camden, | Hale, | Kellogg, | Saunders, |
| Davis of W. Va., | Harrison, | Lamar, | Sawyer, |
| Dawes, | Hill of Colorado, | McDill, | Slater, |
| Edmunds, | Hill of Georgia, | McPherson, | Vance, |
| Fair, | Ingalls, | Maxey, | Van Wyck, |
| Frye, | Jackson, | Mitchell, | Williams, |
| Garland, | Johnston, | Platt, | |

So the motion was agreed to; and (at six o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, August 7, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the concurrent resolution of the Senate authorizing the printing and binding of 2,500 copies of the annual report of the Chief Signal Officer for the year 1881, for the use of the Signal Office.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco.

The message further announced that the Senate had passed a bill (S. No. 2132) granting a pension to Eliza H. Ramsay; in which the concurrence of the House of Representatives was requested.

ORDER OF BUSINESS.

Mr. HISCOCK. I demand the regular order.

The SPEAKER. The regular order is the proceeding upon the unfinished bill coming over from Saturday, under the operation of the Pound rule.

Mr. SPRINGER. Is not the order of business the call of States for the introduction of bills?

The SPEAKER. The special rule takes precedence of that. Under the operation of the present rule the call of committees for bills to be offered by consent takes place directly after the reading of the Journal. The pending question is upon the amendment offered by the gentleman from Tennessee [Mr. McMILLIN] to the bill (H. R. No. 5965) to provide for the quieting of the title of the United States in certain lands therein described, and for the reclamation of the marshes in the Potomac River. The bill will be again read.

The bill was read at length.

The amendment was read. It is as follows:

Provided, That none of the money appropriated for the improvement or reclamation of the Potomac flats or river front shall be expended till these suits are determined.

The SPEAKER. The question is on agreeing to the amendment.

The House divided; and there were—ayes 28, noes 15.

So the amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The question recurred on the passage of the bill.

The House divided; and there were—ayes 20, noes 23.

Mr. McMILLIN. I demand tellers.

Mr. McMILLIN and Mr. NEAL were appointed tellers.

The House divided; and the tellers reported—ayes 46, noes 44.

Mr. NEAL and Mr. URNER. No quorum.

The SPEAKER. The tellers will resume their places, the point of order being made that no quorum has voted.

The House again divided; and the tellers reported—ayes 46, noes 49.

Mr. GODSHALK. No quorum.

The SPEAKER. The tellers will resume the count.

Mr. NEAL. Neither teller makes the point of no quorum.

Mr. WILLIS. I understood the point of order as to the presence of a quorum had been withdrawn.

The SPEAKER. Gentlemen are requested to vote.

The House divided; and the tellers reported—ayes 54, noes 55.

So (no further count being demanded) the House refused to pass the bill.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion;

A bill (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, collection of duties on imports; and

A bill (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States; and

Joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed without amendment the joint resolution (H. R. No. 282) making appropriations to supply a deficiency in the appropriations for fees of district attorneys of the United States for the fiscal year ending June 30, 1882. Also, that the Senate had passed a joint resolution and bill of the following titles; in which concurrence of the House of Representatives was requested:

Joint resolution (S. R. No. 107) providing one month's extra pay for certain employes of the Senate; and

A bill (S. No. 1023) for the relief of the sureties of George F. Elliott.

CANADIAN GRAIN GROUND IN THE UNITED STATES.

The Committee on Ways and Means was called.

Mr. KASSON. On behalf of the Committee on Ways and Means I desire to call up Senate bill No. 1026, to permit grain brought by Canadian farmers to be ground at mills in the United States adjacent to Canadian territory, under such rules and regulations as may be prescribed by the Treasury Department, and put it upon its passage. The bill reported by the House Committee on Ways and Means is identical with this.

The SPEAKER. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That grain brought into the United States in wagons or other ordinary road vehicles, by farmers residing in the Dominion of Canada, to be ground by mills owned by citizens of the United States, shall not be deemed to be imported or liable to import duties: *Provided*, That such grain shall be brought into the United States under such regulations as the Treasury Department may prescribe to prevent fraud and evasion, and shall be returned as in like manner provided by such regulations: *And provided further*, That entries shall be made of and duties paid upon all such grain as shall be taken or received by mill-owners as tolls for such grinding, under like regulations provided by the Treasury Department.

Mr. KASSON. I ask that the letter from the Secretary of the Treasury which is embodied in the House report be read.

The letter was read, as follows:

TREASURY DEPARTMENT, March 10, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 6th instant transmitting a bill (S. No. 1026) to permit grain brought by Canadian farmers to be ground at mills in the United States, &c., and requesting my views as to the propriety of its passage and its effect.

The bill is calculated to revive and legalize a practice which until lately existed in several districts along our Canadian frontier, not to treat as importations, within the meaning of the tariff laws, reasonable quantities of grain brought by Canadian farmers to American mills to be ground and returned. In the absence of any legal sanction for such practice its suppression was necessarily ordered by the Department, although during a long period of toleration by local customs officers no case of fraudulent introduction of such grain for consumption in the United States appeared to have occurred, while, on the other hand, apparently well-founded representations have been made from time to time by both the local officers and the owners of mills that the cessation of the established usage will result in the ruin of the American milling industry in those localities, and will lead to the building of steam-mills in that region of the British possessions the inhabitants of which have preferred heretofore to patronize our mills, driven by the water-power available only on our side of the frontier.

In view of the facts, the opinion of this Department is favorable to the passage of the bill in question.

Very respectfully,

CHAS. J. FOLGER,
Secretary of the Treasury.

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

Mr. KASSON. That is all, I suppose, that need be said. This is an old practice. It has continued for sixty years. And the object of the bill is simply to enable the mills operated by water-power on our side to grind the Canadian wheat and let the flour be taken back, duties being collected on what remains as toll. The bill passed the Senate without objection.

Mr. MILLS. Is this the unanimous report of the committee?

Mr. KASSON. I know of no objections on the part of any members of the committee.

Mr. MILLS. Are any members of the committee of the minority side of the House present?

Mr. KASSON. When the bill was up before, the gentleman from Texas [Mr. REAGAN] objected. But on my showing him the papers he told me he withdrew his objection.

Mr. MILLS. Does the bill propose to admit wheat free of duty?

Mr. KASSON. Yes, sir; simply that which is brought over by Canadian farmers to be ground and taken back across the border. It is an advantage to our millers and no harm to anybody. The gentleman from New York [Mr. HAMMOND] who represents the district in which those mills are situated is very anxious the bill should pass.

Objections being called for.

Mr. BERRY, Mr. MILLS, Mr. CONVERSE, and others objected.

The SPEAKER. Six gentlemen objecting, the bill is not before the House.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. BURROWS, of Michigan. I am directed by the Committee on Appropriations to report the resolution which I send to the desk, and ask for its adoption.

The Clerk read as follows:

Resolved, That a committee of nine members of this House be appointed by the Speaker to examine into the works now in progress for the improvement of the Mississippi River below Cairo and the methods employed in making such improvements, and the contracts touching the same, and the application of the appropriations made by Congress for that purpose.

Also, all matters pertaining to and the feasibility of the outlet system for the improvement of said river.

Also, in the improvement made at the mouth of said river, the system of jetties, and the extent to which the same have facilitated the navigation of the river to the Gulf, their permanency, and the method now employed in the improvement thereof, and into all matters touching said improvement, the methods and effects thereof, and contracts touching the same.

The said committee may hold its sessions, during the recess of Congress, at such places on said river or elsewhere as may be necessary for full inquiry into the matters above referred to, may send for persons and papers, examine on oath any of the persons employed on the Mississippi River improvement commission, or by the same, and others if deemed necessary, including all river men and river residents.

The said committee shall report to this House the result of such inquiries at the earliest day practicable of the next session of Congress.

A sum not exceeding \$5,000, out of the contingent fund of the House, may be applied by the Clerk to the payment of the actual expenses of said committee, including secretary and witness fees. But the Clerk of the House is only authorized to pay such expenses on vouchers therefor duly certified as correct by the chairman of the committee, and specifying in detail the items thereof. But the entire expenses of said committee shall not exceed the sum above mentioned, and no other expenses shall be incurred.

Mr. BURROWS, of Michigan. It needs but the reading of the resolution I have submitted to commend it to the good judgment and favorable consideration of every member of this House. The improvement of the Mississippi River is an undertaking of no ordinary magnitude. The prosecution of such a work will test the patience and possibly the resources of this nation. Its successful accomplishment concerns not only the people of the Mississippi Valley and the States adjacent to the Mississippi but it concerns all the people of the country and all the States. We are now upon the threshold of this great undertaking, involving in its completion the expenditure of untold millions. The public mind is at unrest in regard to the manner of the expenditure already made and the feasibility of the various plans proposed. These questions should be set at rest, and it is with this view that I have introduced the resolution just reported.

Mr. ATKINS. Will the gentleman allow me to ask him one question?

Mr. BURROWS, of Michigan. Certainly.

Mr. ATKINS. Does the resolution embrace any plan of improvement, or an investigation into any plan of improvement?

Mr. BURROWS, of Michigan. In a general way the resolution confers upon the proposed committee authority to inquire into the various plans for improving the Mississippi.

Mr. ATKINS. Does it look to an inquiry into any plan whatever for the improvement of the river?

Mr. BURROWS, of Michigan. It does. It looks to an inquiry into the wisdom of expenditure already made and the different plans of proposed improvement.

Mr. ELLIS. By express provision the resolution directs an inquiry into the outlet system.

Mr. BURROWS, of Michigan. If there be any objection to that part of the resolution it can be stricken out. I yield to the gentleman from New York, [Mr. Cox.]

Mr. COX, of New York. The Committee on Appropriations at this last hour of the session have brought in this resolution to pay \$5,000 for an investigation by ourselves, not delegating it to a commission or to any one, but an investigation by a committee of this House, made up, I trust, of business men, to inquire into the methods of expenditure of the millions to be invested in this grand Mississippi work.

I believe, sir, that the improvement of the Mississippi River if it were brought in here by itself, unencumbered by other measures, would be fifty votes stronger than when combined, as it was in the river and harbor bill, with other matters. I believe in the long run you will have to come down to the main question whether this great inland sea, the Mississippi, shall not have its plans, its methods of improvement, well matured by Congress, judging by the very best sense of the men who live on its banks and the best engineering capacity that can be obtained. And while I would not vote for any measure, however good, when conglomerated with other measures which I did not approve, I believe I represent the sentiment of the city of New York, and certainly that of my own constituents, when I freely give my voice and my vote for an appropriation to improve the Mississippi River in the most eligible way. This resolution proposes to find out that way, and therefore I favor it; and I think it is on that ground the Committee on Appropriations have favored the resolution.

The SPEAKER. Is there objection?

Mr. PAGE. I desire to say a word. Mr. Speaker, though this matter has not been considered by the Committee on Commerce, yet I feel called upon to say that in my judgment there can be no possible objection to a committee of this House making such an examination as this resolution contemplates. I believe such an examination will vindicate what this House has already done, and will show that the appropriation made this year was not only in accordance with the judgment of the people who are directly interested in the improvement of the Mississippi River but was in accord with the judgment of the people of the entire country; that the appropriation was not only just but was demanded by every public consideration with reference to the building up of the water transportation of the country in competition with railroad transportation. I believe that this committee should be appointed. While not speaking by authority of the Committee on Commerce, I heartily indorse this resolution and trust that we shall have a committee composed of men able and willing to examine into this subject, who will make to this House at its next session a report which may serve for the guidance of Congress in the future.

There being no objection, the resolution was considered and adopted.

Mr. BURROWS, of Michigan, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate had passed without amendment joint resolutions of the following titles:

Joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests; and

Joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette.

HEIRS OF THOMAS TOBY.

The Committee on the Judiciary being called, Mr. CULBERSON said: I am instructed by the Committee on the Judiciary to call up the bill (S. No. 543) for the relief of the heirs of Thomas Toby, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Thomas Toby, deceased, of the city of New Orleans, in the State of Louisiana, the sum of \$45,000, in compliance with the joint resolution of the Legislature of the State of Texas, approved March 30, 1881, making provision for the settlement of Thomas Toby's claim: *Provided,* That the said heirs shall file with the Secretary of the Treasury a duly certified copy of the said joint resolution and a full and complete release unto the State of Texas and to the United States of and for all claims whatever of their ancestor against Texas and the United States.

Mr. CULBERSON. I have here a letter from the Secretary of the Treasury, which I ask may be read.

Mr. BROWNE. Mr. Speaker, under the rule regulating the proceedings in this hour, at what time may objection be made? I would be glad to hear an explanation of the bill, reserving the right to object.

The SPEAKER. Five minutes are allowed for explanation of the measure, which, if so desired, may be occupied before the submission of the question whether there is objection.

The Clerk read as follows:

TREASURY DEPARTMENT,
August 7, 1882.

SIR: I have the honor to inform you, in reply to your inquiry of the 6th instant, that the payments made from the Treasury to such creditors of Texas as are comprehended in acts of Congress approved September 9, 1850, and February 28, 1855, (9 Stat., p. 446, and 10 Stat., p. 617,) amount to \$7,648,886.73, leaving a balance of \$101,113.27, which was carried to the surplus fund and covered into the Treasury June 30, 1877.

Very respectfully,

CHAS. J. FOLGER, Secretary.

Hon. JOHN H. REAGAN,
House of Representatives.

Mr. HISCOCK. While the right of objection is reserved, I desire to know whether any committee of this House has ever passed upon the question whether this sum of money is due to this alleged creditor.

Mr. REAGAN. In answer to the question of the gentleman from New York [Mr. Hiscock] I will state that the Judiciary Committee of this House in the Forty-fourth Congress unanimously recommended the passage of a joint resolution to pay over this \$101,000 to the State of Texas, from the fund reserved here to meet the liabilities of the late republic of Texas. The Judiciary Committee of the House in the Forty-fifth Congress made unanimously a similar report, as did the Judiciary Committee in the Forty-sixth Congress; and at the present session this bill has been reported unanimously by the Senate committee.

Mr. HISCOCK. That does not answer my question. I might be in favor of paying this money over to the State of Texas and yet be unwilling to pay it to an alleged creditor of the State.

Mr. MILLS. The State of Texas has asked that the money be paid to this creditor and charged to the account of the State.

Mr. WILLITS. I will say in reply to the gentleman from New York that the State of Texas has passed an act requesting that the heirs of Mr. Toby shall be paid \$101,000, to be charged to the account of Texas upon the indemnity fund placed in the hands of the Government, which under the act of 1877 was covered in the Treasury. The State of Texas has decided the question whether Toby was her creditor; and of course we do not need to investigate that question.

Mr. HOLMAN. Mr. Speaker, when this question was up the other day, I stated that if it could be shown by a statement from the Secretary of the Treasury that a sufficient amount of the original fund withheld by the Government remained in the Treasury for the payment of this claim, I would not feel justifiable in making objection to the bill. A letter from the Secretary of the Treasury on that point has been read; but I wish to put an inquiry to the gentleman from Texas. I assume that whatever remains of the seven or eight million dollars retained by the United States for the payment of the debts of the State of Texas should be placed to the credit of that State; and if that State requests the payment to a particular creditor of money remaining in the Treasury, and ultimately due to the State, it is a question for the State itself.

But the question now is, whether or not the agreement between the Government of the United States and the State of Texas, which was an independent government at that time, was that the Government of the United States would retain so much of the money for the purpose of extinguishing the claims of creditors of the State of Texas,

and that there was a limit as to the amount of such claims which the Government of the United States should pay, but the balance remaining of that sum, if there was any, was not to go to the State of Texas, because the liability of the United States was simply to pay valid debts against the State of Texas up to a certain amount.

Now, this is the point: whether or not the question as to the validity of this claim as against the State of Texas, or since 1850 as against the United States, was ever inquired into? Or has it been taken for granted, inasmuch as this money had belonged to the State of Texas, that that State might dispose of it as she should think proper?

I think my friend from Texas [Mr. REAGAN] will find that the balance remaining of this fund does not go to the State of Texas, but that under that arrangement the liability on the part of the United States was simply to pay valid debts against the State of Texas up to a certain amount, and if the debts so paid did not amount to that sum, the balance was not to be paid to the State of Texas.

Mr. REAGAN. In answer to the question of the gentleman from Indiana, [Mr. HOLMAN,] I desire to say that three Committees on the Judiciary of this House, at three different sessions of Congress, have held that the balance of this fund would go the State of Texas. But that question is not involved in this bill, this claimant being a creditor of the republic of Texas, whose claim has been allowed by the State as a claim against this fund, without reference to the question whether the surplus fund would go to the State or not.

The SPEAKER. Is there objection to the consideration of this bill at this time? [After a pause.] There is objection.

Mr. MILLS. Only one member objects.

The SPEAKER. The Chair will request members objecting to rise and remain standing until counted. [After a pause.] Six members object, and the bill is not before the House. The Chair will state that the hour for business under this rule has expired.

ORDER OF BUSINESS.

Mr. SPRINGER. I ask unanimous consent to have passed at this time a joint resolution in reference to printing the Agricultural Report for the year 1881, in order to correct an error.

Mr. ROBESON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROBESON. What is the regular order?

The SPEAKER. The regular order, this being Monday, is the call of States and Territories for the introduction of bills and joint resolutions for reference.

Mr. SPRINGER. I desire to make a privileged report from the Committee on Printing.

The SPEAKER. That is in order.

AGRICULTURAL REPORT FOR 1881.

Mr. SPRINGER. By direction of the Committee on Printing I report a joint resolution providing for printing the annual Report of the Commissioner of Agriculture for 1881.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c., That there be printed 300,000 copies of the annual Report of the Commissioner of Agriculture for the year 1881; 241,000 copies for the use of members of the House of Representatives, 56,000 copies for the use of members of the Senate, and 3,000 copies for the use of the Department of Agriculture; and \$219,161.54, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out this joint resolution.

Mr. SPRINGER. I will state that this joint resolution is for the purpose of correcting a mistake made in the Senate by changing a concurrent resolution to a joint resolution, which the rules of the Senate do not permit to be done. That joint resolution could not be enrolled, and therefore nothing has been done on the subject. This is simply a copy of the joint resolution as agreed to by both Houses in conference, and is for the purpose of correcting that error.

There being no objection, the joint resolution (H. R. No. 290) was received, read three several times, and passed.

Mr. SPRINGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now take a recess for two hours.

Mr. BROWNE. I wish the gentleman would wait a moment. On the 8th day of July last the House unanimously passed a bill granting a pension to Mrs. Eliza H. Ramsay. That bill was sent to the Senate, but was lost. It therefore became necessary for the Senate to pass a new bill, which they have done, one identical with the bill which the House passed. That bill has been sent over here this morning, and I ask that it now be taken up and passed by the House.

Mr. MILLS. Does that require unanimous consent?

The SPEAKER. It does.

Mr. HOLMAN. I wish to inquire whether a bill for a soldier who lost his legs in the service—

Mr. MILLS. I object.

Mr. BROWNE. If the gentleman objects—

Mr. MILLS. I object because your colleague [Mr. HOLMAN] objects to everything that comes from my State, and I am hitting him over your shoulders.

Mr. BROWNE. I did not make any objection.

Mr. MILLS. You did to the last proposition from the State of Texas.

The SPEAKER. The question is on the motion of the gentleman from Indiana, that the House now take a recess for two hours.

Mr. MILLS. For what?

The question was taken; and upon a division there were—ayes 22, noes 42.

Mr. HOLMAN. There is no quorum voting, I believe. If the chairman of the Committee on Appropriations [Mr. HISCOCK] expects any public business connected with the appropriation bills—

Mr. MILLS. I call for the regular order.

Mr. HISCOCK. The gentleman from Indiana [Mr. HOLMAN] has asked me a question which perhaps should call from me an expression as to whether I am in favor of his motion for a recess. Now, so far as I am concerned, I will say that there is not a quorum here, and upon any question presented which I believe should not be passed I propose to raise the point of a quorum. I am entirely willing, for one, to concede if there are meritorious bills they should be passed.

Mr. McLANE. I agree with the gentleman.

Mr. HISCOCK. If there is any request that a bill be discussed I certainly will not raise the question of a quorum to prevent its consideration.

Mr. HOLMAN. Does my friend from New York think it is a proper thing to legislate without the presence of a quorum?

Mr. ROBESON. Let us have the call of States for the introduction of bills and joint resolutions for reference.

Mr. HOLMAN. There is no quorum here.

Mr. HISCOCK. I will say to the gentleman from Indiana there are certain bills which may come from the Senate upon which action of the House should be had. I am disposed to meet the question on every bill as it is presented. The question of no quorum can be made on each bill as it comes up.

Mr. TALBOTT. Let us have two hours under the Pound rule.

Mr. HISCOCK. We do not consent to that.

Mr. MILLS. The Calendars of the House are loaded down with bills reported from committees, which ought to receive the consideration of the House.

Mr. WHITE. Mr. Speaker, a joint resolution was unanimously recommended by the Committee on Commerce, and which I ask to take up and put on its passage. That committee overlooked a clause in the last year's river and harbor bill whereby a portion of any sum appropriated for the improvement of a river for lock and dam might be used in reference to the land given for the site of lock and dam. Objection was made on Saturday last to the joint resolution offered by the gentleman from Michigan, and in his absence this morning I ask for unanimous consent to call it up, as it is the wish of every member of the committee who is present and whom I have been able to see since we made this discovery that the resolution should be passed. The letter was read last Saturday, but I will ask that it be again read.

Mr. MILLER. Does this refer to the river and harbor bill?

Mr. WHITE. Yes; it relates to an oversight in the river and harbor bill.

Mr. MILLER. Very well; then I object.

The SPEAKER. The point of no quorum was made on the motion that the House take a recess, and the Chair appoints as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from New York, [Mr. HISCOCK.]

Mr. BINGHAM. Let us have the call of the States.

Mr. HOLMAN. Very well; I withdraw my motion that the House take a recess. But I do not think business should be transacted without a quorum.

Mr. ROBESON. I demand the regular order of business.

CALL OF STATES.

The SPEAKER. The regular order is the call of States and Territories for bills and joint resolutions for printing and reference. Under this call also joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented for reference, and also resolutions of inquiry addressed to the heads of Executive Departments, for reference to appropriate committees.

MAX LUCHS.

Mr. BUCK introduced a bill (H. R. No. 6894) to authorize the Court of Claims of the United States to ascertain the amount of special damages sustained by Max Luchs by the change of grade of a certain square in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ANNA E. CARROLL.

Mr. TALBOTT (by request) introduced a bill (H. R. No. 6895) for the relief of Anna E. Carroll; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REDUCTION OF TAXATION.

Mr. ROBESON introduced a bill (H. R. No. 6896) to reduce taxation; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMERCIAL TRAVELERS.

Mr. COX, of New York, introduced a bill (H. R. No. 6897) to relieve commercial travelers from license taxes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CAPTAIN FREDERICK A. MAHAN.

Mr. BINGHAM introduced a bill (H. R. No. 6898) for the relief of Captain Frederick A. Mahan, United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OLIVER EVANS WOODS.

Mr. O'NEILL introduced a joint resolution (H. R. No. 291) for the relief of Oliver Evans Woods; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARY ANN KING.

Mr. GUENTHER introduced a bill (H. R. No. 6899) for the relief of Mary Ann King; which was read a first and second time, referred to the Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 282) making an appropriation to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882;

A bill (S. No. 670) to provide for the construction of a public building at Fort Wayne, Indiana; and

A bill (S. No. 2164) to encourage and promote telegraphic communication between America and Europe.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced that the Senate has passed a joint resolution (S. R. No. 108) to correct an error in the enrollment of a bill making appropriations for the legislative, executive, and judicial expenditures of the Government for the fiscal year ending June 30, 1882, and for other purposes; in which concurrence of the House of Representatives was requested.

The message further announced that the Senate had passed without amendment House bills of the following titles:

A bill (H. R. No. 6525) to donate condemned cast-iron cannon, mortars, and cannon-balls for monumental purposes;

A bill (H. R. No. 676) to refer the claim of the captors of the ram Albemarle to the Court of Claims;

A bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi at or near the mouth of the Upper Iowa River, in the State of Iowa;

A bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States; and

A bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island in the Puget Sound district to enter and clear vessels and collect duties.

REDUCTION OF TAXATION.

Mr. ROBESON. What is the regular order of business?

The SPEAKER. The regular order of business would be individual motions to suspend the rules.

Mr. ROBESON. Then I move to suspend the rules and discharge the Committee on Ways and Means from the further consideration of the bill (H. R. No. 6896) to reduce taxation, and put the same upon its passage, being the bill which I introduced this morning.

The SPEAKER. The gentleman from New Jersey moves to suspend the rules and discharge the Committee on Ways and Means from the further consideration of the bill the title of which he has indicated, and put the same upon its passage. The bill will be read.

The bill was read, as follows:

Be it enacted, &c., That the taxes herein specified imposed by the laws now in force be, and the same are hereby, repealed as hereinafter provided, namely, taxes now imposed by law on snuff and manufactured tobacco on and after January 1, 1883, and from and after that date the tax on snuff and manufactured tobacco shall be twelve cents per pound; and taxes on capital and deposits of banks and bankers, except such taxes as are now due and payable; and on and after the 1st day of October, 1882, the stamp tax on bank checks, drafts, orders, and vouchers, and the tax on matches, perfumery, medicinal preparations, and other articles imposed by Schedule A following section 3437 of the Revised Statutes: *Provided,* That no drawback shall be allowed upon articles embraced in said schedule that shall be exported on and after the 1st day of October, 1882: *Provided further,* That on and after August 15, 1882, matches may be removed by manufacturers thereof from the place of manufacture to warehouses within the United States without attaching thereto the stamps required by law, under such regulations as may be prescribed by the Commissioner of Internal Revenue.

SEC. 2. That from and after the 1st day of May, 1883, dealers in leaf tobacco shall annually pay \$12; dealers in manufactured tobacco shall pay \$2.40; all manufacturers of tobacco shall pay \$6; manufacturers of cigars shall pay \$6; peddlers of tobacco, snuff, and cigars shall pay special taxes, as follows: peddlers of the first class, as now defined by law, shall pay \$30; peddlers of the second class shall pay \$15; peddlers of the third class shall pay \$7.20; and peddlers of the fourth class shall pay \$3.60. Retail dealers in leaf tobacco shall pay \$250, and thirty cents for each dollar on the amount of their monthly sales in excess of the rate of \$500 per annum.

SEC. 3. That on cigars which shall be manufactured and sold, or removed for

consumption or sale on and after the 1st day of October, 1882, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof: on cigars of all descriptions, made of tobacco or any substitute thereof, \$4 per thousand; on cigarettes weighing not more than three pounds per thousand, 75 cents per thousand; on cigarettes weighing more than three pounds per thousand, \$4 per thousand: *Provided,* That on all original and unbroken factory packages of smoking and manufactured tobacco, and snuff, cigars, cheroots, and cigarettes held by manufacturers or dealers at the time such reduction shall go into effect, upon which the tax has been paid, there shall be allowed a drawback or rebate of the full amount of the reduction: *Provided,* The same shall not apply in any case where a claim has not been ascertained or presented within thirty days following the date of the reduction, and such rebate to manufacturers may be paid in stamps at the reduced rates.

It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to adopt such rules and regulations and to prescribe and furnish such blanks and forms as may be necessary to carry this act into effect.

SEC. 4. That on and after the 1st day of October, 1882, so much of section 3 of an act approved March 3, 1875, entitled "An act to further protect the sinking fund and provide for the exigencies of the Government," as imposes an additional duty of 25 per cent. on all molasses, tank-bottoms, sirup of sugar-cane juice, melada, and on sugars, according to the Dutch standard in color, imported from foreign countries, is hereby repealed; and the duties on such articles shall be and remain the same as before the passage of said act.

SEC. 5. That section 2504, title 33 of the Revised Statutes of the United States, be amended by adding to Schedule E of said title the following:

"That on and after the 1st day of October, 1882, the duty on steel railway bars, and railway bars made in part of steel, shall be \$20 per ton; and that on all manufactures, articles, vessels, and wares made from hoop, band, or scroll iron, or of which hoop, band, or scroll iron shall be the component material of chief value, there shall be levied, collected, and paid the same duty, or rate of duty, as that imposed on the hoop, band, or scroll iron from which they are made, or which shall be the component material of chief value."

SEC. 6. That the reduction of duties provided for by this act shall also apply to all goods, wares, and merchandise on deposit in warehouses or public stores on the 1st day of October, 1882.

Mr. MILLS. I demand a second upon that motion.

Mr. ROBESON. Let a second be considered as ordered.

Mr. MILLS. No; I demand a second.

The SPEAKER. The Chair will appoint tellers.

Mr. MILLS and Mr. ROBESON were appointed tellers.

The House divided; and the tellers reported—ayes 52, noes 8.

Mr. MILLS, Mr. COX of New York, and Mr. ELLIS made the point that no quorum had voted.

Mr. ROBESON. Who makes the point of no quorum?

The SPEAKER. Several gentlemen.

Mr. SPRINGER. Is there anything before the House?

Mr. ROBESON. The bill for the reduction of taxation is before the House.

Mr. SPRINGER. I desire to introduce a formal resolution—

The SPEAKER. The House is now dividing; it would not be in order.

Mr. ROBESON. I trust we will have unanimous consent to go on with this bill; it reduces taxation \$43,000,000, and I hope gentlemen on the other side will not object to taking it up now for consideration.

Mr. COX, of New York. This is simply a big joke. [Laughter.]

Mr. MILLS. It reduces taxes on wealth and leaves it on poverty.

Mr. ROBESON. It takes off half a cent a pound on every pound of sugar consumed by the poor man; it reduces—

Mr. MILLS. It takes the tax off the banks and puts it upon the cotton-growers.

Several members addressed the Chair.

The SPEAKER. Debate is not in order. Gentlemen are requested to vote on one side or the other.

Mr. CONVERSE. I ask unanimous consent to offer an amendment to the bill, with the consent of the gentleman from New Jersey.

The SPEAKER. The bill is not before the House for consideration.

Mr. ROBESON. I am trying to get it before the House, and gentlemen are objecting. They are unwilling to reduce the taxes.

Mr. RANDALL. This is a pretense to reduce taxes, as the gentleman claims, \$43,000,000; but when the Committee on Ways and Means tried to reduce taxes on the laboring people of this country \$70,000,000 your caucuses prevented it.

Mr. ROBESON. You have the opportunity to do so now.

Mr. COX, of New York. Why did you not start in earlier with this business if you are so anxious to reduce the taxes?

Mr. ROBESON. Because gentlemen on the other side insisted upon obstructing the business of the House.

Mr. COX, of New York. It was your own caucus that obstructed the business of the House.

Mr. RANDALL. You did not want to reduce the taxes when you had the opportunity.

The SPEAKER. Debate is entirely out of order. The tellers will resume their places, and members are requested to vote.

Mr. COX, of New York. A hundred of the Republican members have gone home, and those who remain cannot pass this bill.

Mr. ROBESON. There are enough here to pass it unless objection is made.

Mr. MILLS. It is a bill taking off taxation from the wealthy and increasing it on the poor.

Mr. ROBESON. I would like to ask gentlemen if they intend to persist in making the point of no quorum?

Mr. BUCHANAN. I do.

Mr. RANDALL. We would have passed a bill reducing taxes by \$70,000,000 but for the action of a Republican caucus.

Mr. MILLS. This is a bill relieving the banks and leaving the burden of taxation on poor people.

Mr. SPRINGER. I understand this whole subject has been referred to the tariff commission.

The SPEAKER. Debate is not in order.

Mr. SPRINGER. I am not debating.

The SPEAKER. Members are requested to vote on one side or the other.

Mr. TALBOTT. The same question is being considered at Long Branch now.

Mr. SPRINGER. The commission at Long Branch have the whole matter in hand with a quorum present, and are invigorating themselves for the work by taking a bath every day in the cooling waters of the Atlantic Ocean.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. No. 6681) granting a pension to Eliza H. Ramsay.

REDUCTION OF TAXATION.

Mr. ROBESON. If gentlemen desire to ask unanimous consent to call up other bills while we are waiting for a quorum I have no objection.

Mr. TUCKER. I have a few which I would like to put in.

Mr. BUTTERWORTH. If in order, I should like to call up a Senate joint resolution.

The SPEAKER. That would not be in order at this time.

Mr. ROBESON. I am willing to give way if unanimous consent be given for the passage of this bill, and then the call can go on.

Mr. RANDALL. This is mere buncombe and there is no sincerity in it.

Mr. TOWNSEND, of Ohio. I withdraw my demand for further count, and ask unanimous consent to take up a Senate bill to which I am sure there will be no objection.

Mr. CANNON. I ask unanimous consent—

The SPEAKER. Unanimous consent cannot be asked while the House is dividing.

Mr. BUCHANAN. I object to taking up any other bill or anything else till this question is disposed of.

Mr. SPRINGER. I rise to make an inquiry. Did I understand the gentleman from New Jersey to say that Congress would be kept in session till this bill was passed?

Mr. ROBESON. I did not say that. I said if this bill, which reduces taxation \$43,000,000, which takes 25 per cent. off sugar and 20 per cent. off steel, was passed by the House now it can be passed by the Senate before we adjourn. The bill reduces taxation \$43,000,000. Let gentlemen object to that if they want to.

Mr. TUCKER. And it has the hoop-iron clause in it, and the gentleman did not know it.

Mr. McKINLEY. That is the most deserving clause in it—the clause as to hoop-iron.

Mr. ATHERTON. I wish to inquire whether any other member of this House has the right to make a speech except the tellers when the House is dividing.

The SPEAKER. Tellers are not privileged in that way either.

Mr. MILLS. Will the Speaker order chairs for the tellers?

The SPEAKER. Tellers are not permitted to be seated.

Mr. ATHERTON. I would inquire of the gentleman from New Jersey—

Mr. ROBESON. Nobody has a right to talk except the tellers.

Mr. ATHERTON. I wish to ask the gentleman whether it would not be as easy to get a quorum now as it was to get a quorum to turn out one man and seat another who was not elected?

Mr. BUTTERWORTH. I apprehend that what is now proceeding is simply to test our endurance. There is a joint resolution here from the Senate which they are anxious to have adopted, providing an additional month's pay to Senate employes. The indications are that the Senate will agree to a speedy final adjournment. I think it is due to the Senate that this joint resolution should be passed, and I would like to call it up.

Mr. McKENZIE. I object to everything until the present order of the House is executed.

Mr. HISCOCK. I ask unanimous consent to put upon its passage a joint resolution to correct an error in the enrollment of the legislative bill.

Mr. REAGAN. I object.

Mr. BUCHANAN. I call for the regular order.

The SPEAKER *pro tempore*, (Mr. McKINLEY.) Will the gentleman from Texas permit the title of the joint resolution to be read?

Mr. REAGAN. Yes, sir.

The Clerk read as follows:

A joint resolution (S. R. No. 106) to correct an error in the enrollment of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

The SPEAKER *pro tempore*. Does the gentleman from Texas insist on his objection?

Mr. REAGAN. I do.

Mr. ROBESON. Let the vote on seconding the pending motion to suspend the rules be announced.

The SPEAKER *pro tempore*. The tellers have reported—ayes 63, noes 14.

Several MEMBERS. No quorum!

Mr. ROBESON. I have made an honest endeavor to reduce taxes. [Laughter on the Democratic side.]

Mr. TUCKER. I move that both the tellers be allowed to speak.

Mr. ROBESON. Will gentlemen permit me to withdraw the bill? That is what I propose to do.

Mr. ATHERTON. I move that there be a call of the House.*

Mr. ROBESON. Since the point of no quorum is made by the gentleman from Texas, [Mr. MILLS,] the gentleman from New York, [Mr. COX,] and all the gentlemen on that side of the House, I withdraw the proposition.

Mr. MILLS. I have objected to this bill because it seeks to reduce taxation on the banks and bankers of this country, and to keep taxes on clothing, food, and the implements of labor.

Mr. RANDALL. If every member of Congress who is now in the city, of both parties represented in this House, were present, there would not be a quorum; and the gentleman from New Jersey [Mr. ROBESON] knows very well that it is an impossibility to pass such a bill as this.

CORRECTION OF ERROR IN LEGISLATIVE APPROPRIATION BILL.

Mr. HISCOCK. I ask unanimous consent to take from the Speaker's table for consideration at this time Senate joint resolution No. 108, to correct an error in the enrollment of the "act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes."

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c., That the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes, be so amended that the salary of the chief clerk of the War Department shall read "\$2,500" in lieu of "\$2,000," as therein provided; this amendment being to correct an error in the enrollment of said act.

There being no objection, the joint resolution was taken from the Speaker's table, read three several times, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LYNCH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette.

ORDER OF BUSINESS.

Mr. BUTTERWORTH. I desire to call up Senate joint resolution No. 107, providing one month's extra pay for certain employes of the Senate.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Resolved, &c., That the Acting Secretary of the Senate is hereby authorized and directed to pay to the committee clerks, pages, laborers, and other employes of the Senate, who do not now receive annual salaries, a sum equal to one month's pay at the adjournment of the present session of Congress; and the amount necessary to pay the same is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, and shall be immediately available.

The SPEAKER *pro tempore*, (Mr. McKINLEY.) Is there objection to the consideration of the joint resolution which has just been read?

Mr. HISCOCK. There is; I object.

Mr. BUTTERWORTH. I hope my friend from New York [Mr. HISCOCK] will not object. I think the Senate ought to be allowed to determine this matter for themselves.

Mr. HISCOCK. I move that the House take a recess for two hours.

Mr. HOLMAN. I call for the regular order.

Mr. BUTTERWORTH. I move to suspend the rules and put the joint resolution just read on its passage.

Mr. HISCOCK. Is the gentleman recognized for that purpose?

Mr. URNER. I have a question of privilege which I desire to bring before the House.

Mr. BUTTERWORTH. I move to suspend the rules and pass the joint resolution which I called up.

Mr. HISCOCK. I have made a motion for a recess for two hours.

Mr. HOLMAN. I call for the regular order.

The SPEAKER. The regular order is the motion for a recess.

The question was taken; and upon a division there were—ayes 43, noes 17.

Mr. MILLS. No quorum has voted.

Mr. HISCOCK. What is the object of raising a question of no quorum?

Mr. MILLS. For the purpose of transacting business. Our Calendars are full of bills; let us pass some of them.

Mr. HISCOCK. There will be no business done if we continue in session.

Mr. BURROWS, of Michigan. There will be no business done; we might as well take a recess.

The SPEAKER. The point is made that no quorum has voted. Tellers were ordered; and Mr. HISCOCK and Mr. MILLS were appointed.

The House again divided; and the tellers reported that there were—ayes 41, noes 10.

Mr. MILLS. No quorum has voted. There are gentlemen here who have a bill which they desire to have acted on.

The SPEAKER. The point of order being insisted upon that no quorum has voted, the tellers will resume their places and continue the count, and members who have not voted are requested to vote on one side or the other.

Mr. PAGE. I ask unanimous consent that the gentleman from Michigan [Mr. BURROWS] be permitted to call up for consideration a bill to provide a territorial government for the Territory of Alaska, which is a very important matter. The bill, I believe, proposes to extend the laws of Washington Territory over the Territory of Alaska. There is no form of government there, and it is important that some bill of the kind should be passed this session. I now ask unanimous consent of the House that the gentleman be permitted to call up that bill and have it acted upon.

Mr. MILLS. I object; there is another question pending.

The SPEAKER. Objection is made.

Mr. PAGE. I hope the gentleman from Texas [Mr. MILLS] will not object. It is a matter which should be considered. There are many people in Alaska, and there is no form of government there to protect either life or property. I respectfully ask the gentleman from Texas to allow this bill to be considered now and passed.

Mr. McLANE. I desire to make a parliamentary inquiry.

Mr. PAGE. Do I understand that the gentleman from Texas objects to the consideration of the bill I have indicated?

The SPEAKER. The gentleman objects.

Mr. BURROWS, of Michigan. I think there is a bill to which there will be no objection whatever. While there is a lull in the business I ask unanimous consent to take up a bill for the admission of South Dakota into the Union as a State.

Mr. McCOOK. I object.

Mr. BURROWS, of Michigan. Is there objection?

Mr. RANDALL. There is.

Mr. McCOOK. Is there objection to my calling up a bill donating condemned cannon?

The SPEAKER. The House is now dividing. Does the gentleman from New York [Mr. HISCOCK] insist upon his motion for a recess for two hours?

Mr. HISCOCK. I do.

The SPEAKER. The tellers will continue the count.

Mr. ROBESON. I rise to a parliamentary inquiry. If the motion for a recess be withdrawn for the purpose of admitting an application for unanimous consent can it be renewed immediately?

Mr. HISCOCK. I will withdraw the motion for a recess if the gentleman from Illinois [Mr. SPRINGER] be recognized with the understanding that he shall renew the motion or will yield to me to renew it.

The SPEAKER. It is a privileged motion; and there is no doubt about the right to renew it.

PRINTING OF HOUSE DIGEST.

Mr. SPRINGER. I offer the following resolution:

Resolved, That there be printed and bound for the use of the House 2,000 copies of the Digest for the second session of the present Congress.

Mr. HOLMAN. What is the necessity of printing so large a number?

Mr. SPRINGER. The usual number is 1,950.

Mr. HOLMAN. I am not speaking as to the usual number. The ordinary practice is to print a vast body of matter which nobody wants and nobody reads. At least one-half of all the publications made by Congress are absolutely worthless for the general purposes of the country. I ask my friend why it is proposed to print so large a number?

Mr. SPRINGER. The number printed of this Digest has never been sufficient to supply the demands of members of the current Congress, of new members coming in, and the requests we are constantly receiving from the State Legislatures for copies of this work. This resolution proposes the printing of substantially the usual number.

Mr. HOLMAN. I am not talking at all about the usual number. The excessive growth of this printing business has become a subject of grave and just complaint.

Mr. SPRINGER. This whole document is stereotyped, and the usual number printed without any order would be 1,950 copies. This resolution will limit the number to 2,000.

Mr. HOLMAN. I see no reason why there should be a larger number of these books printed than will suffice for the wants of members of the House and the Senate.

Mr. SPRINGER. I will call the attention of the gentleman to the fact that next winter there will be a large number of the State Legislatures in session; and we frequently receive requests for this document from the rising statesmen of the country who desire to understand the intricacies of parliamentary law as practiced in this body. Many of these gentlemen are or expect to be candidates for Congress, and they wish to be informed beforehand in regard to our rules.

This resolution will furnish a very small number of these books to supply the needs of gentlemen throughout the country who wish to study our rules in advance. As the resolution proposes simply the printing of the usual number, I think it ought to be adopted.

Mr. HOLMAN. Do I understand that this document is much called for?

Mr. SPRINGER. It is greatly demanded.

Mr. HOLMAN. It is very pleasant reading, no doubt.

Mr. SPRINGER. Yes, sir. I am very glad that there is nobody in the gentleman's district who desires to contest with him the honor of coming to this body, because we could not get along very well without him. But in other parts of the country there are gentlemen ambitious to become members of this House, and who wish to study the rules in advance. Some gentleman suggests to me that if there is anything calculated to terrify a person who aspires to become a member of this body it would be to require him to read our rules and understand them.

Mr. HOLMAN. This resolution proposes to print 2,000 copies for the coming session of Congress?

Mr. SPRINGER. Yes, sir; the second session.

Mr. HOLMAN. Does not my friend know that in the ordinary course of things three hundred and fifty copies would be the outside number required? I must object to the resolution.

Mr. SPRINGER. Without any order of this kind 1,950 copies will be printed. This resolution simply fixes the number at 2,000. Every volume thus ordered will be required.

Mr. HOLMAN. This resolution proposes an increase even upon the present enormous number.

Mr. SPRINGER. An increase of fifty copies.

Mr. HOLMAN. Well, I object.

Mr. SPRINGER. The book is already stereotyped, and the law provides for the printing; and the number is to be fixed for each session by resolution.

Mr. HOLMAN. I trust my friend will reduce the number proposed in the resolution. It is absolutely certain that not one-half of this number can or will be used. Two or three copies for each member are all that we shall have occasion for, even to meet the requests of our constituents.

Mr. SPRINGER. I insist that the usual number of this document should be printed. I have always had more demands for it than I could supply. The book is already stereotyped; and the difference in cost between the number which the resolution proposes and the usual number will be trifling. Fifty copies must at any rate go to the Congressional Library for distribution to libraries throughout the country. New members of the next Congress (and their name will be legion) must have copies of this work.

The question being on the adoption of the resolution,

Mr. HOLMAN. I demand a division.

The House divided; and there were—ayes 29, noes 6.

Mr. HOLMAN. No quorum has voted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, announced the passage of joint resolution (H. R. No. 290) providing for the printing of the annual Report of the Commissioner of Agriculture for 1881.

It further announced the passage of the following bills; in which concurrence was requested:

A bill (S. No. 1923) for the relief of Louisa Boddy;

A bill (S. No. 1174) to grant the right of way over the public lands and a military reservation to the Jacksonville, Saint Augustine and Halifax Railway Company; and

A bill (S. No. 2132) granting a pension to Eliza H. Ramsey.

The message further announced that the Senate had agreed to the concurrent resolution of the House authorizing the Sergeant-at-Arms of the House and of the Senate to purchase the thirty-two elastic settees now in the Rotunda of the Capitol.

ORDER OF BUSINESS.

Mr. SPRINGER. The only difference between the gentleman from Indiana [Mr. HOLMAN] and myself in reference to the printing of the Digest of the Rules is about \$37, and in order that there may be no time consumed in contention over that sum, I withdraw the resolution.

Mr. HOLMAN. That is the proper course for the gentleman to take.

FOLDING DOCUMENTS.

Mr. URNER. I am directed by the Committee on Accounts to report, as a substitute for other resolutions on the same subject before that committee, the following:

The Clerk read as follows:

Resolved, That the Doorkeeper of the House be, and is hereby, authorized to retain upon his rolls and in the employ of the House the twelve additional laborers in the folding-room whose employment was authorized by the resolution of the House of March 30, 1882, until their services in folding speeches is no longer required, when they shall be discharged: *Provided*, That such service shall not continue longer than thirty days from the time they are now authorized to be employed. And the Postmaster of the House is also hereby authorized to continue the employment of the two persons whose employment was authorized by the resolution of the House of February 16, 1882, for the same time the said additional laborers in the folding-room shall be employed as hereinbefore authorized, and the expense of such additional employment shall be paid out of the contingent fund of the House.

Mr. McMILLIN. How does that come before the House?
 The SPEAKER. As a privileged matter.
 Mr. McMILLIN. Is not this the same report which was beaten on a yea-and-nay vote the other day?
 Mr. URNER. It has been materially modified.
 Mr. McMILLIN. How has it been modified?
 The SPEAKER. It was not beaten.
 Mr. URNER. The resolution has been materially modified.
 Mr. McMILLIN. What is the difference between the modified resolution and the other one?
 Mr. URNER. The original resolution provided for the employment for sixty days, while this provides for their employment only thirty days. The original report provided for six men in the post-office and this provides for only two.
 Mr. McMILLIN. The committee has examined this question and found this force to be necessary.
 Mr. URNER. The committee did examine the matter thoroughly and this force is necessary.
 The resolution was adopted.
 Mr. URNER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNLAWFUL OCCUPATION OF PUBLIC LANDS.

Mr. RICE, of Missouri, from the Committee on the Public Lands, by unanimous consent, reported back with amendments the bill (H. R. No. 3560) to prevent the unlawful occupation of the public lands; which was referred to the House Calendar, and ordered to be printed.

BRIDGE OVER THE SAINT CROIX RIVER.

Mr. MURCH. I ask, by unanimous consent, to call up and put on its passage at this time the bill (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River between the city of Calais, Maine, and Saint Stephen's, New Brunswick.

The bill was read, as follows:

Be it enacted, etc., That the Maine Shore-Line Railway, a corporation organized and created under and by virtue of the laws of the State of Maine, be, and is hereby, authorized and empowered to construct, own, maintain, and operate a railway bridge over the Saint Croix River between the city of Calais, in the State of Maine, and the town of Saint Stephen's, in the Province of New Brunswick, Dominion of Canada, at such point as may be most convenient to said corporation to unite and connect their railroad to be constructed by them in the said city of Calais with any railroad that may be constructed by any person or company in the said Dominion of Canada, and to build and lay on and across said bridge ways or tracks for the passage of railway trains and foot-passengers, for the transit of which said corporation may charge a reasonable toll; and that said bridge when completed shall be deemed and taken to be a legal structure: *Provided*, That the consent of the proper authorities of the Dominion of Canada shall have been obtained before said bridge shall be built or commenced.

SEC. 2. That the plan and location of any bridge the construction of which is hereby authorized shall be subject to the approval of the Secretary of War; and the bridge, if built at any distance greater than one hundred feet below the present toll-bridge between Calais, Maine, and Saint Stephen's, New Brunswick, or the head of navigation, shall be so located as not to obstruct, impair, or injuriously modify the free navigation of the river, and shall be built with the piers parallel to the current, leaving the water-way unobstructed by riprap or piling, or other obstructions, and shall have at the crossing of the main channel of the river a draw of not less than sixty feet of clear opening, which shall be located at a point best calculated to accommodate commerce, which draw shall at all times be opened promptly for passing vessels upon reasonable signal, except when railway trains are passing over the same; and at all times during the season of navigation proper signal-lights shall be used and maintained at the expense of the aforesaid company to guide vessels approaching said draw: *Provided*, That the construction of said bridge shall not be commenced until the plan and location thereof have been approved by the Secretary of War and the said company has been notified of the same in writing: *And provided further*, That the consent of the proper authorities of the Dominion of Canada shall have been obtained before said bridge shall be built or commenced.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved. And the right to require any changes in said structure or its entire removal at the expense of the owners thereof, whenever Congress shall decide that the public interest requires it, is also expressly reserved.

Mr. HOLMAN. I think perhaps that is all right.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill was ordered to a third reading; and it was read a third time, and passed.

Mr. MURCH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DIGEST OF POINTS OF ORDER.

Mr. BURROWS, of Michigan. I move the adoption of the following resolution, which has for its object the publication of what the House has already ordered to be compiled.

The Clerk read as follows:

Resolved, That all questions of order decided in the Committee of the Whole House on the state of the Union on general appropriation and revenue bills, compiled by the Journal Clerk under the resolution of May 5, be printed, under the direction of the Journal Clerk, for the use of the House.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. HISCOCK. I now move that the House take a recess until four o'clock.

The motion was agreed to; and accordingly (at one o'clock and forty-five minutes p. m.) the House took a recess until four o'clock.

AFTERNOON SESSION.

The recess having expired, the House, at four o'clock p. m., resumed its session.

EXTRA PAY, SENATE EMPLOYÉS.

Mr. HISCOCK. Mr. Speaker, I made objection to the Senate resolution for the pay of certain of its employés. At the time I supposed it was a joint resolution providing for the payment of all employés of the Senate, and I now withdraw the objection which I then made.

The SPEAKER. The joint resolution will be read.

The Clerk read as follows:

Joint resolution (S. R. No. 107) providing one month's extra pay for certain employés of the Senate.

Resolved, etc. That the Acting Secretary of the Senate be, and he is hereby, authorized and directed to pay to all committee clerks, pages, laborers, and other employés of the Senate who do not now receive annual salaries, a sum equal to one month's pay at the adjournment of the present session of Congress, and the amount necessary to pay the same is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, and shall be immediately available.

Mr. HOLMAN. I wish to say a word, Mr. Speaker, before that resolution is acted upon by the House. The resolution which was passed by the House, or the provision incorporated in the sundry civil appropriation bill, for the payment of one month's extra compensation to the permanent employés of the House as well as to its temporary employés, and involving an expenditure of some \$35,000, I thought was thoroughly inadmissible as a legislative measure; for, as to the permanent employés, their salaries, as is well known, not only in the House but in the Senate as well, although unequal in amount, are perhaps the best that are paid to-day in any corresponding service of the Government; and if that provision had been confined to the temporary employés of the House there would have been at least a fair excuse for the measure. But as the provision extended both to the permanent and to the temporary employés, whose salaries are of course comparatively unimportant in amount as well as in duration of time, I did not think it was a proper measure to pass.

The only question which now confronts us, however, is whether the present resolution providing for this extra pay simply to the temporary employés of the Senate, which would have been deemed fair and reasonable with reference to the House employés, shall pass, in view of the fact that the House made provision not only for its temporary but for its permanent employés. The question arises whether the House does not owe it to the Senate to pass the measure—and that is the present question—in order that these employés may be put upon the same footing with what has been customary in reference to the temporary employés of the House.

For myself, Mr. Speaker, I must be permitted to say that in my judgment both the permanent and temporary employés of the House have ample compensation already. But certainly this measure proposed by the Senate is decidedly more moderate and reasonable than that which was passed by the House in behalf of our own employés; and inasmuch as this concerns the Senate alone, and is less objectionable than that which passed the House, I do not deem it proper to raise an objection myself to the passage of this resolution.

Mr. TOWNSHEND, of Illinois. May I ask the gentleman from Indiana a question?

Mr. HOLMAN. Certainly.

Mr. TOWNSHEND, of Illinois. I wish to ask if the resolution which the gentleman has spoken of in regard to the extra compensation of the House employés did not pass the House with the intention of equalizing their salaries with the Senate employés, who receive greater compensation than our employés?

Mr. HOLMAN. That was the excuse given, and yet my friend from Illinois knows very well that the inequality among the employés of the House is just as great and in some instances more striking than the inequalities between the employés of the House and the Senate; and when you talk about equalizing these salaries the proper mode of beginning would seem to be in the House itself, and not as between the two Houses.

Mr. TOWNSHEND, of Illinois. I am informed that there are one or two employés of the House who receive more than the corresponding employés of the Senate, but that the large mass of employés of the House receive at least 20 per cent. less than the Senate employés. The resolution or action of the House with reference to the month's extra pay for its employés was with a view simply to equalizing the salaries. Now, if we pass this Senate resolution we make the inequality between the salaries just the same as it was before.

Mr. ATKINS. Mr. Speaker, I desire to be heard for a moment.

Mr. HOLMAN. Let me answer the suggestions of the gentleman from Illinois. I wish to say to him that this Senate resolution applies only to the temporary employés. While it is true that some of the employés of the House receive less compensation than corresponding employés of the Senate, yet even the employés of the House receiving the lowest compensation are better paid, as we all know, than other employés of this Government in the various departments and performing similar services and assuming the same degree of responsibility. But this is a question that does not concern the subject of the equalization of salaries as between the two Houses. The question now is whether or not it is proper to pay the temporary employés of the Senate, as this resolution provides, the one month's extra pay.

Mr. ATKINS. Mr. Speaker, my judgment is that we can hardly

refuse to pass this resolution with any sort of propriety. I understand that the session employés of the Senate get the same salary, at least the same per diem pay, that our session employés receive, and as we have given to our session employés, along with our annual employés, a month's extra pay, I do not think that we can with propriety refuse to give these employés of the Senate the same pay we have given to our own.

Mr. McMILLIN. Does this apply only to the sessional employés of the Senate?

Mr. ATKINS. It applies alone to sessional employés.

Mr. McMILLIN. Will my colleague from Tennessee state what has been the custom hitherto as to sessional employés of the Senate?

Mr. ATKINS. This custom of giving an extra month's salary originated in giving it to the sessional employés; but it has been extended so as to give it to the annual employés. The fact is, as I understand, when the similar resolution passed a year ago it included only the annual employés and excluded the sessional employés, which was a wrong discrimination.

I agree with the gentleman from Indiana that this is not the proper thing to do. I think we ought to make these salaries and this compensation what they ought to be, and not give a month's extra pay at the end of the session to any class of employés. I would give them enough and then stop. But as we have done this thing for the House employés I do not think we could with any sort of propriety refuse to pass this resolution.

Mr. TOWNSHEND, of Illinois. I was not listening attentively when the resolution was read. Will my friend from Tennessee state whether I am correctly informed that this applies only to the temporary employés?

Mr. ATKINS. It applies only to the sessional employés.

Mr. TOWNSHEND, of Illinois. And only to those who receive no greater compensation than the corresponding employés of the House?

Mr. ATKINS. That is my understanding.

Mr. TOWNSHEND, of Illinois. If that be so I have no objection to the resolution.

Mr. McMILLIN. I concur heartily with what my friend from Tennessee has said, and also the gentleman from Indiana, [Mr. HOLMAN,] with reference to the perniciousness of this method of legislation. It is high time if the salaries of the employés of Congress are not sufficient that we should make them sufficient by general statute. I cannot conceive of anything which speaks more loudly of the want of that resolution which ought to characterize us than to fix a salary, saying it is enough, and then giving more in the way of a month's extra pay.

If the salaries of these employés are not large enough let us stand up like men and make them large enough; and if they are let us not give the extra month. Let us not come here day after day, month after month, session after session, and year after year, and have a half-begging resolution presented, objections made, and discussions as to whether it be in order or not; but let us fix the salaries and compensation at what they ought to be. For myself, expressing my own opinion, I think they are large enough. Let the regular salaries or the regular compensation be fixed by general law and adhered to.

Mr. SIMONTON. I offer as an amendment to the Senate bill what I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to the laborers in the cloak-room their present compensation for and including the month of August.

Mr. HISCOCK. I make the point of order that that is not germane to the pending joint resolution.

Mr. SIMONTON. It is a resolution that ought to pass any way. Those employés have not received any extra compensation.

The SPEAKER. The amendment proposed is a simple resolution offered as an amendment to a joint resolution of the Senate.

Mr. SIMONTON. I withdraw the amendment, proposing to offer it immediately after the joint resolution is disposed of.

The joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. HISCOCK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HISCOCK. I move now that the House take a recess for one hour.

Mr. SIMONTON. I hope the gentleman will let me offer the resolution just read.

Mr. ATKINS. I ask the gentleman from New York whether it would not be better to take a recess till eight o'clock.

Mr. HISCOCK. I will amend the motion by making the hour six o'clock.

W. H. BAILEY.

On motion of Mr. POUND, by unanimous consent, leave was given to W. H. Bailey to withdraw his papers from the committee to audit

expenses attending the illness and death of the late President James A. Garfield.

ENROLLED BILLS SIGNED.

Mr. PEIRCE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, when the Speaker signed the same:

A bill (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa;

A bill (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States;

A bill (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco;

A bill (H. R. No. 6525) donating condemned cast-iron cannon, mortars, and cannon-balls for monumental purposes;

A bill (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties;

A bill (H. R. No. 676) to refer the claim of the captors of the ram Albatraz to the Court of Claims;

A bill (H. R. No. 6681) granting a pension to Eliza H. Ramsey;

Joint resolution (H. R. No. 290) providing for printing the annual Report of the Commissioner of Agriculture for 1881; and

Joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests.

Mr. PEIRCE also, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a joint resolution and bill of the Senate of the following titles; when the Speaker signed the same:

Joint resolution (S. R. No. 108) to correct an error in the enrollment of the act making appropriations for the legislative, executive, and judicial expenses of the Government, for the fiscal year ending June 30, 1883, and for other purposes; and

A bill (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River, between the city of Calais, Maine, and Saint Stephen's, New Brunswick.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed bills and joint resolutions of the House of the following titles:

An act (H. R. No. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury, in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes;

An act (H. R. No. 5841) to provide for deductions from the gross tonnage of vessels of the United States;

An act (H. R. No. 6399) granting an increase of pension to Stephen D. Smith;

An act (H. R. No. 6624) granting an increase of pension to Eliza F. Porter;

An act (H. R. No. 6317) granting an increase of pension to James Bennett;

An act (H. R. No. 6521) granting a pension to Mrs. Adeline A. Turner;

An act (H. R. No. 5985) granting a pension to Martha Jane Douglass;

An act (H. R. No. 5018) granting a pension to Elizabeth F. Rice;

An act (H. R. No. 3733) granting a pension to Mary E. Taylor;

An act (H. R. No. 3717) granting a pension to Alvin Walker;

An act (H. R. No. 2966) granting a pension to Annie W. Osborne;

An act (H. R. No. 2524) for the relief of Alice J. Bennit;

An act (H. R. No. 2317) for the relief of Mary Bullard;

An act (H. R. No. 219) for the relief of Elizabeth Leebrick;

An act (H. R. No. 3601) for the relief of Martha A. Jones;

An act (H. R. No. 6743) to establish diplomatic relations with Persia;

An act (H. R. No. 6111) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

A joint resolution (H. R. No. 92) to print 11,000 copies of each of the second and third annual reports of the Director of the United States Geological Survey;

An act (H. R. No. 6616) making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes;

A joint resolution (H. R. No. 131) authorizing and directing the Secretary of the Interior to distribute copies of the Journals of the Senate and House of Representatives to public and law libraries;

An act (H. R. No. 929) to provide for the erection of a public building in the city of Saint Joseph, in the State of Missouri;

An act (H. R. No. 6687) for the manufacture of salt in the Indian Territory;

An act (H. R. No. 6520) in relation to land patents in the Virginia military district of Ohio;

An act (H. R. No. 5740) for the relief of the heirs of Major D. C. Smith;

An act (H. R. No. 1364) to authorize the auditing of certain unpaid claims against the Indian Bureau by the accounting officers of the Treasury;

An act (H. R. No. 6716) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes;

An act (H. R. No. 5812) to establish post-routes;

An act (H. R. No. 6715) to correct an error in section 2504 of the Revised Statutes of the United States;

Joint resolution (H. R. No. 254) to authorize the Secretary of War to transfer to "Tip" Best Post No. 75, Grand Army of the Republic, of Montrose, Iowa, one piece of condemned cast-iron cannon and cannon-balls for monumental purposes;

An act (H. R. No. 5224) to relieve certain soldiers of the late war from the charge of desertion;

An act (H. R. No. 6593) donating condemned cast-iron cannon and cannon-balls for monumental purposes;

An act (H. R. No. 4594) authorizing full pay to Lieutenant Frederick Schwatka, United States Army, while on leave to serve in command of the Franklin search expedition in the Arctic;

An act (H. R. No. 6265) donating cannon and cannon-balls to Post No. 14 of the Grand Army of the Republic, at Logansport, Indiana, and for other purposes;

An act (H. R. No. 6517) authorizing compensation to members of Company B, Fourteenth Infantry, for private property destroyed by fire on the Nashville and Chattanooga Railroad;

An act (H. R. No. 2299) relinquishing the title which still remains in the United States to all lots or portions of ground which lie within the limits of the present city of Burlington, State of Iowa, to the said city of Burlington;

An act (H. R. No. 6845) to amend the first subdivision of section 2568 of the Revised Statutes of the United States, title 34, collection of duties on imports;

An act (H. R. No. 4684) to amend section 4400 of title 52 of the Revised Statutes of the United States concerning the regulation of steam-vessels;

An act (H. R. No. 3489) for the relief of certain laborers employed upon Government works;

An act (H. R. No. 6249) granting an increase of pension to Joseph F. Wilson;

An act (H. R. No. 4888) increasing the pension of John F. Ellis;

An act (H. R. No. 3414) granting a pension to Sarah J. Cameron;

An act (H. R. No. 28) for the relief of John G. Abercrombie;

Joint resolution (H. R. No. 205) granting the use of tents at soldiers' reunion to be held by the Soldiers' Reunion Association of the State of Illinois;

Joint resolution (H. R. No. 203) for the printing of additional copies of House Executive Document No. 47 and subsequent land laws; and

Joint resolution (H. R. No. 263) granting the use of tents at soldiers' reunion to be held in the State of Iowa in the year 1882.

ADVERSE REPORTS.

Mr. SIMONTON. The gentleman from New York [Mr. HISCOCK] withdraws for a moment his motion for a recess that I may submit some adverse reports from the Committee on Invalid Pensions.

The SPEAKER. If there is no objection the reports will be received.

Mr. SIMONTON, by unanimous consent, from the Committee on Invalid Pensions, reported back adversely the following bills; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 2690) granting arrears of pension to Ellen W. P. Carter; and

A bill (H. R. No. 3104) granting a pension to Mrs. Margaret J. Bird.

MISSISSIPPI RIVER IMPROVEMENT.

The SPEAKER announced, as authorized and required by resolution of the House adopted to-day, the appointment, as the select committee to investigate in relation to the work in progress, the contracts, application of appropriations, &c., for the improvement of the Mississippi River, of Mr. BURROWS of Michigan, Mr. BUTTERWORTH of Ohio, Mr. ROBINSON of Massachusetts, Mr. HAZELTON of Wisconsin, Mr. HISCOCK of New York, Mr. THOMAS of Illinois, Mr. CARLISLE of Kentucky, Mr. HOLMAN of Indiana, and Mr. ELLIS of Louisiana.

ORDER OF BUSINESS.

Mr. HISCOCK. I now move that the House take a recess until eight o'clock.

Mr. BROWNE. I move to amend that motion so as to take a recess until ten o'clock to-morrow morning. We do not want to come here and swelter to-night for nothing.

Mr. TUCKER. I would inquire of the gentleman from New York [Mr. HISCOCK] what is the purpose of taking a recess to eight o'clock?

Mr. HISCOCK. I think from what I have learned that there is certainly an even chance for final adjournment this evening.

Mr. TUCKER. Very well; if there is an even chance for adjournment then let us take a recess until eight o'clock.

Mr. HISCOCK. I think there is more than an even chance.

Mr. ATKINS. Does the gentleman from New York believe that we can adjourn to-night?

Mr. HISCOCK. I do.

Mr. ATKINS. Then we ought to take a recess until eight o'clock.

Mr. MCKENZIE. I move that the House now adjourn.

Mr. HISCOCK. I believe that it is more than likely that we can adjourn to-night.

Mr. BROWNE. It has not been long since I had a conversation with a distinguished gentleman who ought to know about it, and he thinks there is no probability of adjourning to-night.

Mr. PAGE. My information is the reverse of that of the gentleman from Indiana, [Mr. BROWNE,] and it is that we will have an opportunity to adjourn before twelve o'clock.

Many MEMBERS. Regular order!

The SPEAKER. The regular order is the motion to adjourn, submitted by the gentleman from Kentucky, [Mr. MCKENZIE.]

The motion to adjourn was not agreed to.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] moves that the House now take a recess until eight o'clock; to which motion the gentleman from Indiana [Mr. BROWNE] moves as an amendment that the House shall take a recess until ten o'clock to-morrow.

The amendment of Mr. BROWNE was not agreed to.

The question was taken upon the motion of Mr. HISCOCK, and upon a *cave voce* vote the Speaker announced that the ayes appeared to have it.

Mr. MCKENZIE. I call for a vote by division.

The House divided; and there were—ayes 71, noes 12.

Mr. BROWNE. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted, tellers will be ordered, and the gentleman from New York, Mr. HISCOCK, and the gentleman from Indiana, Mr. BROWNE, will act as tellers.

Mr. BROWNE. I withdraw the point that no quorum has voted. I made it because the gentleman from Michigan [Mr. HORR] said that I would not do it. [Laughter.]

Mr. UPSON. I renew the point of order that no quorum has voted. Tellers were ordered; and Mr. HORR and Mr. UPSON were appointed. The tellers began the count, but before concluding,

Mr. UPSON said: I withdraw the point of order that no quorum voted.

So (no further count being called for) the motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House took a recess until eight o'clock p. m.

EVENING SESSION.

The House reassembled at eight o'clock p. m.

Mr. HISCOCK. I move that the House adjourn.

Mr. ANDERSON. I move that when the House adjourns it be to meet to-morrow at three o'clock. There is no use of our coming here at eleven o'clock. We shall not have anything to do.

Mr. BLACKBURN. We might adjourn till Friday next.

The SPEAKER. The gentleman from New York moves that the House adjourn, and the gentleman from Kansas moves that when the House adjourns it be to meet to-morrow at three o'clock.

Mr. ANDERSON. I will withdraw my motion.

Mr. HISCOCK. I desire to say that when we meet here to-morrow morning, if it is the disposition of the Senate to consider the internal-tax bill, and they mean it, I should certainly favor an adjournment, as suggested by the gentleman from Kentucky, [Mr. BLACKBURN,] until Friday next.

The question being taken on the motion of Mr. HISCOCK, that the House adjourn, it was agreed to; and accordingly (at eight o'clock and two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and other papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLACKBURN: The petition of Frank Backof, praying that the Secretary of War be directed to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. HOUK: The petition of Bowling Curtis and of Presley E. Johnson, for pensions—severally to the Committee on Invalid Pensions.

Also, the petition of R. M. Carden, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. LYNCH: Papers relating to the claim of Rebecca A. Minor, of Adams County, Mississippi—to the same committee.

Also, the petition of W. B. Mitchell and others, for an appropriation for educational purposes—to the Committee on Education and Labor.

By Mr. J. F. UPDEGRAFF: The petition of Isaac Price and 41 others, citizens of Jefferson County, Ohio, for an appropriation for education in Alaska—to the same committee.

SENATE.

TUESDAY, August 8, 1882.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

THE JOURNAL.

The Journal of yesterday's proceedings was read.

Mr. BAYARD. Mr. President, I desire to correct the error that I find in the RECORD, which is repeated in the Journal as read to-day. I am recorded in the RECORD of yesterday's proceedings as being absent at the vote upon the amendment offered by the Senator from Wisconsin [Mr. CAMERON] to the resolution for final adjournment, whereas I was present in the Chamber and did vote distinctly in the affirmative.

Mr. BLAIR. I heard you.

Mr. BAYARD. The resolution I believed then was brought forward in good faith by the party in control of the business of the Senate, the majority, and signified to me what their will was in respect to the disposition of public affairs, and I voted for it distinctly and affirmatively. There was at that time, as is not unusual in this Chamber, a good deal of noise and confusion, which possibly and probably did prevent the Clerk from hearing my vote. I do not know that it is necessary at all times for one to shout his responses in the Chamber, but I endeavor to make my utterance distinct enough. I merely wish to correct that error. I did vote in the affirmative promptly as my name was called.

The PRESIDENT *pro tempore*. The Journal as corrected will be approved.

JAMES F. CULLEN.

Mr. BLAIR. I ask that the Senate take up the bill (H. R. No. 5158) for the relief of James F. Cullen.

Mr. COCKRELL. I raise the question whether there is a quorum present.

Mr. BLAIR. The bill is on the Calendar, and I ask indulgence for a moment to state why I make this request.

The PRESIDENT *pro tempore*. The point is raised that there is no quorum present.

Mr. BLAIR. I think there must be a quorum here.

The PRESIDENT *pro tempore*. The Secretary will count and see.

Mr. BLAIR. I think the Senator will hardly raise that point against this case.

Mr. COCKRELL. I have raised it, most unquestionably.

Mr. BLAIR. However, the Senator may withdraw it.

Mr. COCKRELL. But I shall not.

Mr. INGALLS. What is the bill?

Mr. BLAIR. It is a pension case of a very pressing character.

Mr. PLATT. I hope there will be no objection to the Senator from New Hampshire calling up this matter.

Mr. COCKRELL. Is it an unobjected pension case?

Mr. PLATT. It is not an unobjected case; there is a majority report and a minority report; but it is a very distressing case, and a case in which, if the Senate think there should be a pension granted at all, it ought to be granted at this session.

Mr. INGALLS. Are the majority in favor of it?

Mr. PLATT. The majority are in favor of it.

Mr. COCKRELL. I thought it was one of those cases where the majority report was against the bill, and I do not propose to have such cases acted on without a quorum.

Mr. BLAIR. The majority were at first against it, but further investigation resulted in a change in the opinion of the majority. The applicant has been pressing his case all winter.

The PRESIDENT *pro tempore*. Will the Senate take up the bill for consideration?

Mr. COCKRELL. Let it be taken up by unanimous consent.

By unanimous consent, the bill (H. R. No. 5158) for the relief of James F. Cullen was considered as in Committee of the Whole. It directs the Commissioner of Pensions to adjudicate the pension claim of James F. Cullen, late a sergeant of Company A, Fifth Kentucky Volunteers, as though a formal application for pension had been filed by him in the Pension Office on the 7th of March, 1880.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOINT COMMITTEE ON SHIPPING.

The PRESIDENT *pro tempore* appointed Mr. MILLER of New York, Mr. CONGER, and Mr. VEST the members on the part of the Senate of the joint select committee on the revival of shipping, authorized by the joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests.

STATE, WAR, AND NAVY BUILDING.

The PRESIDENT *pro tempore* appointed Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia, the members on the part of the Senate of the joint select committee to make an examination of and set apart such portions of the State, War, and Navy building for the use and occupancy of the State, War, and Navy Departments respectively as in their judgment the best interests of the public service and the needs of said Departments may require, as provided for by the sixth

section of the act making appropriations for legislative, executive, and judicial expenses.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. I ask that the House adjournment resolution be laid before the Senate.

Mr. ALLISON. I ask the Senator to yield one moment until I call up a joint resolution relating to the Capitol police.

Mr. VOORHEES. I shall ask a like favor. I want to pass a matter of relief before we take up the adjournment resolution.

Mr. CAMERON, of Wisconsin. If the adjournment resolution is considered it will not interfere with any matter. We can go on after fixing the time for adjournment.

Mr. VOORHEES. Very well.

Mr. ALLISON. The Senator from Wisconsin yields to me to have this matter disposed of, I understand.

Mr. CAMERON, of Wisconsin. I yield for that purpose.

The PRESIDENT *pro tempore*. The joint resolution which the Senator from Iowa asks to have considered will be announced.

The ACTING SECRETARY. A joint resolution (H. R. No. 281) to pay the Capitol police one month's extra pay.

Mr. SHERMAN. I object.

The PRESIDENT *pro tempore*. Objection is made.

GARFIELD MEMORIAL HOSPITAL.

Mr. INGALLS. I ask for the present consideration of the House bill No. 6702, reported by the Committee on the District of Columbia a few days ago.

The PRESIDENT *pro tempore*. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. INGALLS. He will yield for this purpose. It is a charitable and humane purpose, which ought to be carried out.

By unanimous consent, the bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WITHDRAWAL OF PAPERS.

Mr. CAMERON, of Wisconsin. Mr. President—

Mr. CAMERON, of Pennsylvania. I ask the Senator from Wisconsin to give way to me, merely to have an order made.

Mr. CAMERON, of Wisconsin. Very well.

Mr. VOORHEES. I am perfectly willing for the Senator from Wisconsin to have the adjournment resolution passed, but I do not want everybody else yielded to except myself.

Mr. CAMERON, of Pennsylvania. It is simply an order for the withdrawal of papers that I desire.

Mr. VOORHEES. Very well.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That leave be granted to withdraw from the files the papers pertaining to the bill for the relief of G. W. Thompson and others.

FINAL ADJOURNMENT.

Mr. CAMERON, of Wisconsin. I ask to take up the House resolution for final adjournment.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve m., Saturday, August 5, 1882.

Mr. CAMERON, of Wisconsin. I move to amend the resolution by striking out "twelve m., Saturday, August 5," and inserting in lieu thereof "one o'clock p. m., Tuesday, August 8."

Mr. SEWELL. I understand that the House has already taken a recess until one o'clock. I suggest, therefore, the hour of two o'clock.

Mr. CAMERON, of Wisconsin. The House has taken a recess until twelve, I understand.

Mr. WINDOM. I suggest to make it three o'clock, as there are two or three treaties that ought to be acted upon.

Mr. CAMERON, of Wisconsin. Very well; I will modify my amendment so as to make it three o'clock p. m.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Wisconsin to the resolution, fixing three o'clock to-day as the time for final adjournment.

Mr. SHERMAN. Upon that I call for the yeas and nays.

The yeas and nays were ordered; and the Principal Legislative Clerk proceeded to call the roll.

Mr. HOAR, (when Mr. DAWES's name was called.) My colleague [Mr. DAWES] is paired with the Senator from Missouri, [Mr. VEST.] My colleague is extremely unwell, being exhausted by the labors of the session, and therefore is absent. If present, my colleague would vote "nay."

Mr. BECK, (when Mr. HALE's name was called.) I am paired with the Senator from Maine, [Mr. HALE,] but as I am advised by a Senator that he would vote "yea" if present, I have voted "yea."

Mr. HARRISON, (when his name was called.) I am paired with the Senator from Texas, [Mr. MAXEY.] If he were present, I should vote "nay."

Mr. LAPHAM, (when his name was called.) I am paired with the Senator from Florida, [Mr. JONES.]

Mr. PLATT, (when his name was called.) I am paired with the

Senator from Oregon, [Mr. SLATER,] who was obliged to go to his home.

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY,] but I am informed that the Senator from Michigan would not object to my voting. I therefore vote "yea."

Mr. VAN WYCK, (when his name was called.) I am paired with the Senator from Oregon, [Mr. GROVER,]

Mr. WALKER, (when his name was called.) My colleague [Mr. GARLAND] is paired with the Senator from Vermont, [Mr. EDMUNDS,] and I am paired with the Senator from Iowa, [Mr. McDILL,]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS,] If he were present, I should vote "nay." If my vote is necessary to make a quorum, however, I am authorized to vote.

The roll-call was concluded.

Mr. VEST, (after having voted in the affirmative.) I withdraw my vote. I am paired with the Senator from Massachusetts, [Mr. DAWES,]

Mr. BLAIR. I am paired with the Senator from South Carolina, [Mr. HAMPTON,] unless my vote is needed for a quorum.

Mr. PLATT. If my vote is necessary to make a quorum I think I am at liberty to vote; therefore I vote "nay."

The PRESIDENT *pro tempore*. The vote lacks four of a quorum.

Mr. ALDRICH. The Senator from Maine [Mr. HALE] is paired generally with the Senator from Kentucky, [Mr. BECK,] but on this question I have paired him with the Senator from New York, [Mr. MILLER,]

The PRESIDENT *pro tempore*. The Senator from New York [Mr. MILLER] is paired with the Senator from Maryland, [Mr. GROOME,]

Mr. ALDRICH. Not on this question. They would both vote the same way on this question, and I had special authority from the Senator from New York to pair him with the Senator from Maine [Mr. HALE] on this question. The Senator from New York would vote "yea," and the Senator from Maine would vote "nay," if both were present.

Mr. BECK. I only desire to say that the statement I made, as the Senate well know, was on the information of another Senator, and there is some confusion about it.

Mr. VEST. I am informed by the Senator from Massachusetts [Mr. HOAR] that the pair of his colleague [Mr. DAWES] has been transferred. I therefore vote "yea."

Mr. HOAR. I have transferred the pair of my colleague, so that he is paired with the Senator from South Carolina, [Mr. HAMPTON,]

Mr. WALKER. I am informed that the Senator from Iowa, [Mr. McDILL,] if present, would vote "yea." I therefore vote "yea."

Mr. ALLISON. I do not know how my colleague [Mr. McDILL] would vote.

Mr. BLAIR. I understand the Senator from South Carolina [Mr. HAMPTON] is paired with the Senator from Massachusetts, [Mr. DAWES,] I therefore vote "nay."

Mr. WINDOM. I have reserved the right to vote if necessary to make a quorum. I vote "nay."

Mr. ROLLINS. The Senator from Nebraska [Mr. SAUNDERS] is paired with the Senator from Kentucky, [Mr. WILLIAMS,]

Mr. LAPHAM. I reserved the right to vote to make a quorum.

The PRESIDENT *pro tempore*. A quorum has now voted.

Mr. ALDRICH. The Senator from Maine [Mr. FRYE] is paired with the Senator from Virginia, [Mr. JOHNSTON,] The Senator from Maine, if present, would vote "nay."

Mr. PLATT, (after having voted in the negative.) I understand a quorum has voted, and I therefore withdraw my vote.

The result was announced—yeas 26, nays 17; as follows:

YEAS—26.

| | | | |
|------------------|--------------------|------------|------------|
| Bayard, | Cockrell, | Jonas, | Saulsbury, |
| Beck, | Coke, | Lamar, | Sawyer, |
| Brown, | Davis of Illinois, | Morgan, | Vest, |
| Butler, | Farley, | Pendleton, | Voorhees, |
| Call, | Gorman, | Plumb, | Walker. |
| Cameron of Wis., | Groome, | Pugh, | |
| Chilcott, | Harris, | Ransom, | |

NAYS—17.

| | | | |
|-----------------|----------|-----------------|----------|
| Aldrich, | Conger, | Logan, | Sherman, |
| Allison, | Hawley, | McMillan, | Windom. |
| Anthony, | Hoar, | Miller of Cal., | |
| Blair, | Ingalls, | Morrill, | |
| Cameron of Pa., | Kellogg, | Rollins, | |

ABSENT—33.

| | | | |
|--------------------|-------------------|------------------|-----------|
| Camden, | Grover, | Jones of Nevada, | Saunders, |
| Davis of West Va., | Hale, | Lapham, | Sewell, |
| Dawes, | Hampton, | McDill, | Slater, |
| Edmunds, | Harrison, | McPherson, | Vance, |
| Fair, | Hill of Colorado, | Mahone, | Van Wyck, |
| Ferry, | Hill of Georgia, | Maxey, | Williams. |
| Frye, | Jackson, | Miller of N. Y., | |
| Garland, | Johnston, | Mitchell, | |
| George, | Jones of Florida, | Platt, | |

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on concurring in the resolution as amended.

The resolution as amended was concurred in.

ADDITIONAL PENSIONS.

Mr. VOORHEES. We are now approaching the certain termination of this long and arduous session of Congress. During its existence many measures of relief, or alleged relief, have been brought forward for our consideration. Some have been full of merit; in some the merits have been disputed. I hold in my hand a bill passed by the House of Representatives with great unanimity on the 8th of June for the relief of a class of persons the most meritorious, in my judgment, in this Government; and I am about to ask the Senate, as a parting service toward this excellent class of people, to take up and pass the bill (H. R. No. 1410) to amend the pension laws by increasing the pension of soldiers and sailors who have lost an arm or a leg in the service.

Mr. PLATT. I must reserve the right to object to the consideration of the bill. I should like the attention of the Senate for a moment. The bill has received a good deal of attention by the Committee on Pensions. That committee has been unable to come to any conclusion upon it. I think if the Senate were prepared to hear my statement at length in regard to that bill the Senate would see that it ought not to pass in the shape in which it is. I cannot discuss the merits of a bill on a motion to consider it, but if the Senate desire to consider the bill I must ask after it is taken up a considerable time to state what are the inconsistencies of the bill and what its effect would be. I reserve my right to object.

Mr. VOORHEES. But the Senator will not object to my saying a single word. I have no purpose of reflecting upon the Committee on Pensions. I do not do that; I have no such feeling. I have waited until the last hour, knowing that this matter was being considered by the Committee on Pensions. I think if time is given that more can be shown why the bill should pass as it passed the House, after careful consideration there, than can be shown against it.

The passage of this bill will carry not to a great many, for this class of lame people are dying more rapidly according to the death rates than people are aware of, but it will carry to some thousands of homes more gladness, more sense of relief than half a dozen such tax bills as we have been considering in favor of a different class of people.

I sincerely hope that the Senator from Connecticut can see his duty clear to allow this bill to be taken up and passed, and if it takes an hour, or two hours, or until the hour-hand of yonder clock is on the figure III and the minute-hand is on the figure XII, it will not be time badly spent in the estimation of the country.

Mr. PLATT. I yield to no man, not even to the Senator from Indiana, in my sympathy for the soldier, but the bill in its present shape will add \$7,000,000 to the pension-roll annually. It is only four months to December. These persons all enjoy pensions now. I do not say that there is not merit and justice in making some increase of their pension.

Mr. INGALLS. What rate have they now?

Mr. PLATT. Eighteen dollars and \$24. But I do think that a bill of this sort should not be passed except when we can have the deliberate judgment of the Senate upon it. The motion is not in order; the bill is still in committee. The only motion which is in order is to discharge the committee, and to that I shall object.

Mr. HARRISON. I am in favor of this bill; and while it may be that the deliberations of the committee might suggest some amendments, or perhaps enlarge its scope so as to extend its benefits to other classes of pensioners equally deserving, yet I would be glad if we could have the present consideration of the measure.

Mr. VAN WYCK. I unite in the opinion expressed by the Senator from Indiana, [Mr. HARRISON,] and if I may be allowed, being a member of the Committee on Pensions, to which this matter has been referred, which is so ably presided over by the Senator from Connecticut, I feel it is due to that class of persons represented by the bill to say that there should have been some action taken on this matter. As a member of that committee I am frank to say that we are not entirely freed from the charge of not having fully discharged our own duty in regard to the matter. The bill was passed by the other House and it should have received some report from the committee to which it was referred. If the bill was loosely drawn it should have been corrected in that respect. If there were another class of soldiers who have suffered equally as much and are equally entitled to consideration in the way of increase of pension by reason of disease contracted in the service, which entitled them to relief as much as those who lost a limb, then that matter should have been considered and they should have been added.

No matter if it may add \$7,000,000 to the pension list; no matter if \$7,000,000 be taken from the Treasury; far better that \$7,000,000 be expended in the way which is proposed by the bill than the additional seven million, and ten million to that seven million upon the river and harbor bill, which was passed by a two-thirds vote of both branches over the veto of the President.

The PRESIDENT *pro tempore*. The Senator from Connecticut objects to the further consideration of the bill.

Mr. VOORHEES. Does the Senator from Connecticut insist on his objection?

Mr. PLATT. I do.

Mr. VOORHEES. Very well.

Mr. PLATT. I must do it.

TAX ON DISTILLED SPIRITS.

Mr. WINDOM. I submit a report from the select committee of the Senate to inquire whether any money has been raised to promote or defeat the passage of the bill (H. R. No. 5656) to amend the laws relating to the entry of distilled spirits in distillery and bonded warehouses, and the withdrawal of the same therefrom. I move that the report lie on the table and be printed.

The motion was agreed to.

DIGEST OF ELECTION CASES.

Mr. HOAR. Mr. President—

Mr. WINDOM. I desire to make a motion to go into executive session.

Mr. HOAR. The Senator will pardon me for one moment.

The PRESIDENT *pro tempore*. The Chair had recognized the Senator from Massachusetts.

Mr. HOAR. The chairman of the Committee on Elections in the House has repeatedly within the last few days desired the passage of a brief resolution for the convenience of that body, authorizing the clerk of that committee to prepare in vacation the digest of the contested-election cases. It involves the expenditure of a thousand dollars. I ask unanimous consent for its consideration now; I report it from the Committee on Privileges and Elections.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. TOMPKINS.

Mr. LOGAN. I desire to call up Senate bill No. 729.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 729) for the relief of Charles H. Tompkins, of the United States Army. It proposes to direct the accounting officers of the Treasury to settle the accounts of Charles H. Tompkins, a lieutenant-colonel and deputy quartermaster-general in the Army, for reimbursement of the moneys actually expended by him in providing himself with quarters and fuel while awaiting orders at San Francisco during a part of the year 1874.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZA E. HEBERT.

Mr. KELLOGG. I desire to appeal to the Senate in behalf of a petitioner who has been here a number of years from Louisiana, who has an especially meritorious case. The bill is the first one upon the Calendar in order, and has been passed over two or three times by misapprehension. It is the bill (S. No. 386) for the relief of Mrs. Eliza E. Hebert. I should like to have it taken up and passed.

The bill was read.

The bill was reported from the Committee on Claims with an amendment, in line 6, to strike out "\$23,150" and insert "\$21,090."

Mr. SHERMAN. I call for the reading of the report. The sum is a very large one.

The Principal Legislative Clerk proceeded to read the report submitted by Mr. CONGER, from the Committee on Claims, March 30, 1882.

Mr. SHERMAN. Is that claim subject to a single objection?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. SHERMAN. It is too large an amount to be passed at this time. The amount is large. I object, and let the Senate take the responsibility. I do not think at this hour, when we have agreed to adjourn, and there is scarcely a quorum, that we ought to pass a claim involving many thousands of dollars.

The PRESIDENT *pro tempore*. One objection carries the bill over, unless a majority, on motion, vote to take it up.

JOHN G. TAYLOR.

Mr. GROOME. I ask the Senate to proceed at this time to the consideration of the bill (H. R. No. 3680) for the relief of John G. Taylor.

Mr. CAMERON, of Wisconsin. I think I shall object to that.

Mr. GROOME. Will the Senator from Wisconsin before making the objection hear me?

Mr. CAMERON, of Wisconsin. I withdraw my objection to the bill of the Senator from Maryland.

Mr. GROOME. Then let us take up the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3680) for the relief of John G. Taylor. It proposes to direct the proper accounting officers of the Treasury, in adjusting the accounts of John G. Taylor, former collector of customs at the port of Annapolis, Maryland, to allow him a credit of \$127.09, being the amount paid by Taylor, as collector of customs, to John R. Briscoe, as surveyor of customs at the port of Nottingham, Maryland, on account of salary of Briscoe, and disallowed to Taylor by the Treasury Department.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THERESA CROSBY WATSON.

Mr. MILLER, of California. I move to reconsider the vote by which the bill (S. No. 1911) granting a pension to Theresa Crosby

Watson, was indefinitely postponed, and that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The motion to reconsider the indefinite postponement will be considered as agreed to, there being no objection, and the bill will be placed on the Calendar.

GOVERNMENT PRINTING OFFICE.

Mr. HAWLEY. I feel bound by instructions of the Committee on Printing to ask for the consideration of Senate bill No. 2150, to provide for extra work in the Government Printing Office in cases of emergency. I will state the object.

Last December a construction was made of the law by which the Public Printer was unable to pay any extra pay to men put at work in an emergency after midnight. The printers and the Public Printer desire to have the law corrected so as to be as it was before, and was always supposed to be till last December, that if he puts men in an emergency (not his regular night force) at work between twelve o'clock at night and morning he may give them, according to the usages of the trade, extra pay.

I ask for the present consideration of the bill. The Senator from Kansas [Mr. PLUMB] objected to it before, but he told me a few days ago that he would waive all objection to its consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. SHERMAN. Is that the same discretion heretofore exercised by the Printer?

Mr. HAWLEY. Yes, sir. Mr. Defrees came to the conclusion on consultation with the authorities last December, and Mr. Rounds coincides, that the law as it stands under the new construction given does not allow it. The law is found to prevent the Public Printer giving the usual extra pay.

The universal custom of the trade is, as I know myself from experience, when day hands are put upon extra work after midnight they have a little extra allowance, varying in various places from 25 to 50 per cent. above day work. That was always the way in the Government Printing Office, till a while ago a law was passed establishing certain rates of pay and not making exceptions or giving any power to make exceptions. By and by the Public Printer discovered that he had no right to make the extra allowances. All the printers expected it, and the Public Printer desires to give it. He will seldom put on men in this way, but he is sometimes obliged by press of work to call his day hands to come in and work after midnight, and he cannot give them a cent more for it. It is quite right that he should, and the provisions of this bill allow him to give what the usages of the trade and the justice of the case may demand in the event of extra work. It does not touch the regular RECORD night hands.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAPANESE INDEMNITY FUND.

Mr. ALDRICH. I ask the Senate to take up House bill No. 6405.

Mr. CONGER. I should like to inquire why bills are not taken up in order? They are not being taken up in regular order.

The PRESIDENT *pro tempore*. Simply because unanimous consent is given. If there is any objection, of course the Calendar is in order regularly.

Mr. MORGAN. I desire to make an inquiry in reference to the action of the committee of conference on the Japanese indemnity bill. I desire to know, if any Senator is present who belongs to that committee, whether we are to expect a report at the present session of the Senate on that subject?

Mr. SHERMAN. I understand that a majority of the House conferees are absent from the city; the papers so state, and we have not heard from them. That is the only answer I can give. The Senate conferees have been willing to meet at any time, but I understand a majority of those on the House side are out of the city.

Mr. MORGAN. I had no doubt when that case was recommitted to the same committee that it would meet this fate. This case has been smothered in the Senate of the United States by what I conceive to be the inaction of the body, and the matter has gone on until one of the very prominent features of interest I have had in it has ceased. Last night old Rear-Admiral McDougal was called to his long home, without having experienced the fact that he had a country that was grateful to him for the great services he had rendered, leaving his old widow, blind and poor, and a set of children who are now doubly orphans, his son's children, who depended upon the old man's income for their daily bread. His pay as a retired officer of the Navy is cut off, and I had hoped that the Senate of the United States would be prepared to turn over to his family a decent proportion of that \$140,000 which was given to us in trust by the Governments of Great Britain, the Netherlands, and France for the support of the families of those gallant men, some of whom have perished and others of whom have survived, but many of whom have passed away since the great battle at the Straits of Nagasaki.

Mr. BAYARD. I have no measure to bring before the Senate, but as I understand that the Senator from Alabama [Mr. MORGAN] has made reference to the Japanese indemnity bill, and as I was assigned by the Senate to the chairmanship of the conference committee, I have a word to say. The chairman of the House committee of con-

ference had left the city before the second conferees of the Senate were appointed, and therefore it was impossible for us to have a meeting. There was no delay, but there was no possibility of bringing the two committees into conference in order to have action at this session after I became connected with the conference.

Mr. MORGAN. There was no delay on the part of the last committee of conference in urging this matter upon the consideration of the two bodies. The delay I complain of was before that time. It was a month's delay, when I persistently demanded interviews of these committees and could not get them, and what I have to complain of now is that the bill from the beginning has been committed to its enemies instead of its friends.

DANIEL CARROLL'S ESTATE.

Mr. ALDRICH. I ask that the Senate proceed to the consideration of House bill No. 6405, and that the substitute reported by the Committee on the District of Columbia may be read.

The Acting Secretary read by its title the bill (H. R. No. 6405) to authorize the Court of Claims of the United States to ascertain the amount of damages sustained by Ann C. Carroll and Maria C. Fitzhugh, executrices of the estate of the late Daniel Carroll, deceased, by the regrading of the streets around square numbered 736 in the city of Washington.

Mr. ROLLINS. This is a matter of so much importance that inasmuch as the bill has to go back to the House, with no possibility of action there at this session, I think it ought to lie over. It involves a very important question.

Mr. ALDRICH. I hope the Senator will not object.

Mr. ROLLINS. I shall be obliged to object, under the circumstances.

The PRESIDENT *pro tempore*. An objection ends it.

MARY E. MURRAY.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to take up the bill (H. R. No. 2592) granting a pension to Mary E. Murray.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for placing on the pension-roll the name of Mary E. Murray, daughter of the late Colonel William G. Murray, of the Eighty-fourth Regiment Pennsylvania Volunteers, at the rate of \$30 per month.

Mr. PLATT. Is there a majority report in favor of that individual bill?

Mr. CAMERON, of Pennsylvania. I will state all about the bill if I have an opportunity. There is an adverse report on this bill from a majority of the Committee on Pensions, and it was placed on the Calendar with a favorable report from a minority of the Committee on Pensions. I am familiar with the case, perhaps more so than any member of the committee.

The father of this girl was a native of the town in which I live. He enlisted during the Mexican war, and while there rendered such gallant service that he was promoted in the regular Army. After the war was over he resigned, returned to his home, entered into business, and was a successful business man at the time of the breaking out of the rebellion. He then entered the service of his country as colonel of one of the Pennsylvania regiments; was killed, I think, in 1862, leaving a wife and two children. His wife died, and his business was all broken up and his property destroyed. The wife died about six months after his death, and a pension was granted to his two minor children of a few dollars a month until they became of the age of sixteen, one a boy and the other a girl. The boy has grown to manhood and is able to take care of himself; but this girl, owing to ill-health, is utterly unable to support herself. Her father was one of the most gallant and distinguished men from our State in the service. I think the case is in every way meritorious, and I shall be glad if the Senate will pass the bill as it came from the House without amendment.

Mr. PLATT. I must ask to have the report read and I must request the Senate to pay attention to the reading of the report. It will be, if the bill passes, the first instance in which, to my knowledge, Congress has pensioned the daughter of an officer less than a general, at any more than \$8 per month.

Mr. CAMERON, of Pennsylvania. This man would have been a general in thirty days had he lived.

Mr. PLATT. It will be the first instance, if it passes, so far as I know, where the general law has been changed in that respect. The law with regard to dependent children is a pension till they are sixteen. This proposes to pension a dependent daughter of mature years at the rate of \$30 per month, reduced by the recommendation of the minority of the committee to \$15, and it opens a very wide door for the future. The ground upon which it is done is that the daughter is in ill-health; that she is, physically speaking, an infant; but I know that this case is to be followed by a host of cases, and it seems to me that it will result in Congress pensioning every son and daughter of a deceased soldier if he or she can show infirmity.

Having said this, and asking for the reading of the report, and the careful attention of the Senate to it, I have no more to say.

Mr. CAMERON, of Pennsylvania. I know more about this case than any member of the Committee on Pensions.

Mr. PLATT. Have I not correctly stated it?

Mr. CAMERON, of Pennsylvania. The Senator has stated the case correctly so far as he is informed about it; but this I think is a special case.

This was one of the most distinguished men in the Army from the State of Pennsylvania, one of the brightest, best, and purest men that I knew of anywhere. He left these two children, and Congress knowing at the time that he had rendered remarkable service, very efficient service, passed an act giving them support until they should be sixteen years of age. It turns out that this girl is in the eyes of the law an infant, she is unable to take care of herself, unable to support herself, and the people of the community in which she lives, knowing the father and the services which he rendered to the Government, irrespective of party, irrespective of condition, have sent me letters time and again asking me to urge the passage of this bill.

I am somewhat responsible for this bill not having passed heretofore. There was another case on the Calendar of a Mary C. Murray. Some of my friends in the Senate to whom I talked about this case got the names mixed, and when that case was up took a special interest in its passage. My secretary, knowing the interest I had taken, wrote to this young girl that her bill had passed the Senate. Very many in the neighborhood in the town in which she lives and the county in which the town is located wrote to me kindly letters for the action I had taken. It turns out that it was a mistake. For that reason, in addition to the reasons which I have already given, I have a strong desire to see this bill pass the Senate.

I do not believe it will give rise to the passage of any other cases. There are exceptions to all rules, and this case I think ought to be made an exception. I feel earnestly about it. I feel more so than I have in any case that has been before Congress. I hope the Senate will be generous; I hope the Senate will not listen to this hard-hearted member of the Committee on Pensions, but will let themselves sympathize a little with this girl in her sore distress.

Mr. PLATT. I want to say that the House has already passed two other bills, taking this as a precedent, which are over here.

Mr. CAMERON, of Pennsylvania. We can stop them when they come up.

Mr. PLATT. That is what I object to. I am not hard hearted, and my course in the Senate as chairman of the Committee on Pensions and as a member of the Committee on Pensions authorizes me to deny with some degree of indignation the charge made against me by the Senator from Pennsylvania that I am hard hearted. I am not bad hearted enough to pass a bad pension case on account of impotency or from any other reason except because it is just and right and fair, and I think that is just what the rule of the Senate ought to be in all these cases.

Now, I ask for the reading of the reports, and then I have nothing further to say.

The Principal Legislative Clerk read the following majority and minority reports, submitted by Mr. JACKSON and Mr. BLAIR, respectively, from the Committee on Pensions, May 9, 1882:

The Committee on Pensions, to whom was referred the bill (H. R. No. 2592) granting a pension to Mary E. Murray, having examined the same, make the following report:

That Colonel William G. Murray, of the Eighty-fourth Regiment Pennsylvania Volunteers, was killed at the head of his command at the battle of Winchester, Virginia, on the 23d of March, 1862. He left two children under sixteen years of age surviving him. In September, 1862, these minor children, by their guardian, made application for a pension under the act of Congress approved July 14, 1862. The claim was allowed, and they were granted a pension of \$30 per month, commencing March 23, 1862, which was continued until the 24th of August, 1870, when the younger child, John B. Murray, reached the age of sixteen.

The right to a continuation of the pension under the general law having expired, the present bill proposes to again place the daughter of Colonel Murray upon the pension-roll and allow her a pension of \$30 per month. The bill has passed the House at the present session of Congress.

Colonel Murray was an honorable citizen, a gallant officer, and the sole support of the daughter, who, it is stated, cannot fill a clerical position or serve in any capacity which will enable her to earn a livelihood, and is now dependent upon friends.

The case appeals strongly to our sympathies, but in the judgment of your committee it would be a bad precedent and productive of evil to pass this bill, inviting thereby thousands of similar applications for special relief beyond the present liberal provisions of the general law.

Your committee therefore recommend that the bill be not passed, and that the same be indefinitely postponed by the Senate.

Mr. BLAIR, from the Committee on Pensions, submitted the following views of the minority, to accompany bill H. R. No. 2592:

The services of Colonel Murray were of unusual gallantry, and the example of his heroic death, at the head of his troops at the opening of the war, was of greater service to his country than if his life in the field had been prolonged for many years. The mother died within six months of the time when the father was killed, leaving the two infant children dependent and destitute, and this daughter suffering from physical incapacity, which has made her practically disabled ever since. The circumstances of the case are further set forth in the memorial of Colonel William G. Murray Post No. 39, Department of Pennsylvania, Grand Army of the Republic.

The minority believe that this girl is, and always must be, an infant less than sixteen years of age, in the eye and reason of the law, and urgently recommend that she receive the usual pension in such cases. There can be but few cases like hers in the country. It is only a question whether this country, some poor home, or the private charity of strangers shall furnish her future support.

The House bill gives her \$30 per month. We recommend the passage of the bill, substituting \$15 for \$30. Thus amended, we recommend the passage of the bill.

Mr. BLAIR. I made this minority report. The law gives to the infant children support until sixteen years of age.

Mr. PLATT. How much?

Mr. BLAIR. It depends entirely upon the rank of the officer.

At sixteen years of age it is supposed that they will have arrived at such a degree of maturity and capacity as to take care of themselves. The reason is their dependence and incapacity to support themselves. This girl, as is stated in the minority report, is an infant still, and she must always remain an infant so far as her ability to gain a livelihood is concerned.

The importance of the services rendered by her father cannot be exaggerated. He died conspicuously at the opening of the war when an example of bravery and gallantry such as he furnished was of very great importance indeed. The children lost their mother within six months of the death of the father. They were supported by the Government until they were sixteen years of age. The girl can do no more toward her support now than she could when she was one year old, and it is as there stated only a question whether she shall become a beggar, whether she shall depend upon charity, or whether she shall be supported by these 50,000,000 people to whose prosperity her father contributed so much by his death.

There are very few cases like this. There is no danger of swamping the Treasury. There are only two cases that are analogous that have come to our knowledge during the entire session, and those cases are of very great hardship, and the country can hardly excuse itself, it seems to me, for turning these helpless persons adrift.

Mr. GROOME. Mr. President, I desire to say, before the vote is taken upon this case, that if Congress commences the business of pensioning the children of soldiers who have passed the pensionable age, no Senator can predict, even approximately, what amount of money will ultimately be required to pay the pensions of this class of persons. But I undertake to make this prediction, that if this bill passes, and the precedent thereby established leads to the adoption of the general rule that when children of soldiers who have passed the age of sixteen years continue to remain unable to support themselves, or later in life become so by reason of disease or the infirmities incident to old age, they are to be pensioned because their fathers did valuable service in some one of the wars in which our country has been involved, all the untold millions which have been and are yet to be disbursed from the Treasury in consequence of the arrears of pension act will dwindle into insignificance compared with the sums that will be ultimately required to pay the pensions of this vast class of pensioners. The list of other pensioners will after a few years steadily decrease until some fifty or sixty years hence it will disappear entirely or dwindle into insignificance; but fifty years hence this new class of pensioners will still be upon the increase, because then tens or hundreds of thousands of the children of the soldiers of the late war will be becoming infirm, decrepit, and necessitous, and utterly unable to support themselves, in consequence of extreme old age, and will claim that their condition and the valuable services rendered by their fathers in the days gone by to their country entitle them to be pensioned.

Sir, there is but one safe rule, and that is that no child of a soldier who has passed the pensionable age is to be pensioned because of any inability to earn a living for him or herself; and if that rule is once departed from, and if it comes to be understood that the adult descendants of soldiers, when no longer able to support themselves, can, notwithstanding they have passed the pensionable age, come in and receive pensions from this Government, no man can tell the extent of the aggregate ultimate drain upon the Treasury, or when that drain will end.

It has been well said that "hard cases make bad precedents," and I venture to say that no worse precedent could be established by this Congress than the passage of this bill to-day. I hope, therefore, while I sympathize not only with this young woman but with the needy everywhere, that this bill may not pass.

Mr. BLAIR. The bill stands as it came from the House. There is no amendment.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The bill is in Committee of the Whole, and open to amendment.

Mr. PLATT. The Senator from New Hampshire, who made the minority report, recommended an amendment making the pension \$15 instead of \$30 a month. Now it is proposed not to amend the bill. I ask to say just one word in relation to it.

These two children when they were under sixteen each received \$15 a month. This daughter when she was under sixteen received \$15 only. Now, having gone beyond the pensionable age, beyond the age when the law pensions her, it is proposed to give her twice as much as she received under the law when she was of pensionable age.

Mr. BLAIR. The children received \$30 of pension which could be drawn on account of the father's death. I made the minority report recommending that she receive \$15 a month, but I have not moved that amendment; I have not been in a situation to move it as an amendment. The bill is before the Senate with my views upon the matter. The bill was called up by the Senator from Pennsylvania [Mr. CAMERON] and called up in my absence. I would be glad to see the bill passed. If it goes back to the House amended it is not possible for it to become a law at this session, but as we have voted not to consider pension cases at all which are controverted at this session, it is better that the country should give this girl a little more rather than a little less than she needs for her support.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I ask for the yeas and nays on the third reading of the bill.

The yeas and nays were ordered.

Mr. HAWLEY. I call attention to the fact that this is the first deliberate beginning of what may have another arrears-of-pensions account in it. Stop and think before you do these hasty supposed-to-be generous things that the country is not really asking for.

Mr. CAMERON, of Pennsylvania. It is not generous but merely just.

Mr. HAWLEY. I have my own opinion on that. While I want to give and give and give, I am not giving my own money. A million and a half of soldiers are taxed to pay these bills. I want to encourage generosity in this matter, but I say you must stop and think before you embark in this course. There are a million and a half, more or less, of our soldiers living now, and nobody knows how many children they have, and it is proposed to begin to pension every child of every deceased soldier. No country in the world ever came within 95 per cent. of giving as much money to the soldiers as ours has, and we are justly proud of it; but I tell you you are mistaken if you think the great body of honorably-discharged soldiers are perpetually besieging your doors to pour out your treasure. You are giving \$100,000,000 a year for pensions. They pay the taxes as well as others. They are not anxious to bankrupt the country they offered their lives for. Do not trade any more than necessary in the name and the sacred name of patriotism.

I dare say these things because I was a soldier myself and served as well as I could in my own way. I dare say them because I speak in the name of as honest and patriotic men as ever lived, and I dare go before any assemblage of soldiers and take their vote on what is reasonable and just. Do all that generosity and necessity can reasonably call for, but I beg Senators not to be stampeded by pathos and pinchbeck eloquence in the name of patriotism.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. McPHERSON, its Clerk, announced that the House had agreed to the amendment of the Senate to the resolution of the House for the final adjournment of both Houses of Congress.

The message further announced that the House had appointed Mr. FRANK HISCOCK of New York, Mr. C. C. CARPENTER of Iowa, and Mr. J. D. C. ATKINS of Tennessee, a committee to join a similar committee to be appointed on the part of the Senate to wait on the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. No. 107) providing one month's extra pay for certain employes of the Senate; and it was thereupon signed by the President *pro tempore*.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY. I move that the Senate concur in a resolution from the House appointing a committee to wait on the President.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair would suggest to the Senator from Rhode Island that the usual practice is for the Senate to adopt its own resolution. This is not a concurrent resolution of the House.

Mr. ANTHONY. The Chair is right. I offer the following resolution:

Resolved, That a committee consisting of two members be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that, unless he may have some further communication to make, the two Houses of Congress, having finished the business before them, are ready to adjourn.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Messrs. ANTHONY and BAYARD were appointed.

MARY E. MURRAY.

The Senate resumed the consideration of the bill (H. R. No. 2592) granting a pension to Mary E. Murray.

Mr. BLAIR. Mr. President, I have never seen—

Mr. LOGAN. Will the Senator allow the bill to be read?

Mr. BLAIR. It has been read.

Mr. LOGAN. I should like to hear it.

The bill was read.

Mr. BLAIR. Mr. President, I have never observed since I have been in this body any inclination on the part of the Senate to be stampeded by the pinchbeck eloquence of anybody. I have taken it to be a deliberative body and I imagine that its chief purpose in dealing with this as with every other claim is to do simple justice, justice tempered with mercy, whenever there is a serious question as to the proper line of action to pursue.

Now this is not a case which can possibly lead to anything like the complications of the arrears-of-pensions act. The Senator from Connecticut [Mr. HAWLEY] appeals to the apprehensions of this body. I ask him if he knows within his entire range of acquaintance, and that of course covers the whole country, ten cases of sol-

diers' children over sixteen years of age who under this precedent would be likely to call on the country for support.

I have heard of but two other cases for which this could possibly be made a precedent: one of these is a child of an Irish Catholic who gave his life for the country, and she has been an idiot from her birth. She is now twenty-eight years of age. Her case has passed the House and come to the Senate, and I do not believe he could be a man of a specially sympathetic nature who, after hearing the facts of that case and listening to the story as it comes from an old aunt who is taking care of that idiot girl by washing, by the hardest kind of personal labor, would refuse to extend the charity of the country, if you choose to call it that, to a case like that. There is one other case that has come to our knowledge during this session, and only one other, and I appeal to the knowledge of every Senator here covering this whole broad country if he knows half a dozen within his own personal knowledge?

Mr. PLATT. I know of half a dozen in my own city.

Mr. BLAIR. There are half a dozen in the Senator's own city. For God's sake let the country take care of that half dozen rather than the poor-house.

This girl is prostrate with disease of the spine; she is tending rapidly to death by consumption; she cannot be long a burden to the country under any circumstances, and she has not a dollar in the world or the capacity to earn one. Her father was the first colonel of Pennsylvania who gave his life to the country, and she has no resources.

The voice of the soldiers, which has been spoken of, has been heard in this specific case. The petitions of the Grand Army, of all the people in the vicinity where this girl lives, are on the files of the Pension Committee, entreating that this pension be granted. There is no question whatever of what the soldiers desire in this particular case. There is no special protest coming from the country, and if there were the country ought to assume the burden in the case of imbeciles, those who are helpless, those who have no other helper save God, and to whom we are called upon to pay something to eke out the existence of this class of dependents. It cannot add a thousand in the whole country to the pension-list, and the special advertisement which is given by this debate undoubtedly will pour upon us some applications which otherwise, however just, never would have reached us. But let them come.

Some allusion was made a while ago by Senators who opposed this bill in committee to the appropriation of millions in the river and harbor bill, and fault was found with members of the committee who like myself were in favor of the postponement of the act which was undertaken to be brought up this morning until next December. Is it for that class of men to deny this pittance to this specific case of distress? I take it not.

Without taking more time, for I realize how the session is passing away, I hope the Senate will not, by reason of its apprehensions, be prevented from doing this act of simple justice which no man as an individual in the Senate would fail to do if the appeal was made to him personally.

Mr. PLATT. I only want to say one word more. This matter is important enough to stop to discuss it. The law gave to these two children up to 1870, when they arrived at sixteen years of age, \$30 a month. The pension stopped in 1870. Twelve years afterward this daughter, one of these children, demands \$30 of this Government. My colleague has protested in the name of the soldiers against it. I want to protest in the name of the widows of deceased soldiers in this country against this as an act of injustice to them. All over this country are brave women who lost their husbands in the war, their sole support; property also went with them; they were left with young children upon their hands to support, and this country in its munificence gives them \$8 a month. They struggle bravely and they do not besiege the Halls of Congress asking for any increase of that pension. I protest in their name against this act of injustice to them, however this single case may appeal to the sympathies of Senators.

The PRESIDING OFFICER, (Mr. HARRIS.) On the third reading of the bill the yeas and nays have been ordered.

Mr. HAWLEY. One single remark. I was not aware of the especially pitiful and lamentable circumstances of this particular case. I was speaking only upon the general principle, the beginning to pension the children of soldiers. In this case it is impossible for a man to avoid feeling the very deepest sympathy, and hoping and believing that that child will be taken care of as she ought to be. I spoke simply upon the cold proposition of giving pensions to children because their fathers were soldiers.

Mr. BLAIR. I agree entirely with the Senator upon the basis on which he placed his remarks. If I thought this dangerous in reference to the general pensioning of the children of soldiers, I would be as strongly opposed to this bill as any one.

Mr. LOGAN. I should like to ask the Senator from Connecticut if these circumstances change his views, whether he is now for or against the bill.

Mr. PLATT. I am against it.

Mr. LOGAN. I mean the other Senator from Connecticut. He says this appeals to him strongly. I ask him whether he is for or against the bill?

Mr. HAWLEY. I will answer when my name is called. I will take the mean time to consider and decide.

Mr. LOGAN. I have no right to ask the Senator, but I have some-

times seen bills opposed and then have seen them pass. If the sympathy is so strong that the bill is going to pass anyhow, I do not wish to take up the time of the Senate by talking about it. That was the reason I asked the question. I supposed from the speech the Senator made, and the vehemence of it, that he was opposed to the bill.

Mr. President, I am opposed to this bill, and I will give my reasons very briefly why I am opposed to it, and there is no amount of sympathy that can affect me so far as that question is concerned when it is a bad principle.

The children of Colonel Murray were pensioned in 1862 at \$30 a month. That pension ran for eight years, until they drew from the Government \$2,880.

Now after the children have arrived at the age of sixteen and over, they come in and ask for a repensioning. I do not know anything about this child and her condition should not affect the question, for when persons have been pensioned until they arrive at the age at which the law requires pensions to cease if the Government is going to continue the pensioning of them then the Government becomes a charitable institution for that class of people. We must have some definite time or period fixed in the law for the termination of pensions where they are given to the minor heirs of soldiers. This is fixed in the law. If you establish the precedent in one case you might as well open the book in every case of the kind. If you give a pension to one person who has passed the age of sixteen, you cannot refuse to give it to others.

Mr. BLAIR. Will the Senator allow me to ask a question?

Mr. LOGAN. Yes, sir.

Mr. BLAIR. I do not know whether the Senator understands fully the facts in this case. This girl is as much an infant to-day as she was when two years old. The reason of the law I suppose to be that such persons need a pension for their support until sixteen. She needs it now quite as much as before. In the ordinary case of a healthy child that comes to maturity and is able to take care of himself, the pension may well cease, precisely as the law provides; but take the case of such a person being a lunatic or idiot at sixteen. That person must be taken care of. If it is charity to give this helpless girl a pension after she is sixteen years, it must have been charity to have given it to the children before; and does not the reason obtain just as much after the girl is sixteen as before she was sixteen?

Mr. LOGAN. That is a pretty long question.

Mr. BLAIR. Yes; but it raises the point for the Senator to consider.

Mr. LOGAN. I believe every State in this Union has some sort of charitable institutions for the deaf, the dumb, the blind, and the imbecile. If this girl has received a pension for eight years, amounting in all to herself and her brother to \$2,880, and the time has expired during which she can receive any pension—

Mr. COCKRELL. It expired in 1870.

Mr. LOGAN. Twelve years have elapsed. How has she been taken care of for the last twelve years?

Mr. CAMERON, of Pennsylvania. By the charity of her neighbors.

Mr. LOGAN. Very well. Every State provides charitable institutions for such people. States like Pennsylvania or Illinois and all those large States that are wealthy have provided charitable institutions for this very class of people. For the Government now to commence making itself, after the pensions have expired, a charitable institution for the deaf, the dumb, the blind, the imbecile, I think is going a little too far. I will agree to pension any persons who are entitled to it, I do not care who they are or what their condition is, if they are entitled to it, but after the period expires for which they are entitled to the pension I do not believe it is right and proper for the Government to open the door any further for that purpose.

I am opposed to this on principle, not on account of the persons—I do not know anything about the persons, it is immaterial who the persons are—but if you pension this class of individuals, and we can find them in Illinois, in Ohio, in Indiana, and everywhere all over the country, you will flood us with claims of this very kind to be passing through Congress at every session for the purpose of putting them on the pension list to save—what? To save the States from exhibiting the charity they ought to those who belong to them, and that they themselves ought to take pride in extending to people of this kind after the Government has done its part in reference to them.

Mr. WINDOM. I wish to move that the Senate proceed to the consideration of executive business, but if this bill can be disposed of without any further discussion I will not make the motion.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. PENDLETON. I ask unanimous consent before the roll-call commences to offer a resolution, which I am sure will commend itself to the judgment of the Senate.

The PRESIDING OFFICER. The resolution of the Senator from Ohio will be read.

Mr. PENDLETON. I offer it now because the present occupant of the chair [Mr. HARRIS] is in the chair.

The Acting Secretary read as follows:

Resolved, That the thanks of the Senate are due, and hereby are tendered, to Hon. DAVID DAVIS, President pro tempore of the Senate, for the uniformly able, courteous, and impartial manner in which he has presided over its deliberations.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none.
The resolution was agreed to unanimously.

RAILROAD LAND GRANTS.

Mr. BLAIR. I offer a resolution from the head of one of the Departments in reference to an inquiry, which I ask to have passed now. It is a mere formal matter.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the resolution adopted by the Senate June 8, 1882, relating to the adjustment of certain land grants be construed so as to allow the Secretary of the Interior to furnish the information therein asked for at his discretion, taking into account the other necessary work in the General Land Office.

MARY E. MURRAY.

Mr. HAWLEY. Before we pass away from the pension cases entirely I wish to put on record that I concur with the sentiments expressed by the Senator from Illinois, [Mr. LOGAN.]

Mr. ALLISON. I ask unanimous consent to take up House bill No. 6692, a local matter to which there will be no objection.

The PRESIDING OFFICER. The Chair will state to the Senator from Iowa that the yeas and nays have been ordered on the third reading of the bill called up by the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. ALLISON. So I understood, but I saw other matters intervened and I thought I would intervene now.

Several SENATORS. Let us have a vote.

CANNON FOR MONUMENTAL PURPOSES.

The PRESIDING OFFICER. The Secretary will report the matter suggested by the Senator from Iowa.

The Acting Secretary read the bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. MURRAY.

Mr. McMILLAN. I desire to ask leave for the consideration of a pension case in which an adverse report was made. I merely desire to have the reconsideration of it for the purpose of putting it upon the Calendar. It is the case of Laura C. P. Haskins.

Mr. BROWN. What has become of the calling of the yeas and nays in the case of Murray?

The PRESIDING OFFICER. The yeas and nays were ordered, but by unanimous consent the Senate has taken up various other matters pending that question.

Mr. BROWN. I object to the consideration of anything else until that is disposed of.

The PRESIDING OFFICER. The regular order being called for, the question is on the third reading of the Murray bill.

Mr. CAMERON, of Pennsylvania. Before that motion is put I would like to withdraw this case and let it remain upon the Calendar until next session. Cannot that be done?

The PRESIDING OFFICER. It can only be done by unanimous consent. Is there objection to the Senator from Pennsylvania withdrawing the bill from consideration? The Chair hears none.

LAURA C. P. HASKINS.

Mr. McMILLAN. Now I submit my motion for a reconsideration of the vote by which the adverse report in the case of Laura C. P. Haskins for a pension was adopted, for the purpose of having it placed on the Calendar.

The PRESIDING OFFICER. Is there objection to the reconsideration? The Chair hears none. The vote is reconsidered, and the bill is placed upon the Calendar.

CANNON FOR MONUMENTAL PURPOSES.

Mr. COCKRELL. There are four or five bills donating cast-iron cannon, &c., for monumental purposes in the States of New York, Pennsylvania, Massachusetts, and other States. They have been reported by the committee favorably without amendment, and if they are now passed they will become laws. I suggest that they be taken up. ["No objection."]

Mr. WINDOM. When those bills are disposed of I shall insist on an executive session. The adjournment was postponed until three o'clock at my suggestion to allow time to act on certain treaties, and unless I insist on it we shall not reach them.

The bill (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. No. 6149) donating condemned cast-iron cannon for monumental purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers'

cemetery at Knoxville, Tennessee, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic, four condemned cast-iron cannon and four cannon-balls for decorating the proposed soldiers' monument at Haverstraw, New York, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The bill (H. R. No. 6695) granting condemned cast-iron cannon and cannon-balls for monumental purposes was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

The bill (S. No. 2154) to authorize the Secretary of War to furnish cannon and cannon-balls for monumental purposes was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GALLUS KIRCHNER.

Mr. WINDOM. I move that the Senate proceed to the consideration of executive business.

Mr. VOORHEES. I ask the Senator to allow me to call up and have passed a bill to refer a case to the Court of Claims.

Mr. WINDOM. I should be very glad to yield to the Senator, but I fear there is no time.

Mr. VOORHEES. It is a House bill reported unanimously by the Committee on Claims.

Mr. WINDOM. I am appealed to on all sides, and I take the responsibility of insisting on my motion.

Mr. VOORHEES. This bill is simply giving permission to bring a suit in the Court of Claims. I shall esteem it a favor if the Senate will allow me to pass it.

Mr. WINDOM. Is there any adverse report upon it?

Mr. VOORHEES. No, sir.

Mr. WINDOM. If there is any discussion whatever I shall insist on my motion.

Mr. VOORHEES. Very well. It is House bill No. 2013.

The bill (H. R. No. 2013) referring to the Court of Claims the claim of Gallus Kirchner was read.

Mr. HARRISON. I hope there will be no objection to this bill. It is simply a bill to allow the claimant to go to the Court of Claims.

Mr. McMILLAN. That bill will have to be amended if it is referred to the Court of Claims.

Mr. VOORHEES. It has been reported without amendment.

Mr. McMILLAN. The claim itself was reported against by the Committee on Claims.

Mr. VOORHEES. I cannot imagine what objection there can be to allowing a citizen to go into one of the courts of the country to have his rights inquired into.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McMILLAN. I do not object.

Mr. WINDOM. I reserve my right to object if it gives rise to discussion.

Mr. VOORHEES. There is no objection.

Mr. SHERMAN. There were two or three objections about me.

The PRESIDING OFFICER. The Chair heard no objection, but the Chair will entertain an objection now.

Mr. SHERMAN. I do not think we should consider such a bill at this period. The Senator from Indiana knows I have already made objection to cases called up on my side of the House, and I feel bound to do it in this case. I do not think we ought to waive the statute of limitations and waive all our defenses and then refer a case to the Court of Claims. Let this case come up at the beginning of the next session in regular order and I shall not object.

The PRESIDING OFFICER. The Senator from Ohio objects.

ORDER OF BUSINESS.

Mr. WINDOM. I renew my motion.

Mr. CALL. I ask the Senator from Minnesota to yield to a case of very great merit which stands upon the Calendar, a House bill granting a pension.

Mr. WINDOM. Is there an adverse report?

Mr. CALL. There is an adverse report.

Mr. WINDOM. Then it will give rise to discussion, and I shall insist on my motion.

Mr. CALL. If it gives rise to discussion I shall not insist on the bill.

Mr. WINDOM. I understand there will be some discussion, therefore I must object and insist on my motion.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate proceed to the consideration of executive business. The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolutions:

An act (S. No. 670) to provide for the construction of a public building at the city of Fort Wayne, in the State of Indiana;

An act (S. No. 1787) to authorize the construction of a bridge over the Saint Croix River, between the city of Calais, Maine, and Saint Stephen's, New Brunswick;

An act (S. No. 2164) to encourage and promote telegraphic communication between America and Europe;

A joint resolution (S. R. No. 107) providing one month's extra pay for certain employés of the Senate; and

A joint resolution (S. R. No. 108) to correct an error in the enrollment of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes.

PRINTING OF TESTIMONY.

Mr. RANSOM submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the usual number of copies of the evidence taken before the select committee on Potomac flats be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. MCPHERSON, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2810) for the relief of Mary E. Thompson;

A bill (H. R. No. 3680) for the relief of John G. Taylor;

A bill (H. R. No. 5158) for the relief of James F. Cullen;

A bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers' cemetery at Knoxville, Tennessee;

A bill (H. R. No. 6149) donating condemned cast-iron cannon for monumental purposes;

A bill (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes;

A bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6695) granting condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital;

A bill (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois;

A bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic, four condemned cast-iron cannon and four cannon-balls for decorating the proposed soldiers' monument at Haverstraw, New York; and

A joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour and fifty-five minutes spent in executive session the doors were reopened.

NOTIFICATION TO THE PRESIDENT.

Mr. ANTHONY. Mr. President, the committee appointed by the Senate to join the committee appointed by the House of Representatives to wait upon the President of the United States and inform him that unless he had some further communication to make to Congress the Senate and House were ready to adjourn have performed that duty, and have been informed by the President that he has no further communication to make.

Mr. MORRILL. I ask unanimous consent to pass the tax bill. [Laughter.]

Mr. HARRIS. I did not hear the Senator from Vermont.

The PRESIDENT *pro tempore*. He asks unanimous consent to pass the tax bill.

Mr. HARRIS. Let it be reported.

FINAL ADJOURNMENT.

The hour of three o'clock having arrived,

The PRESIDENT *pro tempore* said: Senators, after a long and a laborious session, in which the Senate has performed its part of the public duty faithfully, we are about to separate. My thanks are due to each and every member of the body for generous consideration and for friendly support in the chair. Wishing you all health and happiness, I now declare the Senate adjourned without day.

HOUSE OF REPRESENTATIVES.

TUESDAY, August 8, 1882.

The House met at eleven o'clock a. m. Prayer by the Chaplain, Rev. F. D. POWER.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. HISCOCK obtained the floor.

Mr. COX, of New York. At the request of my colleague, [Mr. HUTCHINS,] who is absent, I ask unanimous consent for the consideration of the bill (H. R. No. 6754) for the relief of Elizabeth Fleming, Frances E. Robinson, and Mary and Margaret Johnston.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] has been recognized.

Mr. MCCOOK. I ask unanimous consent to take from the Speaker's table and put on its passage the bill (S. No. 1821) prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes.

Mr. O'NEILL. Unless these recognitions by unanimous consent are to go around among a number of members I must object.

Mr. MCCOOK. This bill is for the benefit of some old crippled soldiers.

Mr. O'NEILL. I have a bill which is for the benefit of a crippled soldier.

Mr. HISCOCK. I move a recess for one hour. I will say that if there is unanimous consent to allow the gentleman from New York [Mr. MCCOOK] to bring up his bill, because it pertains to a soldiers' home, I will yield for that purpose.

Mr. O'NEILL. Why should the gentleman yield for a bill of that kind, and not yield to allow me to bring up a bill for the benefit of a poor dying soldier, one who is dying on account of the neglect of Congress?

Mr. SCALES. I would like consent to bring up a bill to pay *ante bellum* contractors for mail service.

Mr. HISCOCK. I insist on my motion that the House take a recess for one hour.

Mr. ATKINS. I would like to ask the chairman of the Committee on Appropriations, [Mr. HISCOCK,] before that motion is submitted, whether he can give this House any reliable intelligence as to the wishes and views of the Senate touching an adjournment *sine die*?

Mr. HISCOCK. Last evening I announced that I believed the resolution of the House, amended by the Senate, fixing an hour for final adjournment, would be here at eight o'clock. By the RECORD every member of the House will see that I had good reason for expressing that opinion. In my judgment now, we shall within an hour hear from the Senate in reference to the hour of final adjournment.

Mr. ATKINS. But the Senate adjourned last evening about six o'clock. Did it give the gentleman any notice of its design?

Mr. HISCOCK. It did not.

Mr. ATKINS. The chairman of the Committee on Appropriations brought us back here at eight o'clock, to go home again.

Mr. HISCOCK. The gentleman from Tennessee will recall the fact that the motion to fix a time for final adjournment was lost in the Senate by a tie vote; and it is announced that the vote of a distinguished Senator who was present and voted in the affirmative was not recorded.

Mr. ATKINS. As every one knows, there is no quorum here to do business. If we are to delay in this way from hour to hour, I for one prefer that we should adjourn for three days.

Mr. O'NEILL. If the chairman of the Committee on Appropriations would devote a few minutes to criticising the remarks of Senator PLUMB upon the conduct of this House and its method of attending to the business of the Government, we might listen to him for ten or fifteen minutes with great satisfaction.

Mr. HISCOCK. So far as concerns those remarks of the distinguished Senator, I do not propose to make any reply to them whatever. The work of this House is certainly known to members of the House and to the country. On a previous occasion I reviewed it from my stand-point; and I have said all that I care to say upon that subject. I insist on my motion. [Cries of "Regular order!"]

The SPEAKER. The regular order is the motion of the gentleman from New York, [Mr. HISCOCK,] that the House take a recess for one hour.

Mr. PEELE. I hope that the bill of the gentleman from New York [Mr. MCCOOK] may be read before objection is made to its consideration.

Mr. HISCOCK. I wish to say to the gentleman from Indiana that I have already announced if there was unanimous consent to taking up the Senate bill relating to the soldiers' home, I would not insist on my motion for a recess; but there has been a demand on both sides of the House for the regular order, which is equivalent to an objection. I now move, Mr. Speaker, that the House take a recess until twelve o'clock m.

Mr. MCCOOK. I ask by unanimous consent that the Senate bill which I ask may be considered and passed be read for the information of the House.

Mr. O'NEILL. I also ask that the bill for the relief of Mark Walker be read.

Mr. BURROWS, of Michigan. If the bill which the gentleman

from New York asks may be taken up and passed shall be read, I am sure all objection to it will be withdrawn.

Mr. McCOOK. It is a bill in reference to a soldiers' home, and so far as I know does not cost the Government a dollar.

Mr. McKENZIE. I object to any Senate bill.

Mr. O'NEILL. I appeal to the gentleman not to put his objection in that shape. We can pass Senate bills.

Mr. HAZELTON. I have a nice little House bill here to which I wish to call attention. [Laughter.]

Mr. HISCOCK's motion was agreed to; and at eleven o'clock and fifteen minutes a. m. the House took a recess until twelve m.

The recess having expired, the House, at twelve o'clock m., resumed its session.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (S. R. No. 107) providing one month's extra pay for certain employés of the Senate; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of the following bills:

A bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital;

A bill (H. R. No. 5153) for the relief of James F. Cullen; and

A bill (H. R. No. 2810) for the relief of Mary E. Thompson.

The message further announced concurrence in the resolution of the House for final adjournment, with an amendment striking out "twelve m. Saturday, August 5" and inserting "three p. m. Tuesday, August 8," in which concurrence was requested.

PUBLIC BUILDING, JEFFERSON CITY, MISSOURI.

Mr. RICE, of Missouri. Mr. Speaker, I ask by unanimous consent to take from the Speaker's table and put on its passage the bill (S. No. 889) for the erection of a public building at Jefferson City, in the State of Missouri.

Mr. O'NEILL. I should like to inquire whether unanimous consent will reach this side of the House?

The SPEAKER. That is not a parliamentary question.

Mr. O'NEILL. It may not be a parliamentary question, but it is information which I should like to have.

Mr. RICE, of Missouri. I ask for the reading of the bill which I ask be taken up.

The bill was read.

Mr. HOLMAN. If this stood alone I would not feel justified in objecting; but as there is a large number of bills of the same class I am compelled to demand the regular order of business.

FINAL ADJOURNMENT.

Mr. HISCOCK. Mr. Speaker, I call up the resolution of the House relating to final adjournment which has been returned from the Senate with an amendment.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve m. Saturday, August 5, 1882.

Mr. HISCOCK. Let the amendment of the Senate be read.

The amendment of the Senate was read, as follows:

Strike out "twelve m. Saturday, August 5," and insert "three p. m. Tuesday, August 8;" so it will read:

Resolved by the House of Representatives, (the Senate concurring.) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at three p. m. Tuesday, August 8, 1882."

Mr. HISCOCK. I move concurrence in the Senate amendment.

The amendment was concurred in.

Mr. HISCOCK moved to reconsider the vote by which the Senate amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. HISCOCK. I submit the following resolution.

The Clerk read as follows:

Resolved, That a committee of three members of the House, to join a similar committee of the Senate, be appointed to wait on the President of the United States to inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

The resolution was adopted.

Mr. HISCOCK moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Speaker appointed under the resolution just adopted Mr. HISCOCK, Mr. CARPENTER, and Mr. ATKINS.

ORDER OF BUSINESS.

Mr. HISCOCK. I yield now to the gentleman from Kansas to offer a resolution in reference to one of the employés of the House, as I understand it is necessary to his work.

Mr. RYAN. I did intend to offer a resolution.

Mr. EVINS. I ask to be recognized.

Mr. McKENZIE. So do I.

Mr. O'NEILL. And so do I.

Mr. RYAN. I do not desire recognition.

Mr. HISCOCK. Then I move the House take a recess until fifteen minutes before three o'clock p. m.

Mr. SPRINGER. I hope the gentleman from New York will yield to me to introduce a very important resolution with reference to the Committee on Printing.

Mr. EVINS. I would like to know what authority the gentleman from New York has for yielding the floor.

Mr. HISCOCK. I understand the gentleman from Michigan [Mr. HERR] is desirous of calling the attention of the House to an error in one of the bills that has been passed, and I yield to him for the purpose of presenting a resolution with the view of correcting it. [Cries of "Regular order!"]

Mr. EVINS. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. EVINS. I desire to know how the gentleman from New York has the floor to yield to anybody?

The SPEAKER. The gentleman from New York had the floor to make the motion for a recess or any other proper motion of that kind.

Mr. EVINS. But I do not see by what authority he can yield the floor in this manner. Now, I simply want the House to allow me to take up a bill under the authority given by the rules to move a suspension of the rules at this time in the session, and let it go over as unfinished business until the beginning of the next session.

Mr. McKENZIE. And I want the same privilege.

Mr. HISCOCK. I object to that.

Mr. EVINS. I have the right to make the motion under the rules of the House.

Mr. HISCOCK. And I have the right to object. I move that the House take a recess until fifteen minutes before three o'clock.

Mr. TOWNSHEND, of Illinois. But the gentleman from South Carolina has made a motion to suspend the rules, which motion is in order at this time.

Mr. HISCOCK. Not pending the motion for a recess.

Mr. McKENZIE. And I make a similar motion.

Mr. EVINS. The gentleman from New York has yielded the floor to others, and I hope he will yield to allow me this privilege.

Mr. HISCOCK. I do not yield.

COMMITTEE ON PRINTING.

Mr. SPRINGER. I hope the gentleman from New York will permit me to introduce the resolution at this time to which I have referred. It is important that it should be acted upon now. It has reference simply to the duties of the Committee on Printing.

Mr. HISCOCK. I will yield to the gentleman from Illinois to introduce this resolution, as I understand it relates to a matter of privilege in reference to the business of the House, and I am therefore willing to yield for the consideration of such a resolution as that, but no other.

Mr. SPRINGER. This is a resolution to authorize the Committee on Printing to sit during the recess.

Mr. McKENZIE. I have just as important a measure which I have been seeking consent to get before the House.

Mr. SPRINGER. Let me state that this Committee on Printing is a joint committee, and the House committee act in connection with the Senate committee. A great deal of the public printing is done under the direction of this joint committee, and it is usual to adopt a resolution similar to that which I now offer.

Mr. HISCOCK. I think the House should consent to this resolution, as this committee supervises the contracts for the purchase of a great deal of the material for the Printing Office, and it is important that they should have this power in order to make these contracts in time to be available.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Committee on Printing have leave to sit during the ensuing vacation; but no additional expense shall be incurred on account of any meeting held during such time.

Mr. HOLMAN. I do not know but that this resolution is proper enough as far as it goes, but it seems to me it should go further and provide that the committee report some plan to dispense with much of the unnecessary printing that is now being done.

Mr. SPRINGER. We have a resolution of that sort prepared, and I will introduce it to-day if gentlemen will allow me that privilege.

Mr. HOLMAN. I am satisfied that this item of printing can be reduced at least one-half. We print an immense number of rubbish at great cost that is of no possible value to any person except the dealers in old paper.

Mr. SPRINGER. I am heartily in accord with the gentleman, and have a resolution which I will offer if opportunity presents itself.

The SPEAKER. The question is on agreeing to the resolution just read.

The resolution was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. SPRINGER. I now ask consent to offer the following resolution for present consideration.

Mr. MCKENZIE. I reserve the right to object. There is too much of this thing.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Librarian of Congress, the secretary of the Smithsonian Institution, and the superintendent of documents, Department of the Interior, be, and they are hereby, requested to compile the laws and regulations now in force governing the printing and distribution of public documents; to prepare a tabulated statement showing the number of documents printed by order of the Forty-sixth and the first session of the Forty-seventh Congress, and, under general laws now in force, the distribution directed to be made of the same; to report what reduction should be made in the number of such documents and present such other information at their command relating to public documents as will tend to promote judicious legislation, and submit the draft of a bill to provide for the printing and distribution of documents; and they shall report to the House at the beginning of the next session.

Mr. SPRINGER. I ask that this resolution be passed, as it will cost nothing whatever. These gentlemen are already in the employ of the Government, and they will be able to furnish much valuable information upon a very important subject. This information if received, as I believe it will be from them, will enable us to know the exact number of documents published by authority of law, their distribution, and the cost of the same. I move the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. COX, of New York, and Mr. HOLMAN demanded the regular order.

Mr. HERR. I now ask the consideration of the House for a measure to which I believe there will be no objection. I move to suspend the rules and—

Mr. COX, of New York. I demand the regular order.

Mr. HOLMAN. What is the regular order?

The SPEAKER. The regular order is the motion of the gentleman from New York, that the House take a recess until fifteen minutes before three o'clock this day.

Mr. SMALLS. Pending that I ask to take up a Senate bill for a poor soldier. It is on the Speaker's table now, and is for the relief of George Foster, a soldier who lost both legs.

Mr. TOWNSHEND, of Illinois. I have a bill here for a soldier who lost both arms—

Mr. COX, of New York. I have three widows— [Laughter and applause.]

Mr. BLACKBURN. I want the gentleman from Maryland [Mr. TALBOTT] to call up a Senate bill for the benefit of a soldier who has lost both eyes.

The SPEAKER. The question is on the motion of the gentleman from New York, [Mr. HISCOCK.]

The question being taken, there were—ayes 53, noes 14.

So the motion was agreed to.

And accordingly (at twelve o'clock and fifteen minutes p. m.) the House took a recess until 2.45 p. m.

The recess having expired, the House reassembled at 2.45 p. m.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that Mr. ANTHONY and Mr. BAYARD had been appointed a committee on the part of the Senate to join the committee appointed on the part of the House of Representatives to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn.

The message further announced that Mr. ALLISON, Mr. DAWES, and Mr. DAVIS of West Virginia had been appointed members on the part of the Senate of the joint select committee under the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1883, providing for a joint select committee to make an examination of and set apart portions of the State, War, and Navy building for the use and occupancy of the State, War, and Navy Departments respectively.

The message further announced that Mr. MILLER of New York, Mr. CONGER, and Mr. VEST had been appointed members on the part of the Senate of the joint select committee under the joint resolution providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 729) for the relief of Charles H. Tompkins of the United States Navy;

A bill (S. No. 2150) to provide for extra work in the Government Printing Office in cases of emergency; and

A bill (S. No. 2154) authorizing the Secretary of War to furnish cannon and cannon-balls for monumental purposes.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. No. 6695) granting condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls for decorating the proposed soldiers' monument at Haverstraw, New York;

A bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers' cemetery at Knoxville, Tennessee;

A bill (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois;

A bill (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes;

A bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6149) donating condemned cannon for monumental purposes;

A bill (H. R. No. 3680) for the relief of John G. Taylor; and
Joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses.

ENROLLED BILLS SIGNED.

Mr. ALDRICH, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. No. 2810) for the relief of Mary E. Thomson;

A bill (H. R. No. 5158) for the relief of James F. Cullen;

A bill (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital;

A bill (H. R. No. 6695) granting condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York;

A bill (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers' cemetery at Knoxville, Tennessee;

A bill (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois;

A bill (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes;

A bill (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes;

A bill (H. R. No. 6149) donating condemned cannon for monumental purposes;

A bill (H. R. No. 3680) for the relief of John G. Taylor; and
Joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses.

AMERICAN SHIPPING.

The SPEAKER announced the appointment of Mr. PAGE of California, Mr. CANDLER of Massachusetts, Mr. ROBESON of New Jersey, Mr. DINGLEY of Maine, Mr. McLANE of Maryland, and Mr. COX of New York as members on the part of the House of the joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests, as provided for in the joint resolution of Congress, approved August 7, 1882.

NOTIFICATION OF THE PRESIDENT.

Mr. HISCOCK. The committee appointed on the part of the House to join the committee appointed on the part of the Senate to wait on the President and inform him that unless he had some further communication to make the two Houses of Congress had finished the business before them and were ready to adjourn have performed that duty, and now report that the President has no further communication to make to Congress.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. HERR. I desire to move to suspend the rules and pass a bill to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, for the fiscal year ending June 30, 1883."

Mr. HOLMAN. I think it is too near the end of the session to legislate any further.

Mr. HERR. I explained this bill on a former occasion, so that gentlemen understand perfectly that it is simply for the correction of a mistake.

Mr. PAGE. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That the act entitled "An act making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, for the fiscal year ending June 30, 1883," be, and the same is hereby, amended by adding thereto the following section:

"Sec. 2. Such portions of the money appropriated by this act for any particular improvement requiring locks and dams as may be necessary in the prosecution of such improvement may be expended in the purchase, voluntary or by condemnation, as the case may be, of necessary sites: *Provided*, That such expenditure shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands shall refuse to sell them at reasonable prices, then the prices to be paid shall, except in such case or cases as may have been otherwise specially provided for by this act, be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated.

Mr. MCCOOK. Does that come from any committee of this House?

Mr. HERR. Yes; from the Committee on Commerce. The bill is correct, and is precisely the language contained in bills for rivers and harbors heretofore passed, but this provision was left out of the last bill. It is simply to supply that omission.

Mr. MCCOOK. Do you move to suspend the rules and pass the bill?

Mr. HERR. I do.

Mr. MCCOOK. The yeas and nays will be ordered on that motion.

Mr. HERR. No, they will not.

Mr. HUBBELL. Is this bill reported from the Committee on Commerce?

Mr. HERR. It is.

Mr. PAGE. I was informed to-day by General Wright, of the Engineer Corps, that this bill was absolutely necessary, or some work provided for in the river and harbor bill cannot be done.

Mr. TOWNSHEND, of Illinois. Is this the unanimous report of the committee?

Mr. PAGE. It is.

Mr. HOUSE. There is no quorum here.

Mr. PAGE. I hope unanimous consent will be given for the passage of the bill.

Mr. HERR. It does not take a dollar out of the Treasury.

The question was taken on the motion to suspend the rules and pass the bill; and upon a division, there were—ayes 52, noes 12.

Mr. HOLMAN. No quorum has voted.

Mr. PAGE. I hope the gentleman will not insist on that point.

The SPEAKER. The gentleman has the right to make it.

Mr. PAGE. He has the right to make it, but I hope he will not insist upon it.

The SPEAKER. He makes the point. Does the gentleman from Michigan [Mr. HERR] insist upon his motion?

Mr. PAGE. I want to say that this bill applies to only one river in the United States, and that is a river in Kentucky. If the money that Congress has appropriated to carry on the improvement of that river is to be expended it is important that this bill shall pass. I was so informed this morning by the Chief of Engineers.

Mr. HOLMAN. I have two objections to withdrawing my point of order. The first is that there is no quorum here, and I am opposed to legislating without a quorum. Second, I think we have had sufficient legislation on this subject for one session.

Mr. HERR. I withdraw my motion.

DESKS FOR COMMITTEE ON WAYS AND MEANS.

Mr. ERRETT. At the request of members of the Committee on Ways and Means I submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to purchase for the use of the Committee on Ways and Means thirteen table desks, to take the place of the long desk now in use in the room of that committee.

Mr. TOWNSHEND, of Illinois. And some works on the tariff, to enlighten the members of that committee.

The question was taken on adopting the resolution; and on a division there were—ayes 30, noes 28.

Mr. HAZELTON. No quorum has voted.

Mr. ERRETT. If that point is insisted upon I withdraw the resolution.

CENTENNIAL EXHIBITION OF 1876.

Mr. SPRINGER. There is deposited with the Clerk of the House a large box containing reports of the boards on behalf of the Executive Departments of the United States at the centennial exhibition at Philadelphia in 1876. Among them are a large number of photographs illustrative of the articles exhibited there on behalf of the Government. In response to a petition sent to the Committee on Printing by one of those boards, that these documents should be sent to the Smithsonian Institution for safe-keeping, and also that Professor Baird be requested to report upon which of them are valuable for publication, I submit the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to transmit to the Director of the Smithsonian Institution the reports of the boards on behalf of the United States Executive Departments as represented at the international exhibition at Philadelphia in 1876, for preservation in the National Museum; and that Professor Spencer F. Baird be requested to report to the House of Representatives as to the propriety and cost of the publication of said reports and accompanying illustrations.

There being no objection, the resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. At the request of many members, I ask unanimous consent to pass a bill.

Mr. HAZELTON. There is not time for that.

Mr. WILLIS. Yes, there is. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair would entertain the motion if there was time.

BILLS AND JOINT RESOLUTIONS APPROVED.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 676) to refer the claim of the captors of the ram Albatross to the Court of Claims;

An act (H. R. No. 2810) for the relief of Mary E. Thomson;

An act (H. R. No. 3680) for the relief of John G. Taylor;

An act (H. R. No. 3825) to authorize the construction and maintenance of a ponton railway bridge across the Mississippi River at or near the mouth of the Upper Iowa River, in the State of Iowa;

An act (H. R. No. 3854) to repeal so much of section 3385 of the Revised Statutes as imposes an export tax on tobacco;

An act (H. R. No. 3920) to amend section 4766, title 57, of the Revised Statutes of the United States;

An act (H. R. No. 5158) for the relief of James F. Cullen;

An act (H. R. No. 5978) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for the soldiers' cemetery at Knoxville, Tennessee;

An act (H. R. No. 6103) authorizing the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, to enter and clear vessels and collect duties;

An act (H. R. No. 6149) donating condemned cast-iron cannon for monumental purposes;

An act (H. R. No. 6525) donating condemned cast-iron cannon, mortars, and cannon-balls for monumental purposes;

An act (H. R. No. 6679) donating condemned cast-iron cannon to the town of Hatfield, Massachusetts, for monumental purposes;

An act (H. R. No. 6681) granting a pension to Eliza H. Ramsay;

An act (H. R. No. 6692) to authorize the Secretary of War to furnish condemned cast-iron cannon and cannon-balls for monumental purposes;

An act (H. R. No. 6695) granting condemned cast-iron cannon and cannon-balls for monumental purposes;

An act (H. R. No. 6702) to authorize the transfer of the property of the National Soldiers' and Sailors' Orphan Home to the Garfield Memorial Hospital;

An act (H. R. No. 6718) to donate two condemned cast-iron cannon and twelve cannon-balls to the A. E. Burnside Post No. 109 of the Grand Army of the Republic, of South Chicago, Illinois;

An act (H. R. No. 6721) authorizing the Secretary of War to deliver to Edward Pye Post No. 179 of the Grand Army of the Republic four condemned cast-iron cannon and four cannon-balls, for decorating the proposed soldiers' monument at Haverstraw, New York;

Joint resolution (H. R. No. 266) providing for a joint select committee to inquire into the condition and wants of American ship-building and ship-owning interests;

Joint resolution (H. R. No. 278) instructing the Secretary of the Navy to convene a court of inquiry to investigate as to the circumstances of the loss of the exploring steamer Jeannette;

Joint resolution (H. R. No. 279) to provide for preparing the reports of contested-election cases in the Forty-fifth and Forty-sixth Congresses;

Joint resolution (H. R. No. 282) making an appropriation to supply a deficiency in the appropriation for fees of district attorneys of the United States for the fiscal year ending June 30, 1882; and

Joint resolution (H. R. No. 290) providing for printing the annual report of the Commissioner of Agriculture for 1881.

FINAL ADJOURNMENT.

The hour of three o'clock p. m. having arrived,

The SPEAKER said: This House is about to terminate its first session. It has been an important one to the country. With thanks for generous and kind treatment on the part of the House, and with my best wishes for all its members, regardless of party, I now, as authorized and required by the concurrent resolution of the Senate and of the House, declare this House adjourned without day.